SENATE—*Wednesday, July 23, 1986*

(Legislative day of Monday, July 21, 1986)

The Senate met at 11:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Let us pray.

Father of love, as the pressures increase with August 15 drawing near, grant special grace to the Senators in their personal relationships. Emotional issues are fermenting beneath the surface. May final hours not allow them to explode and boil over. Controversy is implicit in our political system and we thank You for a process which provides for its expression and resolution. The imminence of election and the sheer necessity of campaigns, for the people as well as the candidates, compound the pressure. May the words enshrined on the west side of the Dirksen Building find relevance in these critical hours:

"The Senate is the living symbol of our union of states."

Unite the Senate in strength, Lord, increase the Senators' patience and goodwill. Give them wisdom in compromise. Help them to love and serve one another. We pray in the name of Jesus Christ who is love incarnate. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able and distinguished majority leader, Senator ROBERT DOLE, is recognized.

Mr. DOLE. Mr. President, I thank the distinguished Presiding Officer, Senator THURMOND, the President pro tempore.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, followed by special orders in favor of Senators HAWKINS, PROXMIRE, PRESSLER, and SIMON for not to exceed 5 minutes each, followed by routine morning business not to extend beyond the hour of 12 noon with Senators permitted to speak therein for not more than 5 minutes each.

Following morning business, the Senate will go into executive session to begin 2 hours of debate, to be equally divided, on the nomination of Daniel Manion, and I hope that will be followed by a vote at 2 o'clock.

I must say, in all candor, as I said as recently as Sunday, if somebody broke a leg on the way to the vote, we might not have it. Well, no one broke a leg, but we have one Member in the hospital. Senator GOLDWATER was hospitalized at 4:30 this morning, not seriously, fortunately, but he requires some attention.

I must say that, as soon as I have the information, I will go to the distinguished minority leader and plead my case and see if we can work out some alternative. If not, I guess there is one other thing that could be done.

But, in any event, I would like to dispose of the Manion nomination. That is my present intent. If it happens that Senator GOLDWATER is not able to be here, that would be something I had not anticipated.

In any event, we will see how it works out. And if we do complete that today, then we would get on the debt limit extension.

□ 1120

I would also like to dispose of the nomination of Lawrence Gibbs to be IRS Commissioner. If we have to take it up, we will have to take it up. I hope Senator HUMPHREY will let us proceed with that nomination. A letter has been written by Senator HUMPHREY. I do not have a copy of it with me. But he asked certain questions, and my own view is that until that man is confirmed, it is fairly difficult for him to respond to what the IRS view might be. But in any event, I would like to complete that nomination today.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. DOLE. I am pleased to yield.

Mr. BYRD. The distinguished majority leader has indicated that Senator GOLDWATER is in the hospital. I am sure all of us on this side of the aisle—and I am certain on this side of the question that is involved here today—wish for Senator GOLDWATER's tenure in the hospital to be short. Of course, no one can foresee what may happen in an instance of this kind. Any Senator may have to go to the hospital or be called elsewhere for an emergency. The distinguished majority leader has said, he might resort to some other way, I take it, of delaying this vote. I am wondering what he has in mind. Does he have in mind a motion to recess the Senate?

Mr. DOLE. A recess.

Mr. BYRD. Well, I would hope he would not do that.

Mr. DOLE. I hope that is not necessary, I say to the distinguished minority leader.

Mr. BYRD. If the same situation existed on this side of the aisle and one of the Senators whose votes are critical on this nomination were to go to the hospital, I do not think I would be in a position to move to recess the Senate. I would not have the votes. We have put all Senators on notice that a vote will occur at 2 o'clock p.m. I would certainly be glad to discuss with the majority leader what he has in mind at the time he wishes to discuss it.

Mr. DOLE. I thank the distinguished minority leader. I hope we can vote at 2 o'clock. That is my first priority. I would like to have this matter behind us. But in fairness to the nominee, since this is a very close—"close" may not be even the right word—vote, I am not certain that any nominee should be penalized because someone is stricken and taken to the hospital at 4:30 in the morning. But I will discuss it with the minority leader.

He is doing well. He will be released tomorrow. They are taking blood tests and so forth. So far it has been very positive.

Mr. CRANSTON. Mr. President, will the Senator yield before he starts? I would like to ask a question about the schedule.

Mr. DOLE. Certainly.

Mr. CRANSTON. Are we going on the debt ceiling after the Manion vote is dealt with?

Mr. DOLE. This is my present intention. I do not want to be bogged down on this. I can see seeds there of spending a long time on it. But, yes, that is my intention. I did deliver to Senator HART, who requested a copy, a draft of the so-called Gramm-Rudman-Hollings II amendment. I understand it may be technically modified. That is my present intention.

Mr. CRANSTON. Does the leader know if there are a lot of amendments on that measure or something we can dispose of fairly quickly?

Mr. DOLE. I know there will be one major amendment, and whether or not there should be sort of the Gramm-Rudman-Hollings fix is a question we will have to resolve. Some do not believe we should. Some believe we should. I do not think that, as far as I know, will take a long time, but I would guess a couple of days. It is a

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

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very important matter. There will be a lot of people involved in the debate.

I am not certain we can finish it by Friday, at say 3 or 4 o'clock. I do not want to stay in late on Friday.

Mr. ARMSTRONG. What would come after the debt ceiling?

Mr. DOLE. I said I hoped we could follow that with a bill that both Senator GARN and Senator PROXMIRE have on housing. We suggested last night that maybe if we can get a time agreement on housing, that would follow the debt ceiling. We are in the process of doing that. That hopefully will take 1 day.

Mr. CRANSTON. I thank the majority leader very much.

Mr. BYRD. Mr. President, if the distinguished majority leader will yield, I ask unanimous consent that 5 minutes of my time may be allotted to the distinguished majority leader inasmuch as our questions have taken 5 minutes of his time.

I further ask unanimous consent that, if the majority leader will yield, the order for Mr. PROXMIRE precede the remainder of my standing order time.

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

Mr. DOLE. I thank the distinguished minority leader.

THE PRESIDENT'S SPEECH ON SOUTH AFRICA

Mr. DOLE. Mr. President, in his speech on South Africa yesterday, the President made clear that the United States could no longer maintain normal relations with a regime based on racism. The President laid out some minimum steps the South African Government must begin to implement now, to dismantle apartheid and democratize its political system—the release of all political prisoners, including Nelson Mandela; the unbanning of black political organizations; and, most fundamental of all, the beginning of a real dialog between whites and blacks on the political future of the country.

A WORKABLE STRATEGY

The President's guidelines for the actions we need from the South African regime are right on the mark. But yesterday's speech leaves unresolved the decision on how we can pressure Pretoria to take the steps it must take.

At the moment, Secretary Shultz is testifying before the Foreign Relations Committee, in followup to the President's speech. I would expect that he would address the question of strategy—how we get the South African Government from where they are to where they ought to be—in the course of his prepared statement, or in response to committee questions, and I assume that is still going on.

OUR MESSAGE MUST BE CLEAR

I want to share a few, very brief thoughts on this subject with the Senate. First, I believe that nothing we do is going to have any effect if the Pretoria regime fails to understand that all of us—the President, the Congress, the people of the United States—are unanimous in our demand for immediate action. If we end up with a piece of legislation subject to extended and divisive debate; tinged with partisanship; and generating a Presidential veto, then we are not going to send the kind of clear, strong message that will do any good.

Second, I believe the President is right in rejecting a cut-and-run approach—a termination of all dialog with Pretoria, total disinvestment. That would harm blacks far more than whites; would lead to more violence, not less; and would not speed the end of apartheid.

SOME ACTION NEEDED

Third, I also agree that we must do something to demonstrate that we are serious. Saying we abhor apartheid is not enough. We have to demonstrate our aversion to that indefensible system in a concrete way.

Senators LUGAR and KASSEBAUM—respectively the chairmen of the Foreign Relations Committee, and its African Subcommittee—have suggested some useful approaches, which I believe will form part of the core of the legislation which the Foreign Relations Committee will be working on over the next several days.

SPECIAL ENVOY

I would particularly endorse one idea which Senator KASSEBAUM first raised, that of appointing a special envoy to South Africa. A special envoy with the full trust of the President, and the strong backing of the Congress, would be in a unique position to convince the Pretoria authorities that we mean business. He, or she, would also have the credibility to open communications with all elements of the South African political scene, and to help bring them together in the kind of serious dialog which is the only hope for averting a cataclysmic outcome.

EFFECT ON OTHER NATIONS OF SOUTHERN AFRICA

It is also incumbent upon us, if we are to act responsibly, that we take into account the effect of any actions we contemplate on the other nations of southern Africa. If we do go the route of sanctions against Pretoria, we have to be prepared to accept all the consequences—outside South Africa, as well as inside that country.

The Pretoria regime is not without cards to play. They have a virtual stranglehold on the economies of neighboring states. They have already threatened to play some of these cards, and I, for one, do not think they are bluffing.

I would hope, therefore, that we will tailor any legislation we do pass to take this factor into account, and to deal with the economic fallout from our actions throughout southern Africa.

UNANIMITY OF GOALS AND APPROACH

Mr. President, we are united in our goals in South Africa. If we can achieve a similar unanimity in our approach, we can have some hope of achieving those goals. I would suggest that we put aside partisanship; let us act quickly; let us act as one; let us do what is right, for us and for all the people of South Africa.

□ 1130

THE ROYAL WEDDING

Mr. DOLE. Mr. President, this morning millions of American television viewers awakened a few hours earlier than usual to tune in to a real-life fairy tale—the royal wedding of Britain's Prince Andrew and Sarah Ferguson. I will confess I did not set my alarm to catch the first minutes of news coverage, but Elizabeth—not Queen Elizabeth—told me she had the videotape machine rolling and recording.

Mr. President, it was a grand spectacle, the kind of pomp and circumstance that only the British can fashion. And let us face it, for a few hours this morning millions of people around the world were able to forget—for a few moments at least—some of the troubles and worries of everyday life.

Mr. President, as Senate majority leader I know my colleagues will want to join me in sending our best wishes to the newest royal couple—the Duke and Duchess of York. They are indeed an attractive couple, and we wish them a long and happy life together.

In the meantime, we can take heart in knowing that sometimes fairy tales do come true—let us hope that dream carries over to Capitol Hill in our drive to balance the Federal budget.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

ABANDONING SALT BLINDS THE UNITED STATES

Mr. PROXMIRE. Mr. President, what is the crux, the quintessence of the motivation that drives our $300 billion a year military spending? Answer: the challenge of Soviet military power. Front and center in that threat is the Soviet development of even more threatening nuclear weapons. This is the nightmare that haunts

the administration, the Congress, and the American people. How do we meet this Soviet threat? First and foremost we meet it by using the best possible intelligence to learn the truth about this threat to our existence. We urgently need to know, as fully as possible, what nuclear weapons the Soviets are developing and deploying. Only in that knowledge can we continue to maintain the deterrent necessary to assure our security. So how do we develop that knowledge? This may shock and surprise many Members of Congress. On the basis of his decisions to date it may even shock and surprise the President. Here it is: we have gotten much of our intelligence about the changing Soviet nuclear arsenal and the threat it represents from provisions of the second strategic arms limitation treaty—SALT II. This is the treaty the Reagan administration has decided to kill. By doing so they destroy a source of absolutely crucial intelligence for our Government. Do you doubt it? Then consider the words of William Colby, the former Director of the Central Intelligence Agency. On July 2 an article by Colby appeared in the New York Times, headlined "To Abandon SALT Is To Blind the U.S." Here is what Colby writes:

Central to SALT * * * is a carefully crafted framework of verification provisions that help each side keep track of the other's nuclear weapons. For the most part, both have observed those rules * * *. One provision is the non-concealment, non-interference rule. The Soviet Union may not hide its silos and mobile missiles, for example. Neither may it interfere with our reconnaissance satellites. Second, are "cooperative measures". One says that a cruise-missile carrying bomber must have observable differences between it and other bombers that cannot carry such missiles . . . . Third, there are the weapons limits of the treaty itself that channel future Soviet forces in relatively predictable directions. This helps our intelligence gathering and eases fears about sudden "breakouts". On the whole the verification framework has helped stabilize the strategic balance. When we know what the Russians are up to, we can tailor our forces accordingly * * *. When we don't know * * * priorities are not observed, money wasted and the strategic balance destabilized.

Mr. President, this Senator hopes and prays that the President and Secretary Weinberger will read these words of former CIA Director William Colby. Few if any Americans have as strong an understanding of this country's intelligence needs with respect to the Soviet Union than Mr. Colby.

Now let us briefly review what this country loses by walking out on the SALT II arms control treaty. Until they were muzzled by the administration when the President—their Commander in Chief—announced his decision to end this country's compliance with the treaty, four of the five Joint Chiefs favored U.S. adherence to the treaty. They did so not on grounds of arms control. Their support of U.S. compliance with SALT II was fully based on this country's military security. Mr. President, there has not been one word of rebuttal by the administration and its supporters of the contention that compliance with the SALT II benefits the United States and restrains the Soviet Union. Indeed, this Senator put in the RECORD on the floor of this body a couple of months ago an expert analysis that showed that until recently the United States could not have secured any military advantage at all even if it violated the treaty. That analysis showed that the Soviet Union on the other hand, has been directly restrained by SALT II from using the far greater throw-weight of its launchers to increase, and I mean swiftly and cheaply increase, its deployed nuclear warheads. SALT II not only restrained the arms race. It gave the United States a clear-cut military advantage without spending $1 of the taxpayers money to achieve it. On top of that, former CIA Director Colby now spells out precisely how SALT II has provided us with the crucial intelligence we need to meet changing Soviet nuclear arms deployment in the most effective and economical way.

Mr. President, I ask unanimous consent that the article to which I have referred by William Colby in the July 2 New York Times be printed at this point in the RECORD.

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

TO ABANDON SALT IS TO BLIND THE UNITED STATES

(By William E. Colby and Robert D. English)

WASHINGTON.—So far, most critics of President Reagan's decision to abandon SALT II have focused on the near-term prospect of a renewed arms race. Nearly as troubling is the possibility that our ability to gather intelligence about the Soviet Union's strategic forces will be severely handicapped. This could prove to be as dangerous to national security as the arms race itself.

Central to SALT and other arms control treaties is a carefully crafted framework of verification provisions that help each side keep track of the other's nuclear weapons. For the most part, both have observed these rules. This is an unheralded triumph of the arms control process.

One provision is the nonconcealment, noninterference rule. The Soviet Union may not hide its silos and mobile missiles, for example. Neither may it interfere with our reconnaissance satellites. Second are "cooperative measures." One says that a cruise-missile-carrying bomber must have observable differences between it and a similar bomber that cannot carry such missiles. Another requires prior notification of missile-test flights and confines them to a few agreed sites. When a missile or a submarine is retired, its silo or launch tubes must sit open for our satellites to inspect.

Third, there are the weapons limits of the treaty itself that channel future Soviet forces in relatively predictable directions. This helps our intelligence gathering and eases fears about sudden "breakouts."

On the whole, the verification framework has helped stabilize the strategic balance. When we know what the Russians are up to, we can tailor our forces accordingly and be confident that our deterrent is robust. When we don't know, we worry. Without reliable information, the most dire predictions can be taken as fact. Priorities are skewed, money wasted and the strategic balance destabilized. The bomber and missile "gaps" of the 1950's and early 1960's are two examples of this syndrome.

Consider what could happen without SALT. The Soviet Union might decide that, with an arms race starting, it would prefer for us to know as little as possible about its strategic weapons programs. Silos would be covered, mobile missiles camouflaged. The Russians might also choose to interfere with our spy satellites; short of direct attack, this could be done by jamming or temporarily "blinding" them. Unannounced missile tests might be conducted over unfamiliar ranges, further hampering our ability to gather important data. And these data might be even more heavily coded—"encrypted"—than they already are.

Our Strategic Defense Initiative almost certainly will prompt Moscow to expand its inventory of strategic warheads. This could be done quickly by loading the huge SS-18 with 20 warheads or more. More deviously, the Kremlin could simply test launch an SS-18 and simulate the release of 20 warheads. This might force us to conclude that all SS-18's carry 20 warheads, whether they really do or not. And should Moscow conclude that we are preparing for protracted nuclear war, it might decide to secretly stockpile numerous spare missiles near silos or mobile launchers. Such stockpiling is illegal under SALT II because the arms would be impossible to monitor.

These are only some of the steps Moscow might take. It is not difficult to imagine others. The worry is not that we will find ourselves in the dark overnight. Our intelligence is good and we know a great deal about Soviet nuclear forces. But as these forces change over time, we will know less and less. New missile "gaps" will suddenly appear and our deterrent will be twisted to counter inflated or nonexistent threats.

The SALT process has seen the Soviet Union take reluctant steps toward a slight opening of its tightly closed society. A Soviet officer commented in Vienna in 1978, as he delivered the SALT II-required listing of nuclear forces, that his step reversed 400 years of Russian history. That small step in the right direction might now be replaced by a run in the other, toward secrecy.

MYTH OF THE DAY: WE HAVE A STRONG, RESPONSIVE SYSTEM FOR DEALING WITH HAZARDOUS MATERIALS TRANSPORTATION ACCIDENTS

Mr. PROXMIRE. Mr. President, it is a myth that America has an effective coordinated system for responding to hazardous transportation accidents.

Despite protestations from DOT, nothing could be further from the truth. As a recent Congressional Office of Technology Assessment report points out, "Federal data on transportation patterns and accidents

is fragmented, incomplete, and not helpful to State and local officials who need information on hazardous materials production and transportation for planning and preparing for emergencies."

According to the report, many accidents are not reported because of faulty recordkeeping. In fact, damages from these accidents "appear to be at least 10 times higher than that reported by the Department of Transportation."

But the Transportation Department gutted the already weak Federal Transportation Safety Program, reducing the number of inspectors and funding for this important Government function. For example, from 1979-84 DOT man-years devoted to hazardous materials inspections fell from 237 to 111.

At the same time, the Department favors preemption of those State and local safety requirements which sprang up to fill the vacuum caused by an almost nonexistent Federal regulatory program.

The recent Miamisburg, OH, train derailment, with its cargo of deadly phosphorus, gives graphic evidence of inadequate training for public officials who responded to hazardous materials transportation accidents.

In that case, emergency response personnel did not even know if they could safely use water on the fire until a rainstorm produced no ill effects.

Even worse, 17,000 people living in the accident area were first evacuated, returned to their homes, and then reevacuated the next day when fires thought to be out reignited.

Mr. President, obviously the current system provides only the illusion of safety. The reality is something else.

Mr. President, I thank my good friend, the minority leader, Senator BYRD. He has been most generous in letting me go ahead. I deeply appreciate it.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the Democratic leader is recognized.

SOUTH AFRICA

Mr. BYRD. Mr. President, as I indicated on the Senate floor yesterday afternoon, the President's speech on South Africa was a very big disappointment. After many days of building up expectations for a major policy pronouncement, what we saw was not a policy splash but a nonpolicy whimper.

The most critical missing ingredient was any device for pushing the intransigent South African Government to take the essential steps it must take to save itself and the South African people of all races and colors.

A number of the steps advocated by the President for action by Pretoria were worthwhile. I join the President in hoping that the Government there will take all the steps the President suggested.

The problem is that all the President did was suggest some steps that should be taken. Both history and the explicit statements of the Pretoria government tell us that we would be foolish, indeed, to rely on that government for the vision or courage necessary to take these steps. All our admonitions, and those of dozens of other nations around the world—not to mention individual leaders and others in all quarters of the globe—have yielded so little thus far.

And so, Mr. President, what the President's statement yesterday amounted to was a wish list.

I know I am not the first to tell the President that this is the case, and that this case is plainly unacceptable to the Senate. As recently as Monday of this week, I know the majority leader, and other Senators from the President's own party, went to the White House to deliver this very message.

Mr. President, I learned a long time ago that the beauty of believing in a tooth fairy stops when one outgrows childhood—when real lives and real problems are affected. One must come down to Earth and make tough decisions.

Saying the right things, hoping the right hopes, wishing the right wishes, urging the right steps—these kinds of responses to what we have watched in South Africa may have been the proper initial response. But the actions and inactions of the Pretoria government, the violence of the situation, have proceeded long past the point where that response is sufficient.

The United States has some leverage, limited though it is. We must use that leverage—responsibly, and with due restraint—but we must use that leverage to try to get the South African Government to do what it must to save itself from destruction and to rectify the untenable situation there.

I agree with the President that the United States sees that "in southern Africa, our national ideals and strategic interests come together," but I disagree that such an observation leads us to do nothing but think happy thoughts and wish happy wishes.

The Senate will act, and will act responsibly, Mr. President. We will determine, sadly in yet another vacuum of Presidential leadership, what the correct mix of exhortation and leverage will be. Hopefully, that mix will place real pressure on the Pretoria government to come to terms with the tragedy of that nation's current situation, and to address that situation acceptably.

Our concern for South Africa and our concern for our own self-interest demand that this Nation act.

□ 1140

It has a responsibility to act. I believe that the Senate must meet and will meet that responsibility in the very near future.

Mr. President, I yield the floor.

RECOGNITION OF SENATOR HAWKINS

The PRESIDING OFFICER. Under the previous order, the Senator from Florida is recognized for not to exceed 5 minutes.

SPACE BASING—THE NEW DRUG MADNESS

Mrs. HAWKINS. Mr. President, drugs are a trendy business. There is an endless quest on the part of drug users to see what kind of a thrill, what variety of sensation, they can come up with next. The latest fad is called space basing and it strikes me that the practice is adequately named. Practitioners of this dangerous new sport achieve their goal by dousing crack cocaine with PCP and smoking the end product. The base substance, crack or rock as it is sometimes called, can result in paranoia along with euphoria. PCP generally causes out-of-control behavior, all kinds of outrageous conduct.

"The effects are really devastating," according to Bob Kajdan of New Beginnings, a drug rehabilitation program at Century Hospital in Los Angeles. The drug counselor says people who space base become absolutely crazed.

Space basing apparently had its beginnings in New York last year and quickly found its way to the west coast. It showed up on the streets of Los Angeles toward the end of 1985 and the beginning of 1986 and spread to the beach communities of southern California.

One of the two ingredients, PCP, known on the streets as angel dust, has a long track record among drug users as a mixer. PCP frequently is added to marijuana. Now PCP, LSD, or heroin is being added to crack—it prolongs the rush.

Space basers suffer under several illusions. They consider it safer and cheaper than free basing. There is danger from fire and explosion in free basing. In space basing, you dip the crack in PCP and smoke the mixture in a pipe, comparatively safe, from the standpoint of fire. The general effect is the same as free basing; you get a quicker rush and it lasts longer, an hour or more compared with a 15-minute duration from free basing.

Drug counselor Bob Kajdan says, "it appears to be safe, but that's deceiving. The effects of space basing are more difficult to threat and a user has to spend a longer period in the hospital for treatment." Kajdan goes on to say that the medical effects from space basing are "absolutely devastating. A person can space base two or three times and wind up with the same symptoms as a free baser acquires in 1 to 2 years. It is that powerful."

One of the dangers of letting oneself circulate in the world of drug pushers and drug users is that you can innocently be drawn into space basing. It is very difficult to detect when cocaine has been treated. Crack bought on the streets can be laced with PCP without the purchaser's knowledge. The buyer can be space basing and not know it. All he knows is that he is getting a real bang for his buck.

Crack cocaine, minus PCP, is fast becoming a major national menace. In city after city across the country, statistics are piling up. At one drug treatment center in Los Angeles, there were no crack addicts a year ago. Now they make up 80 percent of the center's clients. At a New York City residential program, crack users now make up 40 percent of the patients.

Crack is so new, and so deadly, specialists are still learning about it. For one thing, crack addicts face an uphill battle. The rate of recidivism—returning to square 1 in chess language—is high. Some drug treatment experts place the rate of crack recidivism at 90 percent. Some addicts have to repeat the treatment cycle two or three or more times. This is from crack addiction. What the statistics from space basing will be is anybody's guess, but they can only be more ruinous.

The experts have this bit of advice for those tempted to experiment with crack cocaine—don't do it. For those tempted to toy with space basing, the advice is—don't even think about it.

RECOGNITION OF SENATOR PRESSLER

The PRESIDING OFFICER. Under the previous order, the Senator from South Dakota is recognized for not to exceed 5 minutes.

EXPORT ENHANCEMENT: THE AMERICAN FARMER CANNOT AFFORD TO WAIT

Mr. PRESSLER. Mr. President, yesterday, the Senate passed an amendment which should do a great deal to help American farmers and provide many other positive benefits. However, I am concerned that a potential delay might occur in the House/Senate conference committee. The amendment we passed makes the Export Enhancement Program available to the Soviet Union, Eastern Europe, and other major trading partners only until September 30, 1986. If a final agreement on the Export-Import Bank reauthorization is not reached until after the Labor Day recess, it may be too late to produce increased agricultural export sales. With this in mind, I urge the administration to take immediately the action prescribed by the amendment. I think the administration should act now. USDA has the authority to do this and the Senate has expressed its support for this action. If this step were taken immediately by the administration, our trading partners would have 2 months to make purchases of U.S. farm products.

The expansion of this program to include the Soviet Union and other nations should significantly increase export sales. The Soviet have not made any major grain purchases from the United States this year. In fact, they have fallen from our first or second largest export market to our 29th largest market. This decline is due largely to the discriminatory treatment of the Soviet Union under the current Export Enhancement Program. If we end this discriminatory treatment, the Soviets may well purchase several million metric tons of grain over the next couple of months. This would be a boost for domestic farm prices and also help to alleviate the major grain storage problem the Commodity Credit Corporation is facing. With record grain surpluses and another huge crop this year, we are running out of storage space.

Expansion of the Export Enhancement Program will also send a strong signal to other agricultural exporting nations, in particular, the European Economic Community. This action would indicate that the United States no longer will allow them to use export subsidies and other unfair trade practices to steal our export markets. This should help get them to the negotiating table and an agreement to bring agricultural trade into the General Agreement on Trade and Tariffs. The lowering of our loan rates has had an impact on other nations' agricultural policies. This trade action should have a similar impact on their trade policies.

A final point I would like to make is the possible foreign policy benefits of this action. We want improved relations with the Soviet Union and Eastern Europe, but it is hard to do this when we discriminate against them in our trade policies. Under this program, we are not providing credits or special loan deals. The Soviet Union will still be required to pay cash for their grain purchases. It is in our own best interest to treat all of our major trading partners equally.

In conclusion, I once again urge the administration to adopt the action taken by the Senate yesterday and use its current authority to expand the Export Enhancement Program immediately. The American farmer cannot afford to wait.

Mr. President, let me add that there are some who say we should not be selling grain to the Soviet Union or to Eastern Europe because they are Communist nations. But the fact of the matter is that we do trade with the Soviet Union. The fact of the matter is that we live in the same world. The fact of the matter is that it costs us more to store the grain in our Commodity Credit Corporation program than it does to sell it abroad.

I am of the opinion that in the next 5 or 10 years, ranchers' and farmers' prices will depend more on trade than on the domestic situation. I feel we could be exporting more beef to Japan and we should take very strong steps to force the Japanese to open up those markets. I also feel very strongly that if we have industrial trade with another country such as the Soviet Union, we should also have agricultural trade.

The amendment we passed last night should help farm and ranch prices. It should help the U.S. trade balance. Last month, for the first time in recent history, we actually imported more farm products than we exported. So the Dole amendment, which I was happy to cosponsor, is a very important step. But rather than wait until that becomes law, I urge that the administration take the necessary administrative steps to expand the program. They could take those steps immediately. We only have until October 1, when this bill will be in effect.

Also, I think this piece of legislation that we passed last night is significant because it will force the other grain and agricultural trading countries to negotiate with us. It shows that we will retaliate against unfair trade practices even regarding sales to the Soviet Union. If we can take a similar step to open up the markets of Japan, it would be very helpful because we could sell a lot of beef and dairy products there. But this action by the Senate last night and the ensuing followup action by the administration is very important, in my judgment, because it could force a whole new set of agricultural and industrial trade negotiations. For the first time, the United States is saying to the Common Market, we will engage in the same kind of practices you are using. To those countries that have two prices, one domestic price and one export price, we are saying the United States will play the game also. Even if it involves Communist countries.

□ 1150

So what we did has a far greater impact than just the sale of agricul-

tural products to the Soviet Union and Eastern Europe, including Czechoslovakia, Hungary, Romania, Yugoslavia, Poland, and some of those countries where we have Public Law 480 programs. This action will be controversial to some but very positive to our balance of trade, which affects every American. It will be a very positive thing for future trade negotiations where the U.S. trade negotiator is sitting without any tools. This action by the Senate serves notice that the United States will retaliate and will use the same practices of subsidized sales, if we have to call them that, but we will use the same practices that the Common Market and several other countries in the world are using, and Japan is using in the industrial sector. It is a major step forward regarding our trade relations with other countries.

ABUSE OF HUMAN RIGHTS IN CZECHOSLOVAKIA

Mr. PRESSLER. Mr. President, during the July recess I was able to visit four Eastern European nations—Czechoslovakia, Hungary, Yugoslavia, and Romania. This trip was sponsored by the foundation which organizes the national prayer breakfast. A comprehensive report on this trip will be finished soon, but one matter is of such importance that it should be brought to our colleagues' attention without further delay.

During my visit to Prague, Czechoslovakia, I attempted to meet with members of a Czechoslovakian human rights group known as the Charter 77 group. This group was formed in 1977 to monitor Czechoslovak compliance with human rights provisions of the Helsinki Final Act. The Czechoslovak police prevented representatives of the group from meeting with me.

At this point, Mr. President, I ask unanimous consent that a July 5, 1986 United Press International report by Patricia Koza appear in the RECORD.

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

U.S. EMBASSY PROTESTS BARRING A SENATOR FROM VISITING DISSIDENT

(By Patricia Koza)

PRAGUE, CZECHOSLOVAKIA (UPI).—The U.S. Embassy formally protested to the government police action that prevented a U.S. Senator from visiting a dissident in Prague, Western diplomatic sources say.

The sources said Friday that Senator Larry Pressler, R-S.D. and chairman of the European Affairs Subcommittee of the Senate Foreign Relations Committee, and sought contact with Charter 77 signatories during a trip this week to Czechoslovakia.

A dinner was arranged Wednesday with Czechoslovak human rights activists but one Charter 77 signatory was prevented from attenting by police who surrounded his apartment, the sources said.

The next evening, Pressler was twice prevented from entering the dissident's apartment building, they said. When the unidentified dissident attempted to come down to meet with Pressler, he [the dissident] was threatened with arrest.

It was the first time in recent memory a U.S. official was prevented from meeting with dissident sources in Czechoslovakia, the sources said.

No physical force was used.

The sources said the incident was formally protested to the Czechoslovak government.

Pressler was also visiting Hungary and Romania.

In another indication of a toughening stance against dissidents, one Charter 77 signatory, Anna Shabatova, was detained Friday while standing in a reception line waiting to get into the U.S. Ambassador's residence in Prague for the July 4 party.

The homes of at least a dozen others were surrounded and their occupants were prevented from attending the reception, friends of the dissidents reported.

Diplomatic sources said about 60 dissidents had been invited to the reception but only about two dozen attended because of the crackdown. Several of those who stayed away reported being interrogated by police.

Charter 77 is a group of Czechoslovak citizens who formed an organization in 1977 to monitor compliance with the Helsinki Final Act provisions on human rights in Czechoslovakia.

Mr. PRESSLER. Mr. President, this is an accurate analysis of what transpired in Prague. In Hungary, Yugoslavia, and Romania, which I also visited, respect for human rights seemed to be stronger. I have been told that our Embassy in Prague and the State Department have made three formal verbal protests to the Czechoslovak Foreign Ministry over these incidents. I have requested a written copy of these protests.

These actions should be publicized and protested. This is the best method we have to discourage abuse of human rights and to encourage adherence to the highest possible standards of liberty and justice everywhere. In this instance, Czechoslovak Americans will be interested to know what is happening on this front in Czechoslovakia. As Americans, they share our Nation's determination to keep alive the spirit of freedom. Quite clearly, the Czechoslovakian government's actions in preventing human rights monitors from meeting with a Member of Congress are in themselves a violation of the spirit of Helsinki and a step backward from effective observance of human rights.

Mr. President, I ask unanimous consent that my letter to Secretary Shultz requesting written confirmation of the State Department's protests be printed in the RECORD.

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

JULY 23, 1986.

Hon. GEORGE SHULTZ,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: As you are probably aware, during my recent visit to Czechoslovakia I attempted to meet with Charter 77 group members. Unfortunately, Czechoslovak police prevented these people from meeting with me on two occasions.

I have been told that verbal protests were made by the American Embassy to the Czechoslovak Foreign Ministry and by the State Department to the Czechoslovakian Embassy here. I would appreciate receiving written confirmation that such protests indeed were made, as well as a description of the substance of such protests.

Needless to say, it was a shocking experience to personally witness this violation of the spirit and principles of the Helsinki Final Act.

Thank you for your assistance in this matter.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 12 noon with statements therein limited to 5 minutes each. The Senator from South Carolina.

THE DROUGHT IN THE SOUTHEAST

Mr. THURMOND. I rise today to address a real present threat to the survival of the farmers of the Southeast. The drought has been devastating to crops and has threatened the survival of livestock. Meteorologists do not predict any relief in the near future.

Mr. President, yesterday I traveled to my home State of South Carolina to survey the effects of this devastation. It was worse than I expected. This is the worst drought in the South since weather recordkeeping began over 100 years ago. Rainfall in South Carolina is more than 15 inches below normal and we have not yet entered the normally dry month of August. Already, crop damage has been estimated at nearly $700 million.

The lack of rain has been compounded by the record heat which has scorched the region. Columbia, SC, has suffered over 15 straight days of temperatures in excess of 100 degrees. Thus far, 39 deaths in the Southeast have been attributed to the heat. Restrictions on water use have been imposed in many areas.

Mr. President, we can only pray for rain. However, we can and must exert every possible effort to assist the farmers of the region.

Much appreciated assistance has already arrived from fellow farmers in other parts of the country. Farmers in Illinois, Indiana, Iowa, Missouri, Oklahoma, Kansas, and other States are in the process of donating hay to feed our starving cattle. Those who are exerting efforts to bring this feed to South Carolina are to be highly commended. Offers of similar assistance are coming in from other parts of the

country. In another week, more grain will be transported by rail to the South. Later today, I will be introducing legislation which is designated to give these generous farmers equitable tax treatment as a result of their charity.

I commend Secretary of Agriculture Lyng for sending a team of experts to the region to view this disaster. I toured the area with these USDA representatives yesterday. The Governor of South Carolina will soon request disaster assistance from the U.S. Department of Agriculture, and I have urged the Secretary to expedite this process and get assistance to the farmers as soon as humanly possible.

Mr. President, I ask unanimous consent that the July 17, 1986, New York Times article entitled "Even the Fish Die in Streams as the Dust-Dry South Bakes" 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, July 17, 1986]

EVEN THE FISH DIE IN STREAMS AS THE DUST-DRY SOUTH BAKES

(By Dudley Clendinen)

ATLANTA, July 16.—For a week and a half, it has been so hot across the South that chickens in their sheds, fish in their ponds, cattle in their fields, ancient oaks in their woods and people in their homes have died of heat.

The drought, now the worst in the region's history has left the earth so dry and hard that cemetery crews have had to soak the ground with increasingly precious water to dig a grave.

It has been a complex phenomenon: 10 days of record heat, on top of four months of droughts, on top of a farm crisis that is now almost a decade old in the South, dating from the drought of 1977.

In terms of major crops, it has most hurt cotton, peanuts, soybeans, corn and pecans. If steady rains do not come, the consumer may notice smaller peaches and nuts in the markets and smaller chickens in the grocery cooler. But with the harvest season for most crops still months away, rainfall in the next week or so could yet rescue the region from much of the misery that now blankets it.

From the air, the red clay and sandy loam of central Georgia stretch away in fields of hot pinks and mustards and shimmering greens, under a sky whose horizon is lost in a baking haze.

In a general way, Albany, Ga., marks the southern boundary of the devastating hot and dry zone. In the countryside outside town, Bob Hayes, who farms 1,700 acres, climbed from his tractor seat Tuesday afternoon to stand in the shade of his equipment shed. "This year," he said, "I have had rain on the east side of the place, but on this side, practically none." His watermelons in one field grew enough to take to market, he said, but 500 feet down the road, his beans and peas burned up.

As Mr. Hayes spoke, clouds began to mass behind him, and an hour later, a storm front blew in four torrential inches of rain and winds that washed powder-dry earth off the fields.

The storms drenched Savannah, to the east, and Wilmington, N.C., to the north, and for the first day in a week, no record temperatures were set across the Southeast. The rains brought hope to some areas. "They'll help in the short term," said Bill Barlow of the National Severe Storms Forecast Center in Kansas City, Mo. But because the rains were scattered, he said, "it is not going to make that much difference." He predicted that the respite would be short, and that temperatures would rise to the 100's on Thursday or Friday.

12 HAVE DIED IN THE REGION

The immediate effect of the heat has been staggering. The death Tuesday of an elderly Georgian whose body temperature had risen to 112 degrees brought the number of human fatalities attributed to the heat to seven in this state and a total of 12 in the region. In Georgia alone, the university Extension Service said today, 750,000 chickens died in a week. Small farmers bury dead chickens, but the big growers make feed out of their losses to feed the chickens that remain.

Federal Agriculture Department officials said that for consumers, the greatest immediate impact of the drought could be expected in broiler chickens and turkeys. The area produces 39 percent of the broilers in the United States and about 20 percent of the turkeys. No other shortages appear likely because of surpluses on hand.

In metropolitan New York, Neil Conklin of the Agriculture Department said, the prices of vegetables and fruit are not affected because most are grown in California and Florida and in coastal regions of North Carolina, South Carolina and Georgia, which have been unaffected.

SPIRIT OF THE SOUTH SAGS

For the farmers, the long-term burden, hard to measure, may lie on the spirit of the rural South. In five to eight years in Washington County in northeast Georgia, said Chris Irvin, president of the George D. Warthen Bank, when there has been enough rain for good crops, the crop prices would not bring a profit. Now, he said, the value of farmland has declined, the majority of the county's farmers have a negative net worth, and they have no crops to sell, no market for their farmland and none for their equipment.

"Agriculture is dead in this county," Mr. Irvin sail. "One day it may come back, but it will take 20 years."

In South Carolina, the Department of Agriculture said that the heat and drought had devastated the major oat, wheat and corn crops. Tobacco, normally the state's most important crop, thus far seems unaffected, but Gov. Richard W. Riley has indicated that he will seek a Federal declaration certifying parts of the state as disaster areas. Because pasture across South Carolina has either failed to grow or been burned, state agriculture officials were trying to find some way to ship hay from the Middle West for the cattle.

"TAKES UP A LOT OF SPACE"

"The freight is going to be the worst part about it," said Marshall Foster, executive assistant to the South Carolina Commissioner of Agriculture. "Hay is light, but it takes up a lot of space."

Herds in Georgia and other states were under similar stress. "What we've found is that a large number of our farmers are without water," said Tommy Irvin, the Georgia Commissioner of Agriculture. "Their ponds have been exhausted and their streams have dried up. And they have no feed for their cattle." His department has been advising beef cattle farmers to sell their herds, Mr. Irvin said.

Because the Middle West has grass, there is a market, he said, but the livestock auctions have been so jammed that hundreds of cattle have been turned away at each site, and in the stress of being herded and loaded in the heat and drought, he said, some have died.

Like South Carolina, Georgia is also exploring the possibility of importing hay. And while these two states seem the most severely affected, Mr. Irvin the incoming president of the National Association of State Departments of Agriculture, said his surveys indicated that the belt of heat and drought damage spread through Alabama, North Carolina, eastern Tennessee and Virginia as well.

FISH DIE IN HATCHERIES

In Tennessee, low water in lakes is producing a bloom of algae and weeds that officials fear could taint water supplies. And in some states, the effects have reached underwater, killing fish in streams and fish hatcheries. "Fish are swimming upstream to find cooler water," said Mike Jennings, chief of fisheries for the Georgia Department of Natural Resources, but in small streams here and there, they are dying.

It is becoming hard to keep the fish alive in the state hatchery in Lake Burton, he said, and "if the drought continues to worsen, our hatcheries will be in trouble for future generations."

Even disaster planning has worked against the fish, he said. Permits are issued by the department to allow a certain amount of waste water to enter streams and rivers, and the amount is based on calculations of what the least natural flow of rainwater could be. But the drought, the worst in a century, has so reduced the flow of rainwater that there is not enough now to dilute the effluents, Mr. Jennings said, and in spotty fashion, the polluted water is increasing the fish kill.

The drought began seriously four months ago, in the planting season. Now, across the rural South, it is time for the cotton to fruit up, or form bolls, time for the corn to be silking and tasseling, time for the peanut plants to be pegging, making the little nubs just under the soil that will grow to be peanuts good for the market. And it is getting to to be time for the nuts on the pecan trees to "harden up," to form their final shell, beyond which they can no longer grow.

It is a critical time in crop maturity, said Clayton McDuffie, spokesman for the Alabama Agricultural Statistical Service. "If we had a normal rainfall with this excessive heat, it would be a problem," he said. "But now, after the drought, it is awful."

In South Carolina, for instance, only 23 percent of the cotton crop and only 25 percent of the soybean crop is now rated "good," according to the State Agricultural Statistical Service. Around Albany, Ga., in Dougherty County, the heart of the pecan belt, the nuts have been hardening prematurely and dropping off.

Century-old oak trees and even hickory trees around Albany are dying, and all last week, the 635 acres of pecan trees that S.V. Reaves manages there rained nuts on the ground. "They've about finally quit now," Mr. Reaves said, after a tour of his groves through slashes of cool shade and hot sun that felt to him like a radiator. "But there's not many left."

EULOGY FOR SENATOR JOHN P. EAST

Mr. KASTEN. Mr. President, I rise today to honor the memory of Senator John East. He was a friend, he was a leader, and he was a role model for many. He will truly be missed.

John and I were both Members of the class of 1980. We came here to the Senate together as freshman. I remember well those heady first days, and the great hopes we both had for turning this country around, and for making a difference here.

John certainly met those goals—he made a real difference. He was a true intellectual and a real conservative leader. His thoughtful approach to crucial issues of the day was always valued. And he offered a well-reasoned, academic dimension that is often missing in Senate floor debate.

He was also a role model for many. The personal courage he demonstrated just by making it through each week of Senate session was an inspiration. And he never complained—he was always simply thankful for the opportunity to be here in the Senate and serve.

Our thoughts are with his family. We share in their great feelings of loss. No one can ever replace John East. We were simply fortunate to have had the opportunity to serve alongside him.

NOMINATION OF DANIEL A. MANION

Mr. MITCHELL. Mr. President, the Senate will today vote on a procedural motion on the nomination of Daniel A. Manion to the Seventh Circuit Court of Appeals which could have the effect of conferring a lifetime judicial appointment to the second highest court in our Nation.

This is a bad precedent, not only because the close division in the Senate reveals there are strong and substantive doubts about the nominee, but because the use of a procedural vote in this particular instance clouds the confirmation process.

In an earlier vote, this nomination was confirmed because three Members present withheld their votes in order to pair with absent Senators. Had those present simply voted, as is the normal course, the nomination would have been rejected, notwithstanding the presence of the Vice President in the chair.

The Senate is closely divided on this nomination. Indeed, had the full Senate been present and voting, we might have seen a nominee to the Seventh Appellate Court approved by the razor-thin margin of a tie-breaking Vice Presidential vote.

Now, on a largely party line procedural vote, the outcome of that earlier vote is to be perpetuated, notwithstanding the fact that the Manion supporters did not have a majority, and notwithstanding the fact that the opponents did not have an absolute majority of 51 Senators.

By any standard, this is an extremely thin basis on which to rest a lifetime judicial nomination.

Judges should be nominated and their nominations should be confirmed when the individuals involved are qualified. That is what I believe. I do not believe that qualified individuals should be rejected because of political or ideological differences and neither does the majority of the Senate.

In the last 5 years, almost 270 of the President's nominees to the Federal judiciary have been approved by the Senate. Many of them were as politically conservative as Mr. Manion is said to be.

Nonetheless, all of these individuals were confirmed because they were qualified for the positions to which they were nominated. Nominees with well-articulated conservative philosophies have been nominated and confirmed by this Senate unanimously.

The problems with Mr. Manion do not concern his philosophy. They concern his qualifications.

For, despite what was said earlier in the debate, we are not voting on the future of a 44-year-old individual. We are voting on the future operation of the second highest tribunal in the land. Our constitutional responsibility to the integrity of that institution should take precedence over any individual's personal interest in obtaining a seat on the Federal bench.

For a nation under law, it is essential that the legitimacy of our courts be beyond debate. That is especially true of the appellate courts, which are the final courts of appeal for the overwhelming majority of cases that come before them.

In 1985, over 31,000 cases were decided by the circuit courts. The Seventh Circuit alone ruled on 2,259 cases. The Supreme Court rules on between 100 and 150 cases each term. For all but the most minute proportion of defendants and plaintiffs, the circuit courts are the final courts of appeal.

So the responsibilities of circuit court judges are no less grave than of Supreme Court Justices. They are the final arbiters of law for the majority of controversies at law in our Nation.

The confirmation of those who sit on the circuit should not, therefore, rest on procedural motions.

Supporters of the nominee claim opposition to his nomination is ideological. But that is not the case. Opposition to this nominee stems primarily from the lack of qualifications he brings to the position.

I oppose the nomination on the grounds that Mr. Manion lacks the minimal qualifications necessary to sit on the Federal appellate bench.

On the face of it, Mr. Manion's legal experience simply does not qualify him for a seat on the appeals court.

The question of basic competency has arisen because of the quality of Mr. Manion's legal work. Mr. Manion submitted his five best briefs at the committee's request, in order to provide some written record against which his nomination could be judged.

These are the work product submitted to the court in support of various clients. It has been claimed that misspellings and syntactical errors and confused organization in these briefs reflect the fact that Mr. Manion's is a smalltown legal firm and cannot employ "armies of proofreaders," as the Wall Street Journal editorialized.

I have had some personal experience in a relatively smalltown law firm myself, so I find the Journal's argument ridiculous and unpersuasive.

Similarly, the claim that the smallness of his firm or the city in which it is located is a cause of opposition to his nomination is one I find somewhat difficult to accept for the obvious reason.

It is demeaning to the Senate to have such arguments seriously advanced. The confirmation of Mr. Manion or any other judicial nominee does not and never has rested on flimsy issues of this nature.

The question of Mr. Manion's basic competence has been raised, not because the Senate is grading nominees, but because this nominee presents no record on which a reasoned judgment can be made.

Mr. Manion's competence for the practice of law is not in question. But on the evidence of his submitted work, he is not competent to sit on the appeals court.

Mr. Manion has been cocounsel or assisted in the defense of a dozen cases in Federal district court. He has been involved in some capacity in 20 such cases. None of them have been appellate court cases. Mr. Manion himself acknowledged that his direct litigation experience was confined to the earlier years of his private practice, and the bulk of it occurred in State courts on matters of personal injury, commercial cases, and land condemnation matters.

In listing his 10 most significant cases, Mr. Manion listed 2 land condemnation cases involving a dispute over the value of damage done by the erection of a fence, the defense of a claim of a driver's liability for cargo damage caused by a dip in the road, an auto collision case and a suit against an auto repair shop which allegedly impaired the performance of his client's automobile.

Many lawyers throughout the country have respectable and thriving practices of this kind, but that does not qualify them to sit on the appellate court.

Mr. Manion's experience alone, in my judgment, fails to qualify him for this nomination.

Mr. Manion is being judged by his work, because the Judiciary Committee and the Senate have nothing else on which to judge Mr. Manion's fitness for the appeals court. He has published no legal articles, taken part in no significant litigation, written no texts for the 400 or 500 speeches he says he has delivered.

As a practical matter, we are being asked to confirm an individual to the second highest judicial post in the land on the basis of a 13-year law practice limited largely to questions of State law and the hearing record, which consists of verbal assurances by the nominee of his fitness to serve.

That is simply an insufficient basis for lifetime appointment to the second highest court in the land.

The Senate has approved 205 district court nominees and 59 appellate court nominees submitted by President Reagan. I have opposed three of these nominees, and none of them on the broad grounds of "ideology" or "partisanship."

I recognize that every President will nominate individuals with a compatible judicial philosophy. So I have supported the vast majority of this President's nominees to the courts and I am prepared to continue to support nominees whose qualifications, experience, and judicial temperament fit them for lifetime appointment to the judiciary.

But I am unwilling to support any nominee, of whatever ideological persuasion, whose basic experience is so limited, whose abilities are so marginal, and whose own actions have raised serious questions about his temperament.

The premise that a nominee is entitled to a seat on the court by virtue of his integrity is not one I share.

Nomination to a position does not constitute entitlement to that position. The only entitlements our system permits are the entitlements of the ballot. Only the public, through its vote, entitles anyone to any official role in our Nation. All other functions are either disposed at the pleasure of an elected official or on pain of good behavior through the impeachment process.

So Mr. Manion's nomination does not entitle him to take a seat on the Federal bench. It entitles him to a fair hearing and a fair debate by the Senate on his record and his qualifications.

No President is entitled to have "his" judgeship nominees confirmed for the simple reason that under our system, no President has any judges. Judges form a third and completely independent branch of our Government. They do not serve at the President's pleasure and they do not constitute an auxiliary arm of the Justice Department.

The premise that the fact of nomination entitles the President to his choice and the nominee to his seat is fundamentally at odds with the most basic premise on which our Government operates.

The confirmation of judicial nominees is unlike the confirmation of Cabinet members, Ambassadors, or any other executive branch nominee for two reasons.

First, the judiciary is the third of our three separate arms of Government. It is not an arm of the executive branch. Nor is it subordinate to the executive branch. Judges do not serve at the President's pleasure. They do not function to fulfill his policy goals.

Judges hold the unique position in our system of Government of interpreting the law. And in our Nation both legislators and Chief Executives are bound to conform to law.

That fact underlies the second unique aspect of judicial nominations, which is that they are lifetime appointments.

The Founders determined that only lifetime appointment could sufficiently insulate the judiciary from political pressures. They determined that only a completely independent judiciary could function without looking apprehensively either to Congress or the President whenever an unpopular freedom had to be preserved or an unpopular person's rights had to be protected.

Popular liberties and traditions do not need the protection of the judiciary or the Constitution. Their popularity preserves them.

It is the minority position and the less popular view which needs protection. If a temporarily unpopular freedom is curtailed by majority vote, no freedom is entirely secure from a different majority at some future time. If a temporarily unpopular dissent is stifled, nothing protects a future dissenter against a change of heart in the future.

Our judiciary is insulated from popular demands and popular passions because without that insulation, it would be no more than a third political branch of Government.

The function of the Senate is to ensure that the men and women who are confirmed to these lifetime positions of enormous and far-reaching influence have both the temperament and the basic abilities to discharge the duties of the judiciary.

But in this instance, the Senate is being asked to accept the premise that a nominee whose experience in the law is limited, whose record shows no evidence of legal scholarship should be approved on the basis of assurances that he will learn the business of the appeals court.

Mr. Manion simply lacks an adequate background for an appointment of this importance.

NOMINATION OF DANIEL MANION

Mr. LAXALT. Mr. President, I am here to speak in support of the nomination of Dan Manion to the U.S. Court of Appeals for the Seventh Circuit.

Mr. Manion is an attorney of broad experience both in public service and in private practice. He has served as the director of industrial development for the Indiana Department of Commerce and as a deputy attorney general for the State of Indiana. In 1978 he was elected to the Indiana State Senate, where he was a member of the Judiciary Committee and, 2 years later, the chairman of the Energy and Environment Committee.

As an attorney, he practiced both criminal and civil law in the Indiana attorney general's office. Presently, as a partner in a South Bend, IN, law firm, he specializes in civil cases.

Dan Manion is an excellent attorney. He is a successful attorney. And, in the words of my colleague from Delaware, he is "a decent and honorable man."

Dan Manion is also a conservative Republican, a strong supporter of President Reagan, and therein lies his problem. What we have been witnessing these past few weeks is an attempt by some to block his nomination without telling us the real reason, the political reason, for doing so.

One gets the impression that the political opponents of Dan Manion have been casting about, fishing for an acceptable, nonpolitical reason on which to hang their opposition. Their unwillingness to frame their argument in political terms is understandable, because they know that the overwhelming majority of Americans support President Reagan's assessment of the Federal judiciary and support the excellent nominees that the President has been sending to the Senate throughout the past 5 years.

If we review the statements of opposition to Dan Manion over the past few weeks, the shift in rationale is quite clear.

In the hearing on April 30, the principal target of the Democratic opponents was Mr. Manion's statements on various points of constitutional law. These statements, I might add, were taken exclusively from the transcripts of radio and television shows on which he appeared as a young man with his father, the late Clarence Manion, dean of the Notre Dame Law School. On those programs, Dan's usual role was to interview his father and other guests, asking them prearranged leading questions or participating in script-

ed dialogs. Yet, these scripts are portrayed by Dan's political opponents as the definitive statements of his legal philosophy.

In attacking his statements, the opponents seemed to be relying on the idea that Supreme Court decisions are the equivalent of the Constitution as the supreme law of the land. Implicit in this idea is the notion that the Supreme Court can do no wrong. Once the Court's decisions on constitutional questions are accorded the same dignity as the Constitution itself, the Constitution can no longer be used as the standard of evaluating the Court. If the Court rules a statute or a practice unconstitutional, then, according to this view, that is the end of the matter: the Constitution has spoken.

But we know that this simplistic view is not correct. The Court often changes its mind. It overrules old decisions and, on occasion, has characterized its old rulings as unconstitutional. Under our frame of government the Court is indeed the supreme expositer of the Constitution and of all Federal statutes, but the Constitution itself binds the Court as it binds all three branches of the Federal Government, the State governments, and the American people. We are a nation under law, and that supreme law permits each of us—indeed, it obligates us—to evaluate our Government and our courts accordingly. Dan Manion understands that, and he made his understanding clear at his hearing.

Evidently Mr. Manion's opponents realized that their first strategy was not going to do the job, because their Dear Colleague letter of May 5 referred to both his lack of qualifications as well as his views on the Constitution as reasons to oppose his nomination. The discussion at the Judiciary Committee meeting a few days later focused principally upon his alleged lack of qualifications to be a judge.

Now the critics pointed to the grammatical and typographical errors that appeared in briefs that Dan submitted to the minority members of the committee. These briefs had been given to members of a liberal Chicago lawyers' association for comment. The evaluators were not identified.

Their critiques focused upon misspelled words and allegedly poor writing style. The critiques did not dwell on—nor, I believe, did they even mention—the fact that Dan won three out of four of the cases that had been decided in reliance on those briefs. Unfortunately, Manion's opponents distributed neither the critiques nor the briefs to the rest of the Judiciary Committee members before the meeting on May 8.

According to the transcript of the April hearing, one or more of the critiques was apparently available by April 30. One Democratic member of the committee referred to them at that time, but he did not question Dan about them at the hearing.

Yet at the May 8 meeting, these anonymous critiques were heavily relied upon to make the new case against Dan Manion—that Dan lacked the qualifications to be a Federal judge. Never mind that the American Bar Association found him qualified—the opponents argued that the ABA should have found him more qualified. Never mind that the Chicago Council of Lawyers conceded that Manion's fellow lawyers found him a competent and even outstanding lawyer—the council felt that he should be more competent.

I frankly suspect that few, if any, lawyers in the United States would be able to meet the qualifications being demanded of Dan Manion today. I suspect, too, that if the opposition were not resting upon this specious ground, Dan's opponents would have found another basis to oppose him. I do not condemn political opposition to judicial nominees, but let's be honest about it and call it what it is.

In my opinion Daniel Manion is an excellent nominee. He will make an excellent appellate judge. I wholeheartedly support his nomination, and I urge my Senate colleagues to do the same.

NOMINATION OF DANIEL MANION TO THE SEVENTH CIRCUIT COURT OF APPEALS

Mr. BINGAMAN. Mr. President, I oppose the nomination of Daniel A. Manion to be the Seventh Circuit Court of Appeals and favor the motion to reconsider the nomination.

During the past few week I have listened with great interest to the debate on the qualifications of the President's nominee. I have concluded that the central issue is the lack of Mr. Manion's legal qualification to be a Federal appellate court judge, and not his political ideology. The position of a Federal appeals judge is a lifelong appointment, therefore the Senate's responsibility must not be taken lightly.

I fully recognize the great latitude owed the President to appoint men and women of his choice. But our system also provices a check on that appointment power by requiring the Senate to confirm or not confirm. I believe we shirk our responsibility in this body if we do not exercise independent judgment based upon review of the case. Personally, I have reservations about Mr. Manion's suitability.

The facts as presented portray a gentleman whose legal experience consists primarily of representing clients in small personal and commercial claims in State court. Any Federal experience was limited to a handful of diversity jurisdiction cases involving issues of State law. Certainly one should not be rejected solely on the basis of their legal practice. But when I weigh his almost nonexistent Federal practice with his legal competence I cannot conclude otherwise than the Senate must withhold its consent.

My distinguished colleague from the State of Missouri, Mr. EAGLETON, spoke eloquently and at length recently, on this nomination, addressing the competency issue in detail. What caught my attention was my colleague's remarks about the quality of the briefs submitted to the Senate Judiciary Committee by Mr. Manion. Mr. EAGLETON stated, "A legal brief reflects how a lawyer thinks. It reflects how he analyzes. It reflects how he approaches the law. It reflects how he fits the facts with the law. It reflects how he reasons. It reflects how he writes." My colleague then described the responses he received from imminent legal scholars and practitioners on the quality of those briefs. Not one of those individuals, including among others, Cyrus Vance, Lawrence Tribe, Archibold Cox, and Irwin Griswold, found that Mr. Manion possessed the legal scholarship and analytical reasoning to be a Federal appellate court judge.

Mr. President, I could continue reviewing what the record bears out on this nomination, but I will not. I strongly believe we can do better and I must vote against this confirmation.

□ 1200

CONCLUSION OF MORNING BUSINESS

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

Mr. BYRD. Mr. President, will the Senator withhold that suggestion?

Mr. President, what is the order?

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will proceed to executive session.

NOMINATION OF DANIEL A. MANION, OF INDIANA, TO BE U.S. CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT

The PRESIDING OFFICER. The clerk will report the motion to reconsider the vote by which the Senate advised and consented to the nomination of Daniel A. Manion, of Indiana, to be U.S. circuit judge for the seventh circuit.

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

Mr. BYRD. Mr. President, do I still have the floor?

The PRESIDING OFFICER. The time is equally divided between the majority leader and the minority leader or their designees.

The minority leader is recognized.

Mr. BYRD. Mr. President, that was my purpose only. I will designate Mr. BIDEN to control 50 minutes of the time on this side, and I will retain control over the last 10 minutes.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1250

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

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

TIME LIMITATION AGREEMENT

Mr. THURMOND. Mr. President, I ask unanimous consent that all time between now and 1:30 be under the control of Senator BIDEN or his designee.

I further ask unanimous consent that the time between 1:30 and 2 be under the same terms as previously ordered, with the proponents having the last 10 minutes, and that the Democratic leader have 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

If the distinguished acting Republican leader would wish the proponents to have the last 15 minutes, it is OK with me. That would only mean that the first 15 minutes of that last half hour would be controlled by Senator BIDEN with the condition that I would have the 10 final minutes of that 15 minutes.

Mr. BIDEN. Reserving the right to object, Mr. President, if we would allow the opportunity for there to be 1 minute within that time to respond to something that may or may not come up, if that is possible.

There will be 15 and 15—the Senator says 10.

Mr. THURMOND. We will have the last 10 minutes.

Mr. BYRD. Twenty and ten with my having the last 10 of our 20.

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

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

The PRESIDING OFFICER. The time is now under the control of the Senator from Delaware. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. 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. BIDEN. Mr. President, I yield myself such time as I may need.

Here we are again, Mr. President, back on the Manion nomination. I have been in the U.S. Senate for about 14 years now and I suspect this has not only been one of the most controversial nominees, but the process by which we are ultimately arriving at the disposition of his nomination has been one of the most confusing and it is one of the nominations that has caused, I suspect, the greatest concern and some recrimination. I would like to take a few minutes not to speak of how we got to this point, not to spend any time arguing about whether or not Senators who were voted in their absence one way or another in fact, intended to vote that way. I thought about it when I got home after that last time we voted and I thought, I wonder what the public must think. Not only are we debating the future of the judiciary, the second most important part of that judiciary, the circuit court of appeals, but we are doing it with the American public listening to us use the language and parlance of the Senate. I got home and I was stunned by one of my family members, not my immediate family, but my extended family, saying to me, "What did you mean when you turned to Senator DOLE and said, "Well, I will give you two pair?" I mean it must have sounded to some people listening like we were playing poker or some card game, rather than the very serious business which we are about.

I want to make it clear that this is very serious business that we are talking about. We are talking about the independence and the caliber of the third coequal branch of the Federal Government. We have found ourselves in a position here on the floor, those of us who have the responsibility, as I do and Senator THURMOND and others, because of our role in the Judiciary Committee, we have found ourselves succumbing to a very nice sounding formula for how the Senate should respond to Presidential suggestions as to who should be on the Federal bench. There is this notion afoot that the Senate's obligation is to ratify the choices of the President of the United States, whomever he or she is, because obviously, as the argument goes, it is the President's right to determine who will be on the bench.

□ 1300

I would like to suggest to my colleagues that that notion is erroneous. It is erroneous from a constitutional standpoint. It is erroneous from a commonsense standpoint.

Let me suggest to my colleagues and anyone who may be listening that I cannot say to any of my constituents or any of my colleagues that the choice of the membership of the U.S. Senate or the U.S. House of Representatives should be one that was basically automatic, or that the burden, so the second-party argument goes, should be on the Senate to prove that the nominee is not qualified. I cannot come forward and say to my constituents, "I have just announced for the U.S. Senate and the burden is on you, my constituents, to prove that I should not be a U.S. Senator." The burden is on me to go to my constituents and say, "I wish to be a Senator and here are the reasons why I think I qualify to be a Member of one of the three coequal branches of the Government, the U.S. Congress." I have an obligation as a candidate to make the case why I should be one of the Members of one of the three coequal branches of the Government.

Now, if we just applied common sense and logic to this, we would say obviously a Presidential nominee has the same burden. Merely because his or her party chose them to be the nominee does not end the debate. We do not turn around and say, "Well, the Republican Party says So and So should be President. Therefore, the burden is to prove that they should not be." We all know the President, who heads one of the three coequal branches of the Government, has the burden, as does the nominee, to prove that he or she is qualified.

Now we come down to the court, a branch of the Government that equally impacts upon the lives of Americans, and some would suggest over the period of our over 200-year history has had more impact on the lives and property of American citizens than either the President or the Congress, and we are being told that the burden is on the only people who under the Constitution have to vote on whether or not someone is confirmed. The Constitution says the Senate shall consent. We have to vote, just like our constituents have to vote for or against Senator DOLE or Senator BIDEN. We, we, the U.S. Senate, are charged with the constitutional responsibility of voting for or against a nominee to the third coequal branch of the Government.

Now, is it not preposterous—forget whether or not someone is a constitutional law scholar. Just use common sense. It is not preposterous to suggest that given the responsibility and obligation to vote yes or no, that that vote must in fact follow the dictates of a President merely because the President, no matter how wonderful he or she might be, suggested that name? Of course not. The burden is on the proponents, the President of the United States, and the nominee himself, Mr. Manion, to prove that he is qualified to serve for the rest of his natural life on the third coequal branch of the Government.

(Mr. DENTON assumed the chair.)

Mr. BIDEN. On the court, as we all know—sometimes we forget—the Fed-

eral bench, you are there for life. We are going through a process now where there is a Federal judge in jail, convicted, serving time, and still collecting his pension. We have to go through the process of affirmatively impeaching that judge to cut off his pension. This is for life, forever. And we are being told that somehow those of us who oppose this man, because he is not qualified in our view, have the burden beyond a reasonable doubt of proving he is not qualified. Clearly the burden constitutionally and from a commonsense standpoint is upon the proponents.

Now, what have we heard from the proponents in terms of how they have met that burden? Have they come forward and told us about his phenomenal academic excellence? Have they told us about his superiority in the law? Have they told us about his vast experience in dealing with constitutional issues which circuit court of appeals judges deal with? Have they come forward and suggested that there is anything in his background beyond his pleasing personality and his generally, I would argue minimally, accepted competence as a lawyer to practice law? Have they suggested anything beyond that? Have they said anything beyond the fact he is a fine man? Have they produced for us any documentation of his superior reasoning ability? Have they produced for us any verification that would shed some light on what insight into the Constitution, stare decisis, he has? Have they even been able to eradicate the notion raised by some, myself included, that he has a mildly bizarre understanding of the Constitution, when he is quoted as saying that Larry McDonald's book on the Constitution which is a—how shall I characterize it?—it is ridiculous. He offers that as evidence of a blueprint for American constitutional history.

□ 1310

So, where has the burden been met? What have we been told? I accept that he is a fine man. I accept that he is decent and honorable. I accept that people in South Bend like him. I accept that he is a decent lawyer. I accept that he is a member in good standing of the Indiana Bar Association. I accept that he is qualified to practice law. But I do not accept the fact, and I would argue that there have been no facts put forward that sustain the burden.

What is the burden? What is the burden someone should have to come before this great body to prove that they are competent to serve on the second highest position in one of our coequal branches of Government for the rest of their natural life? I argue that the burden is one of excellence—not mediocrity, not bare minimum, not scraping by. Excellence.

The fact that someone is not a felon, the fact that someone is a decent family man, the fact that someone is a credit to their community does not suggest that they have met the burden and the standard we should have for women and men who serve on the circuit court of appeals of the United States of America.

We all say that we want excellence. We want excellence in education. We want excellence in our aircraft carriers. We want excellence in our Space Program. We want excellence in everything.

The President cannot guarantee excellence in our Defense Program. He can try. But that will not keep shoddy contractors from stealing. That will not keep the defense industry from cheating the American people and the military men and women who man that machinery. He can insist on excellence in education, but he cannot create it in the State of California, in the State of Delaware, or in the State of Missouri. The one place that he can not only demand excellence but can, in fact, guarantee that he gets it, is on the Federal bench, because no one but he chooses who the nominee will be. He can guarantee excellence. He cannot guarantee our vote. He can guarantee that the product that we are considering is an excellent one.

I suggest that the burden has not been met by those upon whom the burden rests. It rests with the President and the proponents to demonstrate that this man is something beyond what he in fact is—a decent, honorable man.

Mr. President, I yield 5 minutes to my colleague from Massachusetts.

Mr. KENNEDY. Mr. President, I commend our ranking minority member, the Senator from Delaware, for an excellent summation with respect to this particular nominee.

This nomination poses in the clearest possible terms the responsibility of the Senate to assure that lifetime appointments to our Federal courts meet at least minimal standards of competence and integrity. If Mr. Manion is confirmed by the Senate today, the American people will witness a deplorable episode in the rule of law—the selling of the Federal judiciary.

The confirmation of Federal judges is one of the most solemn responsibilities of Members of the Senate. Unlike legislation, which can be changed or repealed at any time by a majority vote, the confirmation of a nominee to a lifetime appointment to the Federal bench is irrevocable. When the Senate is asked to approve a nominee who so clearly falls short of the mark of excellence and distinction required of Federal judges, our duty to the Constitution requires that we should reject the nominee.

Mr. Manion's nomination is notable only for its utter lack of qualifications. He has had almost no experience in Federal courts; his briefs in State courts border on the illiterate, he insulted the Supreme Court by defying one of its key decisions interpreting the Constitution; and he is opposed by the deans of a long list of major law schools throughout the country. Compounding all of his other demerits, he refused to come clean in his Senate confirmation hearing, and doctored the hearing transcript to disguise his own damaging testimony.

The nominee's minimal record and the blatant deal that accompanied the previous Senate vote demonstrate that Mr. Manion cannot be confirmed on his own merits. At best, log-rolling on legislation is a traditional, if dubious practice in the Senate, but judge-rolling is completely unacceptable.

The Senate has the opportunity today to redeem itself from the embarrassment and the disgraceful tactics that marred the earlier vote. The issue is integrity not ideology. Mr. Manion is the least qualified appellate nominee submitted to the U.S. Senate by any President of either party since I have been in the Senate. The administration has abused both the Senate and the Federal courts by this unseemly effort to force Mr. Manion onto the bench, and I urge the Senate to reject him.

Mr. BIDEN. Mr. President, I yield 5 minutes to my colleague from Illinois.

Mr. SIMON. Mr. President, first, I want to thank my colleague from Delaware for his leadership in this matter.

The Senator from Massachusetts has said that this nominee is the least qualified nominee for the court of appeals since he has been in the Senate. I do not recall how many years the Senator has been here.

Mr. KENNEDY. 24 years.

Mr. SIMON. 24 years in the U.S. Senate.

Let me read a letter that I have received from a judge of the U.S. court of appeals. It was written to me personally. I asked him if I could quote from his letter, without using his name, and I have his permission to do that. He says:

> I have never publicly expressed my opposition to a judicial nomination regardless of his or her political background. Mr. Manion is an exception. In my opinion, he is unqualified for the position. He lacks both the intellectual competence and the experience that a circuit judge should bring to a court of appeals.
>
> It would be a great disservice to the Seventh Circuit and to our entire judicial system to have a person with Mr. Manion's mediocre writing skills and analytical abilities become a member of the bench. His work as a lawyer indicates that he has an extremely limited intellectual capacity, as well as little knowledge of federal or state jurisprudence.
>
> Even one ill-equipped member of a multijudge court may have a significant adverse

effect on the work product of the entire court.

□ 1320

That is pretty powerful stuff.

There are in this country 650,000 lawyers. You can argue that we may not pay some of the judges enough, and it is true that we do not. But it is hard to believe that we cannot come up with people who are above average, who are stellar members of the bar.

I caught one of the television interviews of a reporter who covers the courts for the South Bend Tribune, I think it was, and the interviewer asked the reporter how he would rank Mr. Manion. He said he would not be among the top 10 members of the bar of South Bend.

I asked a friend who practices law in South Bend how he would rate Mr. Manion on a scale of 1 to 100, 1 being the best, 100 being the worst. He said he would rate him 65 on a scale of 1 to 100.

I say to my friends, we should not be naming to the Federal bench a fellow who is nice—I would be happy to have him as a neighbor—a fellow who if you want to give him a political reward, let us name him Assistant Secretary of Transportation or something else. Do not give him a lifetime appointment on the second highest court of the land.

Clearly we ought to be demanding quality in these appointments and just as clearly here is an appointment that does not meet that standard.

So I urge my colleagues of both political parties, we are not just naming someone who is going to serve for the remainder of the life of this administration. We are talking about someone who is going to be on there for his lifetime, probably well into the next century.

Let us act with care; let us act with caution.

I remember the words, in closing, of our minority leader when the first debate was held on Mr. Manion. He said, "Remember that when the constitutional fathers said 'advise and consent,' they did not say 'rubber stamp.' "

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

Mr. SIMON. I thank the Chair and I thank my colleague from Delaware.

Mr. BIDEN. Mr. President, I yield 5 minutes to my colleague from Ohio.

Mr. METZENBAUM. Mr. President, I think we have to consider this matter in its proper context.

Circumstances under which we meet here today are that the first vote with respect to Mr. Manion was tainted. Some Senators were not here and their votes were not cast in accordance with their own wishes. Two Senators agreed to pair their votes with those of absent Senators when they were told the absent Senators would probably vote for Mr. Manion's confirmation. Another Senator voted for Mr. Manion but later switched her vote when she was told that an absent Senator would have opposed Mr. Manion's confirmation.

We all know that the vote in the first instance was tainted. It has also been tainted by the open trading of judges. About 2 days before the vote, the Justice Department through a spokesperson said they would not trade votes, they would not buy votes. And then they went ahead and they bought votes. The whole country knows that.

Judges should not be traded like pork bellies or common stock. These judges are a part of our constitutional system. They are appointed for life. The American people rely upon them and they expect justice.

They cannot be appointed like this and have the American people expect to give them much respect. There is more at stake here today than just the confirmation of Mr. Manion. I hear stories about how the President called someone and agreed to do a fundraiser in consideraion of a vote. I do not know if those stories are true or not. But those are the stories that I hear on the public media.

What is at stake here is more than Mr. Manion. What is at stake here is the integrity of the U.S. Senate. It is a question of whether this body is going to play games, it is going to deal in judges, and if on the basis of those deals a man is going to be confirmed to the circuit court of appeals.

What is at stake here today is far more than the qualifications or lack of qualifications of Mr. Manion. What is at stake here today is the integrity of the process which we follow in the U.S. Senate when a judge is up for confirmation.

People of this country have a right to expect more of us than that which will transpire here this afternoon. This is a pressure mechanism that will bring about Mr. Manion's confirmation, if indeed he is confirmed. No stone has been left unturned in the effort to obtain his confirmation.

I believe if for no other reason that the integrity of this body demands Mr. Manion's confirmation be rejected.

Mr. BIDEN. Mr. President, I yield 5 minutes to my colleague from Massachusetts, Senator KERRY.

Mr. KERRY. Mr. President, I thank the Senator from Delaware not only for the time, but I thank him also for his leadership on this issue and his effort to try to hold the Senate to the standard which we should adhere to with respect to the advice and consent of judges, particularly to the second highest court in this country.

Mr. President, I do not serve on the Judiciary Committee, but I am an attorney. I have served as a prosecutor. I have practiced law privately. And above all, like other people who have become lawyers, I went to law school where we all believed that those who are appointed to the highest courts of our country should be qualified.

Mr. Manion has written no law review articles or other works of legal scholarship. He has handled no major cases. Indeed, he has never handled any Federal appellate cases and he has never been the lead attorney in any Federal case. He has never taught nor lectured at a law school. In sum, he is lacking in any of those criteria by which one would make a judgment about legal distinctions.

The New York Times editorialized "his only relevant work record, legal briefs to State courts, would embarrass a first-year law student and the reader who slogs on finds no redeeming spark of originality or insight."

The bottom line, Mr. President, is that Mr. Manion can claim no serious legal credentials.

In addition, I think all of us know from the record that legal skills are not the only part of his dossier which is lacking. He has shown a lack of regard for the U.S. Constitution. He has a history which raises serious questions about his respect for or understanding of the Constitution.

We all know the story as to how as a State legislator he filed a bill to authorize the posting of the Ten Commandments in classrooms. His defenders now say that bill differed from the Kentucky bill which was ruled unconstitutional.

But Mr. Manion, himself, before the committee, could not draw those distinctions for himself and was unable in answer to the questions of my colleagues to be able to describe what it was that differed one bill from another.

It seems to me difficult to understand how someone who will have to draw those very distinctions on a daily basis about complex constitutional issues can do so if he cannot do so in a case in which he was deeply involved when being asked questions about certification for his job.

Clearly the basis for nomination for this gentleman is not the record of his legal qualifications, nor his knowledge of the U.S. Constitution, and the President and the Senator from Utah now claim that he has been opposed on the basis of political ideology. The opposite is in fact true. He is being opposed on the basis of his lack of qualifications. He has been nominated on the basis of his political ideology.

I am deeply disturbed, Mr. President, by the fact that during the course of inquiry by members of the Senate Judiciary Committee, Mr. Manion has been found to be less than candid with the members of that committee. I am disturbed by the revelation that he tampered with the tran-

script of hearings of the Senate Judiciary Committee, altering the meaning of his own testimony, and as a former prosecutor, I am deeply troubled by Mr. Manion's frequent use of phrases, in answer to questions, when he would say, "I don't remember," or "I don't recall; I can't remember the answer to that, Senator."

I have heard those kinds of phrases used many times in courtrooms, and I came to understand them as code words for evasion or for lack of candor and when that person happens to be a nominee for a Federal judgeship I think it is appropriate that we take a long hard look at whether or not that person should be certified.

Mr. President, we have given President Reagan countless nominees who are nominees of conservative ideology. It seems to me that more than anything the fact that this nominee has divided the U.S. Senate almost evenly is in and of itself testimony enough to his lack of qualifications. The fact that the Senate cannot automatically, by lack of rollcall vote, as we have for hundreds of other nominees, allow him to go onto the court, is in and of itself, I think, testimony to the fact that this body is divided enough to call into question his nomination and his ability to sit.

□ 1330

I do not believe that Mr. Manion's views are the views of a true conservative. They are the views of a man who does not understand the Constitution and who does not understand or really value the purpose for which that Constitution has been set up and what it seeks to protect. They are the views of a man who does not respect the judicial system.

I have no objection, as I have said, to nominees who have conservative views, but I object to people who by every act they have taken whether political or legal have shown the lack of judgment necessary to sit on the second highest court in our land.

I yield whatever time I have remaining to the distinguished Senator from Delaware.

Mr. BIDEN. Mr. President, I yield 3 minutes to the distinguished Senator from California.

Mr. CRANSTON. I thank the Senator from Delaware.

Mr. President, the Senate is apparently about to vote—though we will not really know until the rollcall begins—on whether or not to reconsider the nomination of Daniel A. Manion, to be a judge of the Seventh Circuit Court of Appeals, the second highest judicial level in our Nation.

In my judgment, and in the apparent judgment of almost precisely half of the Senate—maybe exactly half—Mr. Manion lacks the qualifications for the high judicial office for which he has been nominated.

If reconsideration is denied, Mr. Manion will begin a lifetime judicial career as the first Federal judge in American history, as far as I am able to determine, whose nomination was brought before the Senate, yet received less than a majority of the Senate's support.

The vote by which this nomination was approved, 48 to 46, was tainted. The minority leader voted for it merely to be in a position to make this motion to reconsider. Three present Senators withheld their negative votes—two of them based on representations that turned out to be inaccurate. One Senator switched from what he had indicated would be a negative vote and cast a positive vote apparently in exchange for a Presidential agreement to nominate another judge sought by the Senator—exactly the kind of vote-swapping the Founding Fathers sought to avoid by dividing the appointment power and insisting on Senate advice and consent to judicial nominations.

An understanding that the rollcall would be limited to 20 minutes was broken. And it was in the 22d minute that a vote against Manion was withdrawn on what later proved to be, at best, a misunderstanding and, at worst, a misrepresentation of an absent Senator's position.

In view of this sorry record, the Senate should be allowed to reconsider that vote. But, perhaps worst of all, the majority leader has made it plain that the Senate would get a chance to work its will only if the majority leader believed he had the votes to prevail.

Mr. President, the Republican majority may well prevail today by the narrowest of margins, but the Nation will lose and the Founding Fathers will be turning over in their graves at this shameful abuse of the constitutional process.

I know that if I were Mr. Manion, I would be ashamed to take a lifetime appointment under these circumstances. I would ask the President to withdraw my nomination, and wait a little longer in my career, perhaps achieving some degree of distinction which would inspire the confidence of more Senators, rather than assuming office permanently tainted by the connivance necessary to assure my appointment.

This week, the distinguished Senator from Maryland [Mr. MATHIAS] and I made separate speeches detailing the standards and expectations the Founding Fathers had of Senators in the judicial confirmation process. We will be circulating those speeches jointly to all Senators. I hope my colleagues will read them and reflect on them.

The Senate has a long memory, Mr. President. When the Senate fails to rise to its constitutional responsibilities, it has a way of coming back to haunt those who fail. There may be no new profiles in courage demonstrated today, and partisanship may temporarily prevail. But we owe the country so much better.

Mr. BIDEN. Mr. President, as I read the clock I have about 2 more minutes under my control.

The PRESIDING OFFICER. The Senator has 5 more minutes.

Mr. BIDEN. Mr. President, I would like to suggest three things before I yield our time to my distinguished colleague from Utah.

Mr. President, first of all, this is not in fact a vote to reconsider. That is what we call it under the Senate rules. This is a vote on the merits. It is a vote on whether or not Mr. Manion should or should not be a Federal circuit court of appeals judge.

So let my colleagues who are considering switching have no illusions about what they are voting on. They are voting on putting Mr. Manion on the bench or keeping him off the bench and no chicanery, no parliamentary maneuvers are going to change that.

The fact of the matter is the vote was—everybody says Mr. Manion won; Mr. Manion lost—the vote was 48 to 46, with 48 votes being against Mr. Manion. The time had run. The unanimous-consent agreement was over. He was defeated. The majority leader kept the clock running 2 more minutes, got one of the Senators to change his vote on the assertion that a Senator who was not here wanted to vote a certain way—I do not know how that all happened, but the bottom line was it became 47 to 47 and the Vice President in the chair would have been a vote to confirm Mr. Manion as a consequence of breaching the agreement, the Senate rule that we had agreed to by unanimous consent.

So this is a vote not to reconsider, this is a vote on the merits. Any Democrat or Republican who stands up and says, "I'm against Manion, but I am just voting on procedure," everyone should mark it well, it is not anything other than a switch. Everyone is entitled to switch, but let us call a switch a switch, No. 1.

No. 2, it is not about ideology. In fact, notwithstanding what my colleagues will say in the next 15 minutes they have on the Republican side, I personally have supported the 1 Supreme Court Justice, 61 circuit court of appeals judges, and 214 district court nominees this President has sent up here. Among them have been the foremost conservatives in the Nation—Richard Posner; Frank Esterbrooke; Antonin Scalia; Robert Bork; J. Daniel Mahoney, former chairman of the New York Conservative Party; John Noonan, the Nation's foremost theoretician for the National Right to Life.

This is not about ideology. It is about competence.

The last point I would like to make is that I ask unanimous consent that a series of editorials from Indiana newspapers, Fort Wayne and Evansville, be printed in the RECORD.

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

[From the Journal-Gazette, June 3, 1986]

THE MANION TRANSCRIPT DESERVES ANOTHER READING

Sens. Richard Lugar and Dan Quayle have written a letter to their Senate colleagues to support the nomination of Daniel Manion, of South Bend, to the U.S. 7th Circuit Court of Appeals in Chicago. We appreciate the senators' eagerness to defend a fellow conservative and Hoosier whose appointment has come under attack. But the letter is a puzzling document. It makes a personal attack on Manion's critics, and claims as true what was contradicted in his testimony before the Senate Judiciary Committee in April.

"Part of the political case against Dan Manion can be reduced to this: guilt by association," the Lugar-Quayle letter says. The senators say that Manion is being condemned because of his father's notorious right-wing activities. Among his other conservative activities, Clarence Manion helped found the John Birch Society.

But it's Daniel Manion who aligned himself with his father's extreme views. In one 1971 broadcast of the Manion Forum, Clarence Manion argued that the Bill of Rights should not apply to state law. He contended that making such an application "is responsible for nine-tenths of the troubles which the states are now having with their redistricting . . . and with the various other interferences with state laws, the schools, prayer and obscenity and the regulation of school districts . . ."

The next words from Daniel Manion, who was moderating the discussion, were not those of an impartial questioner but of a partisan:

"Well, I think you've pretty well established how this prayer decision was precedented fallaciously. The original case was wrong. . . ."

If you read Daniel Manion's testimony before the Senate Judiciary Committee you'll not find him repudiating any of his father's views.

To the contrary, when Daniel Manion was given an opportunity to criticize the views of the John Birch Society, he fell to evasions or pleaded ignorance: ". . . I could not tell you what the policies of the John Birch Society are."

The Lugar-Quayle letter also claims Daniel Manion never endorsed Larry McDonald or his particular views. The late Congressman McDonald was a well-known Bircher. In a 1977 interview with McDonald on the Manion Forum, Daniel Manion extolled McDonald's book as ". . . one of the finest summaries of the history of our country—what has happened in the past, what has happened to us and what we have to do about it."

We urge Lugar, Quayle and their Senate colleagues to read the Manion transcript closely. It simply won't support the charge that Daniel Manion's critics have been unfair.

The real issue comes down to this. Daniel Manion is not qualified to sit on the U.S. 7th Circuit Court of Appeals. There's nothing in his record as an attorney, a state senator, an assistant state attorney general or in the transcript of the Senate Judiciary Committee proceedings to suggest otherwise.

[From the Journal-Gazette, July 11, 1986]

THE MANION VOTE

Daniel Manion, of South Bend, is certainly not the first federal court nominee of the Reagan administration to be unqualified. But he is the first that the Senate Judiciary Committee refused to recommend to the full Senate, and it's encouraging to see the committee finally asserting its proper role.

Manion was nominated to be a judge on the 7th Circuit Court of Appeals in Chicago. That's the panel that hears appeals from the northern Indiana district federal court, so people in Fort Wayne should have a strong interest in the nomination.

The Reagan administration has been putting up conservative nominees for court positions from the beginning, and about one-third of those have received only the minimum possible recommendation by the American Bar Association.

That in itself should have disqualified at least some of the Reagan nominees. But the Republicans have the majority in the Senate, and they have been giving the president what he wants.

It has been a disgraceful display of partisanship, dramatized by the fight in the committee over Manion. Even though Democrats repeatedly approved conservative candidates, they found themselves accused of opposing Manion only because he's conservative.

Plainly, Manion isn't qualified for the federal judiciary. He has no experience in federal court. He has never been a judge. Attorneys who have examined his briefs say he has only a passable legal mind.

And his views are a major problem. He has taken issue with such key doctrines as the Bill of Rights, saying it applies to the states as well as to the federal government. He has endorsed the extremist views of the John Birch Society.

We hope that the full Senate will do some honest soul-searching in the Manion case, and tell the president that in this instance his quest for conservative jurists has gone too far.

[From the Journal-Gazette, May 7, 1986]

THE 7TH CIRCUIT DESERVES BETTER THAN MANION

Thursday, the Senate Judiciary Committee is scheduled to vote on the nomination of Daniel Manion for judge on the U.S. 7th Circuit Court of Appeals in Chicago. Manion is a South Bend attorney and former Indiana state senator with a very conservative record.

He roomed with Sen. Dan Quayle in law school. He worked for Ronald Reagan's presidential nomination as early as 1972. From all accounts, he's a decent and honest man. But it would be a travesty to put him on the federal bench, and the Republican majority should put partisanship aside and admit he's unqualified.

Manion has never been a judge. He has virtually no experience arguing cases before federal court, certainly none involving a constitutional issue. He hasn't published one article, as far as anyone can tell, on the subject of the law.

Why would the Reagan administration nominate someone with such a conspicuous lack of credentials? There must be scores of qualified jurists from the region served by the 7th Circuit who would be conservative enough to suit the Reagan administration.

Manion's name may ring a bell with Hoosiers. His father was the law professor who operated the radio program, "The Manion Forum." He promoted extreme conservative views on everything from the Vietnam War to the Bill of Rights. His father also helped found the John Birch Society.

Of course, sons don't necessarily agree with their fathers. But one searches in vain to find Manion actually repudiating any of his father's extremist views. He didn't produce one document for the committee to that effect.

One odd notion of the elder Manion and of the Birchers is that the Bill of Rights wasn't supposed to apply to the states. They invoked this idea to attack court decisions that outlawed segregation, etc.

In his testimony before the committee, Manion made one lame effort to distance himself from this view of the Bill of Rights. He comes across in the transcript as equivocal. So does he believe the Bill of Rights applies to all Americans? We are left to guess.

Senate Democrats did produce quotations of Manion from the radio broadcasts and other sources in which he flatly endorsed the views of the John Birch Society. But there's more.

When he was a member of the Indiana senate, from 1978 to 1982, Manion advocated the teaching of creationism in public schools. He proposed a bill that would have censored textbooks.

He sponsored a bill that would have permitted posting the Ten Commandments in classrooms. Nothing outrageous here, except that Manion's bill came one year after the Supreme Court struck down a similar Kentucky law, declaring that posting would give support to religion, which the Constitution prohibits.

If he makes it to the 7th Circuit Court of Appeals, would Manion put aside his personal ideology and render strictly according to the Constitution and precedent? He says he would. But as a state legislator, he never was content with established precedent.

It's no surprise that the American Bar Association has given Manion its lowest possible rating for a federal court nominee. It's no surprise, either, that the Chicago Council of Lawyers found him unqualified.

We need people on the federal courts who believe in the rights of all Americans, not just the majority. We need people on the courts who have a firm grasp of constitutional law. Manion doesn't fit the bill in either respect.

But the distressing thing is that the Reagan administration would have such contempt for the federal appeals court that it would use it as a dumping ground for political ideologies and those to whom it owes some political debt.

[From the Evansville Courier, July 3, 1986]

REJECT MANION

President Reagan's nomination of conservative Daniel Manion to a federal appeals court judgeship is still alive in the U.S. Senate—but just barely. After a day of haggling and vote-trading the other day, the Senate postponed final action on the nomination until Congress returns from its July 4 recess. But the senators remain evenly split.

Regrettably, the Manion nomination has turned into a partisan battle. Democrats in the Senate argue that the Indiana lawyer is a conservative ideologue who is temperamentally unsuited to be a judge. Republicans support him because he is their presi-

dent's choice. And the president is fighting hard for Manion as a "matter of principle." He says the power of the presidency is at stake. He has made this nomination a test of his right to place his conservative stamp on the federal judiciary.

But the issue of judicial quality has been sidetracked by all the partisan breast-beating in the Senate. We think Manion is unqualified to be a federal judge—and not because of his arch-conservative political views. He is a small-claims lawyer with little experience in the federal courts. Five briefs he submitted as examples of his legal abilities were riddled with errors of spelling and grammar. The judicial screening panel of the American Bar Association found him to be only minimally qualified. The deans of 44 of the nations top law schools have urged his nomination be rejected. So have some 50 labor unions and other large organizations. Earlier this month, he was rebuffed by the Senate Judiciary Committee, although the committe agreed to send the nomination to the full Senate without a recommendation. If Manion is rejected, he would be the first Reagan nominee to be defeated on the Senate floor.

That would be no small thing because we, too, support the principle of a president's right to make judicial appointments. But there is a limit to a president's prerogative. At the very least, the individuals he appoints must be qualified. And the Senate, in scrutinizing a president's appointees, should be more concerned with quality than partisan loyalty.

Nominees with solid experience and proven legal ability should be confirmed, regardless of their politics. There is little doubt, for instance, that the Senate will confirm Reagan's choice of Supreme Court Justice William Rehnquist to succeed retiring Chief Justice Warren Burger and his naming of appellate Judge Antonin Scalia to succeed Rehnquist—even though both are conservatives. Indeed, the nomination of these two men shows that Reagan is able to find qualified individuals who share his judicial philosophy. His choice of Manion thus seems even more inexplicable.

We hope the congressional recess will give some Republican senators a chance to rethink their position on the Manion nomination.

Presidents come and go, but federal judges are appointed for life.

[From the Journal-Gazette, June 9, 1986]

COMMITTEE JUSTICE

Last week, the Senate Judiciary Committee wisely rejected President Reagan's nomination of Jeffrey Sessions III for a federal judgeship in Alabama.

Sessions, who had called the NAACP un-American and once said he thought Ku Klux Klan members "were OK until I found out they smoked pot," is not fit for a federal judgeship. The senators who voted against him did so not because they object to Reagan's nomination of conservatives to federal judgeships. They did so because they were not confident that minorities could receive equal justice under the law in Sessions' court. That clearly was reason enough for the rejection.

We hope the integrity the Judiciary Committee displayed in defeating the Sessions nomination will be duly noted by the full Senate, which is expected to act this week on President Reagan's nomination of Daniel Manion, a South Bend attorney, to the District Court of Appeals in Chicago.

Manion is perhaps even less qualified than Sessions. He never has been a judge. He has virtually no experience in federal court. His peers give him barely passing marks as a legal scholar. He questions whether the Bill of Rights applies to the states. He has no place on the federal bench. His nomination, like Sessions', should be flatly rejected.

"EVANS ON SPOT IN MANION VOTE"

One month ago, Washington senator Slade Gorton held the appointment of Daniel Manion in his grasp when President Reagan's controversial nominee for federal judge faced his first Senate confirmation vote. Today, that heavy responsibility shifts to this state's junior senator, Dan Evans.

Manion won Senate Approval after Gorton switched from no to yes in return for a White House promise to expedite the appointment of the Senator's choice for federal judgeship, Seattle's William Dwyer. However, a parliamentary maneuver calling for reconsideration postponed the final decision on Manion.

The Senate is scheduled to decide today whether to vote a second time on the nomination. Observers count 45 democrats and 4 republicans who are almost certain to favor reconsideration. Evans, who would be a key vote, still is listed as undecided.

The pressure on Evans is intense. As an old friend and party colleague of Gorton, he wants to stand with him and help minimize the political damage Gorton has suffered from his vote bartering. Still, Evans voted against Manion the first time around even with the excuse that Manion should not have to survive two votes—would look as if Evans were trading his integrity for political expediency.

Evans, who is an honorable man as well as an astute and honorable politician, has a way out of this dilemma. That is to base his decision solely on his and the Senate's constitutional duty to "advise and consent" on presidential nominations. In Evans opinion, is Manion fit to serve for the rest of his life as a federal judge—the highest judicial honor this nation can bestow?

23 members of the University of Washington law school faculty have joined the many other legal scholars who say no. In a letter to Evans and Gorton, they write:

"We believe that Mr. Manion is unqualified for a lifetime appointment as a federal judge. His background as a lawyer is at best indistinguished. He would bring to the bench little experience with federal law or federal litigation. Moreover, his writings demonstrate extremely deficient skills in the proper use of the English language.

"The nomination is especially distressing to those of us who train the future lawyers of this nation. The confirmation of Mr. Manion would set a poor example to law students. We urge you to exercise your constitutional mandate of advise and consent by voting against this nomination."

The faculty has stated the reason Senator Evans should vote yes to reconsider the Manion nomination and no on the final vote to confirm, and that is reason enough.

Mr. BIDEN. All of those editorials are from Indiana papers and they read "Reject Manion," "Manion Transcript Deserves Another Reading," "The Manion Vote," et cetera.

Mr. THURMOND. Mr. President, I believe the agreement was that there would be 15 minutes to each side for the last 30 minutes.

Mr. BIDEN. I am sorry. I thought I had 5 minutes. If that is not the case, I yield the floor. I want to keep the agreement, whatever it was.

Mr. THURMOND. Mr. President, we have 15 minutes on this side. I now yield 5 minutes of that to the distinguished Senator from Utah.

Mr. HATCH. Mr. President, I rise in support of the nomination of Daniel A. Manion of South Bend, IN, to be a U.S. judge for the Seventh Circuit Court of Appeals.

Mr. Manion is a distinguished lawyer, a former deputy attorney general, and Indiana State senator. He is eminently qualified to sit on the Federal bench and is the first veteran of the Vietnam war to be nominated to a circuit judgeship.

Mr. Manion received a B.A. degree at Notre Dame and was recognized for his "excellence in leadership, academic attainment, and participation in military affairs." He graduated in the top one-third of his class at the Indiana University School of Law at Indianapolis. This feat was accomplished while he was working full time for the Indiana Department of Commerce.

After graduation from law school in 1973, Dan served as the deputy attorney general for the State of Indiana. While working as a member of the criminal appellate section, he wrote nearly 20 briefs on various criminal appeals. He also argued cases before the Indiana Court of Appeals and the Indiana Supreme Court.

After serving in the attorney general's office for 2 years, Dan returned to South Bend in 1974 and began practicing with a firm there.

In 1978 Dan was elected to the Indiana State Senate. He was a member of the judiciary committee and chairman of the civil law subcommittee. He also served as chairman of the committee on energy and environmental matters.

Dan's record in public service and private practice has been praised by Democrats and Republicans alike. However, since a number of allegations have been made against Mr. Manion by opponents to his nomination, I would like to respond to them.

ALLEGATION NO. 1

His opponents have stated that he is not qualified and lacks the necessary legal skills to be a Federal appeals court judge.

Let us look at some of the statements which have been made about Mr. Manion and his legal expertise.

President Ronald Reagan has written that "Dan Manion is a capable attorney, with the high reputation for integrity and substantial litigation experience."

John R. Bolton, the Assistant Attorney General of the United States, has stated: "Those who have worked with Daniel Manion, whether they share his legal philosophy or not, find him

to be a lawyer of great competence, fairness, and integrity." He is "a trusted practicing lawyer in a relatively small rural/suburban community. Upon confirmation, Mr. Manion will bring substantial litigation experience in State law and important balance to the Seventh Circuit which has a high concentration of judges with either academic background or who practiced with large urban law firms."

Senators LUGAR and QUAYLE have written that Dan Manion is "a man of high moral integrity, broad legal experience, intelligence and the proper temperament to serve on the bench of the U.S. Circuit."

Rev. Theodore M. Hesburgh, president of the University of Notre Dame, has known Mr. Manion since his youth. This distinguished gentleman, who is known for his liberal positions on many issues, stated in endorsement of Mr. Manion:

> Dan is a reflection of the strong morals and high values that have always been so much a part of his family. I strongly believe that he would serve this country and the Seventh Circuit extremely well if his nomination were approved.
>
> I recommend the appointment of Daniel Manion as a Federal judge.

Reverend Hesburgh continues:

> I believe that he will bring dedication, integrity, and a keen knowledge of the law to that position. His life has been one of service and commitment to justice. I believe that he will exhibit these same qualities sitting on the federal bench, and that his appointment will be a strong one.

Eugene I. Goldman, a life-long Democrat and attorney with the Washington law firm of Steptoe & Johnson, worked with Dan in defending a lawsuit in South Bend, IN. In a letter to Senator STROM THURMOND, chairman of the Judiciary Committee, he stated: "Mr. Manion is an excellent lawyer and would be a distinguished member of the Seventh Circuit."

David T. Ready, another Democrat, who was appointed as the U.S. Attorney for the Northern District of Indiana by President Carter has also endorsed the nomination of Mr. Manion. He has written:

> I have known Mr. Manion for a number of years. I believe that he is eminently qualified to fulfill the position of the United States Circuit Court Judge. I firmly believe he posssesses the necessary intellect, integrity, and open-mindedness which practicing members of the Bar have a right to expect in our judicial appointments.
>
> I would hasten to add that Mr. Manion enjoys an excellent reputation amongst his peers.

Mr. Ready also stated:

> I firmly believe Mr. Manion possesses those qualities, temperament, legal intellect, experience, fair-mindedness, judicial integrity, and a plain, old-fashioned willingness to work long and hard. I have no doubt that Mr. Manion's appointment will reflect credit upon the Federal Judiciary."

Richard M. Given, the Chief Justice of the State of Indiana, also endorses Mr. Manion.

In a letter to Senator HEFLIN, he wrote:

> I have known Dan quite well since he was a law student. It is my candid opinion that the citizens as well as the bench and bar of the Seventh Circuit will be well served by his appointment.

John J. Sullivan, a life-long Democrat and practicing attorney in Indiana, also endorsed Mr. Manion. In a letter to Senator ROBERT BYRD, the minority leader, he wrote:

> Some have criticized Dan Manion for his failure to publish articles or for his lack of appellate experience before the 7th Circuit. Good trial attorneys, particularly those from medium and small size firms, do not always have the time nor the staff to author legal treatises.
>
> In general practice, unless there is a matter of principle that will require higher court review, a good trial attorney will posture his case to avoid an appeal. Appeals are costly and are often the result of attorneys who do not fully brief their case for trial.
>
> The appellate courts need good trial attorneys who understand the law and the every day practice thereof. Dan Manion is a good trial attorney who is qualified to be an appellate judge.

The Chicago Council of Lawyers, a group which has opposed Mr. Manion, admit that he "has a high reputation for integrity, conscientiousness, and fairness." Reports from South Bend, IN lawyers indicate that he has "excellent interpersonal skills, and that lawyers who worked both with and against him like and respect him." They determined that Dan would "be fair in ruling on cases which present issues on which he has strong political views."

The Chicago Council also stated that, "The majority of lawyers to whom we talked regarding Mr. Manion's legal experience thought that he was a competent lawyer. * * * All vouched for his forthrightness and his adherence to high ethical standards."

Eugene L. Goldman, in reviewing the Chicago Council of Lawyers' letter to Senator SIMON wrote:

> I believe that the Chicago Council's findings, including its finding that Mr. Manion has been found to be a competent and outstanding lawyer, are inconsistent with the Council's ultimate, speculative conclusion that Mr. Manion will have difficulty with the legal issues routinely present to the Seventh Circuit.

In short, Mr. Manion is eminently qualified to sit on the Federal bench. This is the assessment of those who have known him for years and who have worked for and against him in the courtroom.

ALLEGATION NO. 2

Opponents of Mr. Manion have decried the fact that he only received a "qualified" rating from the American Bar Association. After all "qualified" means qualified.

What the opponents of Mr. Manion have not stated is that "qualified" is their usual rating. As the Justice Department pointed out, Presidents Johnson, Nixon, Ford, and Carter together appointed 555 Federal district court judges. Of those, 282, or 50.8 percent, were rated "qualified." Also, three district court judges appointed by President Carter and three district court judges appointed by President Johnson were rated "not qualified" by the American Bar Association, but were nevertheless confirmed by the Democrat-controlled Senate. Moreover, more than a quarter of all of President Carter's circuit court appointments approved by the Democrat-controlled Senate were rated "qualified."

ALLEGATION NO. 3

Mr. Manion has been assaulted for expressing doubts about the wisdom of the incorporation doctrine, whereby the Supreme Court has held that the 14th amendment mandates the application of the Bill of Rights to the States.

Over the years, many historians and legal scholars have debated this issue. A number of distinguished jurists, scholars, Government officials, and even Members of this body have expressed doubts about the propriety of this doctrine. Regardless of this debate, it should be pointed out that Mr. Manion stated before the Judiciary Committee that he will uphold this doctrine since it has become such an engrained part of our judicial system.

ALLEGATION NO. 4

Critics of Dan claim that his cosponsorship of a bill authorizing the posting of the Ten Commandments in Indiana public schools demonstrated a disrespect for the Constitution and Supreme Court decisions.

Nothing could be further from the truth. While Dan served in the Indiana Senate, he was acting as a legislator. There is not a legislator in this body that has not disagreed with a decision of the Supreme Court.

Dan cosponsored the bill authorizing the posting of the Ten Commandments after the Supreme Court ruled in Stone versus Graham that a State law requiring the posting of them in public schools violated the establishment clause. It should be noted that there is a difference between a statute requiring the posting of the Ten Commandments and one which merely authorizes their posting. Critics of Dan have failed to note this distinction and its constitutional importance.

In a letter to Senate Majority Leader ROBERT DOLE, John R. Bolton pointed out that, like the Gramm-Rudman-Hollings Act, the bill that Dan cosponsored explicitly deferred to the courts on the question of its constitutionality and specified what

should be done if it were found unconstitutional: "If this section is determined to be unconstitutional, all copies of the Ten Commandments displayed by authority of this section shall be immediately removed when the judgment becomes final."

It should also be pointed out that the Indiana bill had 17 other cosponsors, was supported by the Democratic senators and passed the legislative body 39 to 9.

ALLEGATION NO. 5

Opponents of Mr. Manion claim that he fails to understand the Constitution and the role of the Federal courts in enforcing it.

Mr. Manion has agreed that Supreme Court opinions are binding upon lower courts. That position is in keeping with article VI of the Constitution and with holdings of the Court as well. As Justice Marshall noted in Marbury, the courts, as well as other departments, are bound by the Constitution.

While a Supreme Court holding is binding upon lower courts if the facts and the legal issues of the case are substantially identical, an opinion construing the Constitution is not the Constitution itself. And the Court may even alter its interpretation of what the Constitution itself mandates, as it correctly did in Brown versus Board of Education.

Mr. Manion stated in his testimony before the Judiciary Committee that he adheres to the principle of stare decises whereby lower Federal courts are obligated to follow the holdings of the Supreme Court. He said: "If a judge is going to rule on a case and there is a Supreme Court precedent on that same set of facts and on that same issue, I am bound to follow that. Stare decises is the order of our legal practice, and anyone who tries to avoid that by initiating his or her own feelings or philosophy as a judge is violating that process. And I respect it too much to do that."

ALLEGATION NO. 6

Mr. Manion is criticized by opponents for an alleged lack of Federal experience.

He has participated in a number of Federal court cases and at the present he is lead counsel on three pending Federal cases, two involving securities and the Racketeer Influenced and Corrupt Organizations Act, and one diversity case. In addition, he is cocounsel on two patent infringement cases and another diversity case. It should be pointed out that a number of cases in which Mr. Manion was involved in State court could have been brought into Federal court under diversity jurisdiction, however, for various reasons, they were brought in State court.

ALLEGATION NO. 7

Mr. Manion has been criticized for not having tried a constitutional law case. To suggest that he is not qualified to sit on the Federal bench for this reason is spurious. A number of lawyers presently serving on the Federal bench have not tried constitutional law cases. Have we reached a time when only attorneys who have tried constitutional law cases in Federal courts are qualified to hold Federal judgeships? I think not.

ALLEGATION NO. 8

Mr. Manion has been assaulted unfairly for writing a condolence letter to the American Opinion Bookstore after the death of his father. He stated in the letter that the members of the John Birch Society were on the frontline of the battle for our freedoms.

Mr. Manion has stated that his remarks were merely conciliatory in nature and were designed only to express appreciation for the sympathy expressed by his father's admirers at his death. He has never been a member of the John Birch Society.

I might say that this appears like a desperate attempt to malign the character of a fine lawyer.

ALLEGATION NO. 9

Mr. Manion has been criticized for voicing support for a book by the late Congressman Larry McDonald entitled "We Hold These Truths," while on the Manion Forum. The forum has a program written and produced by his father, Clarence Manion, former dean of the Notre Dame Law School. Daniel Manion's role on this forum was that of an interviewer.

A general statement of support does not mean that he endorses every concept in the book. Such an inference should not be made in fact. However, opponents of Mr. Manion seem to be grasping at straws as they attempt to character assassinate through the use of the guilt by association tactic. Surely this body is above adherence to such nefarious practices.

ALLEGATION NO. 10

Mr. Manion has been criticized for several spelling and grammatical errors which were found in five legal briefs he submitted to the Justice Department.

Mr. Manion knew that the briefs contained several typographical errors and were not his best briefs. Yet, he was asked to respond immediately to the request, which he did.

The briefs were subsequently reviewed by the liberal Chicago Council of Lawyers. The critiques are relatively short and concentrate on mispelled words and alleged faulty English composition. The comments on legal content or effectiveness are rare.

What is missing from these criticisms is that Mr. Manion lost only one of the cases addressed by the briefs.

I pointed out recently that the Dear Colleague letters of Senator BIDEN and others, dated May 5, 1986, contain about the same number of errors.

I believe it is incredible that opponents of Mr. Manion would stoop to such tactics knowing that these briefs were not his best and were sent in great haste to accommodate the Justice Department.

ALLEGATION NO. 11

Opponents of Mr. Manion maintain that 44 deans of prominent law schools are opposed to his nomination, therefore, he should not be confirmed.

First of all, there are approximately 174 accredited law schools in America. Although 44 signed the letter attacking Mr. Manion, 130 deans did not.

Second, there is not a known conservative dean on the list.

Third, there are four major errors in the letter. First, the letter alleges that Mr. Manion was barely qualified. In fact, he received a qualified rating, the same rating as Judge Frank Easterbrook and Judge Posner. Second, the letter alleges that Mr. Manion lacks an understanding of the judicial system. His testimony before the Judiciary Committee demonstrates the fallacy of this argument. Third, the letter alleges that Mr. Manion conceded that the Indiana bill he cosponsored and the Kentucky statutes were identical. On this point it is clear that Mr. Manion was mislead during the hearing process. Fourth, Mr. Manion allegedly refuses to accept Supreme Court decisions. This is blatantly false as his testimony states.

I believe that the deans who signed this letter were not familiar with all the facts of this nominee. Otherwise, I do not believe they would have signed such an outrageous letter.

In responding to the deans' letter, John Boldon stated:

> A review of a draft of the letter purportedly signed by Deans of various law schools reveals that it is part of a highly orchestrated political effort to defeat the Manion nomination. It was distributed by activists affiliated with People for the American Way, a lobbying group which has consistently distorted the record on Manion.
>
> What the Dean's letter is really saying is that the Senate should block nominations of individuals who oppose the courts' imposition on the American people of an unpopular political agenda on issues such as criminal rights, religious freedom, abortion, and bussing. President Reagan has appointed some of the finest legal minds to the bench such as Justice Sandra Day O'Connor, Justice Rehnquist, and Judge Scalia, who also oppose this form of judicial supremacy. If the liberal establishment can defeat Dan Manion, they will use this to attempt to stop these other appointments and preserve their undemocratic agenda in the courts.
>
> The letter is the product of a liberal elite which is attempting to block appointments of lawyers who come from small cities in rural America. If this liberal elite is successful, only professors from the top law schools

and lawyers from large Wall Street firms would be made judges.

ALLEGATION NO. 12

Mr. Manion is charged with altering the transcripts of his hearings.

Nothing could be further from the truth. The instructions to witnesses from the Senate printer state that, "only changes in diction, expression, clarity, brevity, accuracy, or to correct any errors in transcribing are permitted."

Mr. Manion's changes were minor, indeed, and were intended only to clarify his response to a hypothetical question. I believe the opponents of Mr. Manion are splitting hairs on this issue. It demonstrates that they really have no substantive reasons for rejecting Mr. Manion's nomination adding the word "probably" and changing "probably" to "may" is not substantive but clarifying in nature.

All of the above allegations demonstrate that the central opposition to Daniel Manion are ideological. They were best summarized by Senator BIDEN when he said:

I think you are a decent and honorable man, but I do not think I can vote for you because of your political views.

In other words, the opponents of Mr. Manion openly admit that the attacks upon him are clearly ideological in nature.

All pretense of objectivity have been dropped by Mr. Manion's opponents in their assault upon this distinguished lawyer. Even the Washington Post conceded the lack of impartial assessments of his qualifications in a May 7, 1986, article. The Post stated:

The Democrats have refrained from challenging any nominee explicitly on grounds of being too conservative, focusing instead on questions of temperament and personal conduct. But the Manion nomination is a flat-out fight over ideology.

Mr. Manion is an admitted conservative. President Reagan has stated that:

Dan Manion's "political views" are close to my political views. Dan Manion's belief that Federal judges should interpret the law, and not impose from the bench their social or philosophical natures upon society, is my belief. That is the real reason this nomination is encountering such hostility.

Nearly everyone familiar with Dan's legal expertise have found him suited to serve on the Federal bench. Since he possesses those qualities essential for service as a circuit court judge, I urge my colleagues to rise above partisan ideology and support Mr. Manion's nomination.

Mr. President, I have enjoyed the debate throughout the process, but I have to tell you it comes down to just a few things. No. 1, Mr. Manion is qualified. The American Bar Association said that he is, and that is not an easy thing to get. As a former deputy attorney general of Indiana and as a former State senator, he is a competent lawyer. More than one person has said that. And his associates, including the former U.S. attorney in that area, appointed by Jimmy Carter, a Democrat, and a liberal Democrat at that, say he is a fine man, would make a great judge, would be fair and impartial and has the intelligence to do a good job.

So this business about competency has been knocked into a cocked hat.

Father Hesburgh, of Notre Dame University, said he has a keen knowledge of the law and backs him. Fifty-one percent of all the judges appointed by Johnson, Carter, Nixon, Ford, and Reagan have gotten an ABA rating of "qualified," including judge-to-be-Justice, Scalia.

This is an ideological attack. There is no question about it, and I am not going to go further into it. But I would cite the Post editorial, where it says: "The Manion nomination is a flat out fight over ideology."

I might say the parliamentary tactics should not taint the confirmation process. Mr. Manion was approved 48 to 46. Had Senator BYRD not crossed over for the purpose of requesting reconsideration, it would have been 47 to 47 and the Vice President would have broken the tie.

□ 1340

Now I would like to spend more time talking about the substance but I am outraged by the letter cited by the distinguished Senator from Illinois. As I understand it he claimed that he agreed to use it only if it does not disclose the identity of the judge from the Seventh Circuit Court of Appeals. In the first place, we need to recognize the motive of this letter. The seventh circuit has been equally divided on many important issues, and President Reagan's next appointment—that is Mr. Manion—will break that deadlock. So that letter may very well have been written and probably was written by a judge who disagrees with President Reagan and, of course, with Mr. Manion. Undoubtedly a number of other judges on the seventh circuit would write to favor Manion, but they have not done so. Why is that so?

There appears to be some important legal and ethical reason why other judges have not presumed to indicate their wishes in this legislative process. What is the law? The first reason the many judges have not written favoring Manion is found in 18 U.S.C. 1913.

The PRESIDING OFFICER. The Senator's 5 minutes have expired. By previous agreement the Democratic leader will control the time from 1:40 until 1:50.

Mr. HATCH. Mr. President, may I ask the distinguished minority leader? Could we just add another 2½ minutes?

Mr. BYRD. This is fine with me.

Mr. HATCH. Mr. President, I make that unanimous-consent request.

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

Mr. HATCH. I want to thank my colleague because this is an important part of this debate. It will not be raised unless I raise it.

In 18 U.S.C. 1913, this section precludes lobbying with appropriated moneys. This would mean that any officers of the United States, including judges, would be subject to a $500 fine and imprisonment for up to 1 year if they used Federal secretarial services, typing machines, stationery, or postage to intervene in a legislative matter. For this reason many judges have been cautious about openly supporting the Manion nomination and getting involved in any judgeship nomination.

What about ethics? The canons of judicial ethics may also suggest a reason why no other judge has written on this matter. Canon 7 prohibits judges from participating in political activity. Several canons also suggest judges should avoid the appearance of impropriety. Surely a potential violation of Federal law suggests an appearance of impropriety. Moreover, two opinions of the Advisory Council on Official Conduct also are related to this matter. Opinion 54 prohibits a judge in initiating any contact with an appointing authority, the President, or the Senate, on behalf of the candidate for judicial office.

Opinion 59 relaxes that standard to allow some recommendations from judges.

Neither of these suggest a judge may be appropriately involved in a partisan nominating stance or process.

These ethical bars on intervention in political processes suggest another reason why we have received no letters favoring Mr. Manion for judge.

I think the FBI may need to conduct an investigation to ascertain if 18 U.S.C. 1913 has been violated by the letter mentioned by my colleague from Illinois.

Regardless of the outcome of that investigation, separation of powers doctrine, it seems to me, has been trammeled by this letter.

As Members of Congress, we do not tell judges how to decide cases; and we do not want them telling us how to decide whether or not we should vote. It is pure and simple ideology. To have a judge have the temerity to try to get involved in this legislative process proves that above and beyond anything else. I know. I think it is a very good reason why these canons of ethics and this legal rule of law today prevent this type of activity from ever occurring again. I would be remiss if I did not raise it at this time.

The PRESIDING OFFICER. The time between now, 1:43, and 2:03, by the last agreement reached shall be equally divided and controlled by the

majority and minority leaders or their designees.

The minority leader.

Mr. BYRD. Mr. President, do I have by unanimous consent 10 minutes of that time?

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

Mr. BYRD. Mr. President, the allocation of the appointment power was a subject of very keen debate at the Constitutional Convention in 1787. Initially the draft proposed that the appointment be left entirely to the Senate. But there was a compromise entered into. It is evident that the framers of that compromise intended that the Senate's role not be a purely perfunctory one. Let us read what the Constitution says, article II, section 2:

> . . . he [the President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the Supreme Court, and all other Officers of the United States.

So it is clear that the Constitution entrusted the power to appoint members of the third branch of the National Government—not just to the executive branch, not just to the legislative branch, but to both political branches together.

Providing advice and consent, Mr. President, is not merely a senatorial courtesy or a formality. It is a duty of fundamental importance to the maintenance of our tripartite system of Government.

Federal judges are not like the President's Cabinet who carry out the will and who serve at the will of the Chief Executive. Federal judges are appointed for life to an independent branch of our Federal Government. If such an appointment proves ultimately that a justice is unsuited for the role or unequal to the task, he cannot be dismissed as can a Cabinet officer.

The only constitutionally authorized process to remove such an individual from the Federal bench is that process by which the House impeaches and the Senate tries the individual, and if found guilty, he then is removed. But this is a difficult process, and it is usable only in situations of most outrageous conduct.

So the only practical opportunity to observe, to judge, and to pass upon the merits of a judicial nominee is before that nomination is confirmed. It is not only appropriate, therefore, but also obligatory upon the Senate to exert closer scrutiny of nominees to the Federal courts than of those Presidential subordinates who can be removed at the Chief Executive's will and who serve at his will.

U.S. Senators have a duty to the Constitution, and to the Nation's citizens, businesses, and public and private institutions to ensure that judicial nominees have the experience, talent, the judicial temperment, the intellectual acumen, and the fairness of mind to perform their functions properly; and, particularly with reference to the appellate courts, to be able to contribute to a body of legal precedents that will enlighten and guide the trial courts, the litigants, and all others who must attempt to anticipate what the courts will do.

So it is here in this body that the nominee's entire record has to be examined. The whole man, not only his character and integrity—in respect to which I find nothing that would be adverse to my approval of his confirmation—but also one must review carefully the nominee's professional achievements, his public career, his academic credentials, his scholarly and other writings, his appellate briefs, and so on.

□ 1350

So the Senate has a duty to look at all these and at the whole man in order to screen out the simply mediocre. Appointment to a Federal judgeship should meet a standard of excellence. Mediocrity is not good enough. And in this instance, when we look at this nominee, what does he have to show that he meets the high standard of excellence? Federal judges should be held to a higher standard of excellence, to a higher standard than in the case of other nominees who can be removed, as I have already indicated, at the will of the President.

This nominee does not meet this litmus test of excellence.

Mr. President, much has occurred already in connection with this nomination that has brought discredit to the confirmation process. The constitutional role of the Senate in its advise and consent responsibility has been demeaned by misleading representations. The linen is still being washed, and I fear that it will take a long time to dry.

In the light of all of the measures, the extreme measures, that have been resorted to to secure the confirmation, in this instance, will this nominee, if approved to sit on the Federal bench, receive in his court the respect and the reverence which the seventh circuit bench deserves?

The court of appeals is, in many instances, the last court to which an individual has resort, a court of last resort for thousands of citizens who, after being heard, will have no other recourse.

Oh, yes, a few of those cases may go on to the Supreme Court, but in the main the Federal court of appeals will be the last recourse.

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

Mr. BYRD. Mr. President, I ask unanimous consent for an additional 2 minutes, 1 minute to be given to the majority side.

The PRESIDING OFFICER. Without objection, it is so ordered. That will mean that there will be 1 more minute to the minority leader and 1 minute to the majority side.

Mr. THURMOND. As I understand, that will mean 11 minutes on our side after the minority leader finishes.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Mr. President, recalling Antony's oration over Caesar's body,

> I am no orator, as Brutus is;
> But, as you know me all, a plain blunt man.
> For I have neither wit, nor words, nor worth,
> Action, nor utterance, nor the power of speech,
> To stir men's blood: I only speak right on;
> I tell you that which you yourselves do know;

Mr. President, this is the vote on the Manion nomination. There will be some who may say that this is a mere technical, procedural vote. Let us not camouflage the meaning of this vote. It is the last vote on the Manion nomination. The train is leaving the station. Let those who vote, therefore, be judged in accordance with that fact. I urge Senators to vote to reconsider this nomination that the Senate may again have an up and down vote on the nomination that will reflect the true will of the Senate, which true will, up to this point, has not yet been expressed.

Mr. THURMOND. Mr. President, as I understand it, we now have 11 minutes. I yield 2 minutes to the distinguished Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. I thank the Chair.

Today we have basically before us the reconfirmation of Daniel Manion. The Senate has confirmed him once and I hope they reconfirm him today.

As in the first vote and as the debate has wandered on now for a number of months, there are two issues that the Senate should consider in its role of advise and consent. Those two issues are, one, the character of the nominee, and, two, the competence.

There is no doubt, and I do not believe this is even disputed now, though it was initially, on the character of Dan Manion, his integrity, his ethics, morality, his capability as a hardworking, intelligent individual.

I do not believe that that is an issue now but it was certainly raised at the beginning. So on the character issue there is no dispute.

Where the dispute has come down to is the qualification. Even though the American Bar Association has given him a qualified rating, there are still those who say he is not qualified. The American Bar Association has given him a qualified rating, the same rating that about half of the Judiciary has received by the American Bar Association, but it is not good enough for some. It is certainly good enough for

me and I hope for the majority because he is qualified.

I think the best testimony to his qualifications are those people who have practiced law with him, those people who have known him, those people who have heard Dan Manion who give him strong, high marks in his legal credentials, his personal credibilities, and as a potential jurist, the type of individual he would be.

I have no doubt that Dan Manion will be a good judge and I believe he has the potential of being a great judge.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. THURMOND. Mr. President, I yield myself 4 minutes.

The VICE PRESIDENT. The Senator is recognized.

Mr. THURMOND. Mr. President, I strongly recommend Dan Manion for the court of appeals. After graduating from college he served 4 years as a State senator in Indiana, 2 years in the U.S. Army, including a tour in Vietnam. He is the first Vietnam veteran to be recommended to the court of appeals.

He has not only been recommended by the President but investigated by the FBI and investigated by the Judiciary Committee, and he has been approved in every respect by everybody who has investigated him, including the American Bar Association.

His legal background is diversified, including civil and criminal law, with both State and Federal practice, as well as trial and appellate experience.

Mr. Manion has tried to a court judgment or verdict approximately 100 cases. Thirty-five cases have been before juries. He has participated to date in various degrees in approximately 20 cases in Federal court and has served as lead counsel in a number of cases.

Most of the objections to this nomination focus on ideological issues. In fact, there are Senators who have stated that this is their primary reason for objecting to him.

Mr. President, I especially call your attention to a statement made by David T. Ready, a Democrat and a former U.S. attorney appointed by President Carter.

When they went to him to try to get him to say something against Mr. Manion, he said:

> I must say that the overall tone of their inquiry was not one where they were seeking my opinion on Mr. Manion's qualifications, but rather looking for something negative concerning Mr. Manion. When it became apparent I was not going to accommodate them, simply because I do not know anything negative about Mr. Manion, their interest in talking to me waned.

Mr. President, I want to say a strong endorsement comes from Father Hesburgh, the president of Notre Dame University, who knows Mr. Manion personally. Here is what he says:

> I recommend the appointment of Daniel Manion as a Federal judge. I believe that he will bring a keen knowledge of the law to that position.

The Chief Justice of Indiana said about Mr. Manion:

> Dan not only has the high academic qualifications to serve as a Federal judge, but also has impeccable personal integrity.

His county bar association recommended him, the lawyers who know him best. Mr. President, it seems to me that all of these recommendations by people who know him best should stand in his stead.

President Reagan has said that he feels he has a right to appoint these judges.

> It is an issue of whether or not a President of the United States has the right to choose Federal judges who share his judicial philosophy, so long as they are qualified by reason of character and competence. Presidents of both parties have asserted that prerogative and I will not surrender it.

Mr. President, Mr. Manion is well qualified. The American Bar Association says he is; the President says he is; the Judiciary Committee says he is; and now I hope the Senate will say he is qualified to serve. We think he is.

I yield the remainder of my time to the distinguished majority leader [Mr. DOLE].

The VICE PRESIDENT. The majority leader is recognized.

Mr. DOLE. Mr. President, the Senate will shortly proceed perhaps to a final vote, on the nomination of Daniel Manion to be an appeals court judge for the seventh circuit. It has been a long, laborious, and sometimes tortuous process. We have faced extended hearings, which included strenuous objections being raised to efforts to "scrub" the transcript of the hearing record. We have seen a thorough inquiry into his spelling and syntax in the writing of legal briefs. We have heard from law school deans and all manner of interested parties. But what does the record show in the final analysis? Daniel Manion was found to be qualified by his peers in the American Bar Association. He comes highly recommended by those in his own community who have known him and worked with him, and this includes a number of prominent local lawyers and others not of the same political party.

After all that has transpired, this Senator rises in support of Daniel Manion. And I do so for the following reasons. First, he has survived the most searching inquiries that can be directed toward any nominee. His background and qualifications were investigated in great depth by the Federal Bureau of Investigation. This included field interviews of family, friends, neighbors, colleagues, clients, classmates, and critics. He was personally interviewed by officials of the Justice Department. The White House staff did a full review of his financial and tax records as well as any potential conflict of interest. His qualifications were screened by a review committee at the White House consisting of very senior officials. He was found qualified after an in-depth review by his peers from the legal profession in the American Bar Association. In addition, he was scrutinized by investigative staff on the Committee on the Judiciary.

Second, Mr. President, I support Mr. Manion because there is a long-standing vacancy in the Federal judiciary that needs to be filled. In the midst of the partisanship that is swirling around this nominee, it is easy to overlook the needs of the judiciary. The position to be filled has been vacant since July 1984. And the nomination has been pending in the Senate since February of this year. The seventh circuit court of appeals is a busy court. It can ill afford to have to conduct its business and deal with its crowded dockets for such an extended period of time at less than full strength. It seems to me that it is simply irresponsible for the Senate to further delay this nomination under such circumstances.

Third, I support this nomination because he is the President's choice. President Reagan was elected and reelected by overwhelming majorities of the electorate in 1980 and 1984. During both campaigns, he repeatedly stressed the need to restore balance in the Federal judiciary. After all, Mr. Carter, in his single term, was responsible for the appointment of 258 judges, or more than 40 percent of the entire active Federal judiciary at that time. By a survey of the Judicature magazine, it was determined that even though there was to have been "merit" selection of these judges, 95 percent called themselves moderate or liberal Democrats and another 2 percent identified as independents. It has taken President Reagan more than 6 years to balance out the 4 years of Carter appointees.

Mr. President, the President recently wrote me concerning Mr. Manion. I had this letter printed in the RECORD, so I will not enter it again. Suffice it to say that the President supports this nominee in the strongest possible terms.

Finally, I remind the Senate that judging a nominee for judicial office traditionally has been in large measure a matter of reliance on the recommendations of the Senators who represent the State of the nominee. Here we are advised in the strongest possible terms by the two Senators who represent and know him. Their endorsement goes a long way with me.

Mr. President, I urge my colleagues to give their advice and consent to this nominee.

Mr. President, I recall on June 26, when we were at about this same stage on this same nomination, I assume the outcome may be pretty much the same. I would guess if we were to go back and do it all over again on June 26, there might be a number of changes.

I assumed we would just vote on cloture and go off on the Fourth of July recess. That was not the case. We did vote. The vote was 48 to 46. The distinguished minority leader knew the vote because he made a motion to reconsider, which he certainly had the right to do. Now we are back again to try to resolve the Manion nomination.

Again, I call my colleagues' attention—it is a little late, because it is a fairly long article—to an article that appeared in the Los Angeles Times July 13, by Mr. Paul Houston. So far as I know, he is no relation to Mr. Manion, just a good reporter. He decided, instead of listening to all the speeches by political activists, to go out to Indiana. That is not unheard of in reporting—to interview some people—Democrats, Republicans, people who knew Mr. Manion. He asked questions: Was he a good lawyer? Was he a good citizen?

I have no doubt that if people read the article carefully, they would agree this man is qualified.

It seems to me that in the final analysis, we have to make a judgment. This is going to be close, very close, very, very close. In order for the motion to reconsider to prevail, the distinguished minority leader will need a majority.

I just hope that we shall focus for one 30-second period on the nominee.

What has Manion done? Misspelled some words? What is wrong with Mr. Manion? Is it that he is a smalltown lawyer, a country lawyer, a conservative, a Republican?

Despite all the personal questions that were raised, this man was deemed to be qualified by the American Bar Association.

I hope we can get this nomination behind us. I think that is the wish on both sides of the aisle, and we are prepared to vote.

The VICE PRESIDENT. The question is on agreeing to the motion to reconsider the vote on the nomination of Mr. Manion to be U.S. circuit judge for the Seventh Circuit Court of Appeals. The yeas and nays have been ordered. The clerk will call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the clerk state the vote after each Senator responds.

The VICE PRESIDENT. Without objection, it is so ordered.

The assistant legislative clerk called the roll.

Mr. DECONCINI (when his name was called). Mr. President, my distinguished colleague from Arizona [Mr. GOLDWATER] is absent today, but if he were here, present and voting, he would vote "nay." If I were at liberty to vote, I would vote "aye." Therefore, I withhold my vote.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 49, as follows:

[Rollcall Vote No. 162 Ex.]

YEAS—49

Baucus	Gore	Moynihan
Bentsen	Harkin	Nunn
Biden	Hart	Packwood
Bingaman	Hollings	Pell
Boren	Inouye	Proxmire
Bradley	Johnston	Pryor
Bumpers	Kassebaum	Riegle
Burdick	Kennedy	Rockefeller
Byrd	Kerry	Sarbanes
Chiles	Lautenberg	Sasser
Cranston	Leahy	Simon
Dixon	Levin	Specter
Dodd	Mathias	Stennis
Eagleton	Matsunaga	Weicker
Exon	Melcher	Zorinsky
Ford	Metzenbaum	
Glenn	Mitchell	

NAYS—49

Abdnor	Gramm	Murkowski
Andrews	Grassley	Nickles
Armstrong	Hatch	Pressler
Boschwitz	Hatfield	Quayle
Broyhill	Hawkins	Roth
Chafee	Hecht	Rudman
Cochran	Heflin	Simpson
Cohen	Heinz	Stafford
D'Amato	Helms	Stevens
Danforth	Humphrey	Symms
Denton	Kasten	Thurmond
Dole	Laxalt	Trible
Domenici	Long	Wallop
Durenberger	Lugar	Warner
Evans	Mattingly	Wilson
Garn	McClure	
Gorton	McConnell	

PRESENT AND GIVING A LIVE PAIR—1

DeConcini, for.

NOT VOTING—1

Goldwater

The VICE PRESIDENT. The Senate being equally divided, the Vice President votes "nay," and the motion to reconsider is not agreed to.

□ 1420

Mr. THURMOND. Mr. President, I move that the President be notified of the confirmation of the nomination by the Senate.

The motion was agreed to.

The VICE PRESIDENT. The majority leader is recognized.

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

Mr. BYRD. Mr. President, may we have order in the Senate?

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

The VICE PRESIDENT. The clerk will call the roll, and the Senate will be in order.

The bill clerk proceeded to call the roll.

□ 1430

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

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

□ 1440

Mr. BYRD. Mr. President, I ask unanimous consent that I may be permitted to speak out of order as in morning business and that I may speak in morning business for not to exceed 10 minutes.

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

MOROCCO-ISRAEL TALKS MAY BE GLIMMER OF HOPE TOWARD MIDDLE EAST PEACE: OTHER MODERATE ARAB STATES SHOULD SUPPORT THIS EFFORT

Mr. BYRD. Mr. President, it was disclosed yesterday that Morocco and Israel took a positive step along the difficult road which all reasonable nations hope will lead to a comprehensive and fair peace settlement in the Middle East. That step was the trip Israeli Prime Minister Shimon Peres made Monday to Morocco to meet with that Arab nation's monarch, King Hassan II.

The discussions between Prime Minister Peres and King Hassan represent the first publicly acknowledged meeting between the heads of State of Israel and an Arab nation for many years—certainly since the late President Sadat of Egypt met with Israeli Prime Minister Begin regarding the Camp David peace accords.

If one believes, as I do, that direct dialog and negotiations between Israel and its Arab neighbors are the most effective ways to reach a comprehensive, regional peace settlement in the Middle East, as well as bilateral peace agreements between Israel and Arab States, then this development is a welcome effort which should be encouraged to continue.

King Hassan's willingness to meet with Prime Minister Peres should be supported by the major allies of the United States—and I am confident it will be—as well as by the moderate Arab nations in the region who have the most to gain by the return of peace and stability to this troubled, violence-prone area.

Egypt reportedly already has praised the Morocco-Israel effort, and it now is time for other Arab moderates who profess to support peace in the Middle East—particularly Jordan and Saudi

Arabia—to lend their public support to the Hassan-Peres dialog. Such public support would demonstrate the genuineness of their claims, which are easy to make but require courage to fulfill. It is time for Jordan, Saudi Arabia, and other moderate Arab States to demonstrate this kind of courage in the reaching out and in the search for peace.

To foster such public support, I urge Vice President Bush to expand the itinerary of his trip to the region next week to include discussions with the leaders of several more Arab nations, such as Tunisia, Oman, and the northern Persian Gulf States. Recently, the administration has failed to provide the high-level, consistent American diplomatic leadership needed to make progress toward peace in the Middle East. The administration now should abandon this courage of high-level inaction, and provide this needed leadership.

The time is ready, the time is now, and the administration should seize this opportunity.

Hasty condemnation of this dialog by those Arab nations who only want peace in the Middle East on their terms is predictable and unfortunate. All those nations who truly want a fair and comprehensive end to the bloody strife in the region will refrain from such judgments. Instead, they will lend their support to efforts to encourage continued, expanded, direct contacts between Morocco and Israel, and initiation of similar direct dialog between Israel and other Arab nations.

I commend Prime Minister Peres and King Hassan on the courage and the vision and the dedication which they have demonstrated. It is a dedication to achieve peace and stability in that area.

Let us hope that the meeting between Prime Minister Peres and King Hassan will lead to further steps now toward a true and more lasting peace in the Middle East.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1450

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

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

INCREASE IN STATUTORY LIMIT ON THE PUBLIC DEBT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of House Joint Resolution 668, the debt limit extension.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will report.

The legislative clerk read as follows:

Calendar No. 731, House Joint Resolution 668, increasing the statutory limit on the public debt.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read twice by its title.

Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Finance with an amendment.

On page 1, after line 6, insert the following:

TITLE II—SOCIAL SECURITY TRUST FUNDS

SEC. 201. SHORT TITLE.

This title may be cited as the "Social Security Trust Funds Management Act of 1986".

SEC. 202. ELIMINATION OF UNDUE DISCRETION IN THE INVESTMENT OF TRUST FUNDS.

Section 201(d) of the Social Security Act is amended, in the first sentence—

(1) by inserting "immediately" after "to invest"; and

(2) by striking ", in his judgment,".

SEC. 203. SALES AND REDEMPTIONS BY TRUST FUNDS.

Section 201(e) of the Social Security Act is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following:

"(2) The Managing Trustee may effect any such sale or redemption with respect to either Trust Fund only for the purpose of enabling such Trust Fund to make payments authorized and directed by this title and related provisions of law.

"(3) The Managing Trustee may not sell or redeem any assets of either Trust Fund—

"(A) if such Trust Fund holds uninvested monies other than as required for the normal operation of such Trust Fund, or

"(B) in advance of the date on which such assets are scheduled to be sold or redeemed under procedures developed in accordance with section 153 of the Social Security Amendments of 1983 and under other normal operating procedures.".

SEC. 204. EXCLUSIVE DEDICATION OF AMOUNTS IN TRUST FUNDS.

Section 201(a) of the Social Security Act is amended by adding at the end the following: "All amounts deposited in or appropriated to either Trust Fund shall be immediately available exclusively for the purposes for which amounts in the Trust Fund are specifically made available under this title and related provisions of law.".

SEC. 205. FAITHFUL EXECUTION OF DUTIES BY MEMBERS OF BOARD OF TRUSTEES OF TRUST FUNDS.

Section 201(c) of the Social Security Act is amended by striking the last sentence and inserting the following: "A person serving on the Board of Trustees (including the Managing Trustee) shall not be considered to be a fiduciary, but each such person shall faithfully execute the duties imposed on such person by this section. A person serving on the Board of Trustees (including the Managing Trustee) shall not be personally liable for actions taken in such capacity with respect to the Trust Funds.".

SEC. 206. PRIORITY OF INVESTMENT OF TRUST FUNDS.

Section 3101 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(d) If on any day the face amount requirement of subsection (b) of this section has not been exceeded and any fund or government account for which the Secretary has investment authority has funds that must, under the statute governing investment of such fund or account, be invested during such day, then investment of such fund or account balance shall occur before obligations described in subsection (b) of this section are issued for any other purpose.".

SEC. 207. ELIMINATION OF AUTHORITY FOR NORMALIZED TAX TRANSFERS TO TRUST FUNDS.

(a) IN GENERAL.—Section 201(a) of the Social Security Act is amended, in the first sentence following clause (4)—

(1) by striking "monthly on the first day of each calendar month" each place it appears;

(2) by striking "such amounts to be determined on the basis of estimates by the Secretary of the Treasury of the taxes," and inserting "immediately upon receipt by the general fund of the taxes";

(3) by striking ", to be paid to or deposited into the Treasury during such month"; and

(4) by striking "to the extent prior estimates were in excess of or were less than the taxes specified in such clauses (3) and (4) of this subsection" and inserting "to the extent necessary to account for incorrect amounts of prior tax receipts".

(b) CONFORMING AMENDMENT.—Section 201(a) of such Act is further amended by striking the second sentence following clause (4).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxes received after June 30, 1990.

SEC. 208. REPORTS REGARDING THE OPERATION AND STATUS OF THE TRUST FUNDS.

Section 201(c) of the Social Security Act is amended—

(1) by striking "once" in the fourth sentence and inserting "twice";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, by redesignating paragraphs (3), (4), and (5) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B) (as redesignated) the following:

"(C) report to the Congress not later than the first day of November of each year on the operation and status of the Trust Funds during the six-month period ending the preceding September 30;";

(3) by striking "The report provided for in paragraph (2)" and inserting "The reports provided for in subparagraphs (B) and (C)"; and

(4) by inserting "(1)" after "(c)" and by adding at the end the following:

"(2) The Managing Trustee shall report monthly to the Board of Trustees concerning the operation and status of the Trust Funds and shall report to Congress and to the Board of Trustees not less than 15 days prior to the date on which, by reason of the public debt limit under section 3101(b) of title 31, United States Code, the Managing Trustee expects to be unable fully to comply with the provisions of subsection (a) or (d), and shall include in such report an estimate of the expected consequences to the Trust Funds of such inability.".

SEC. 209. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall take effect August 15, 1986.

So as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof "$2,322,800,000,000".

TITLE II—SOCIAL SECURITY TRUST FUNDS

SEC. 201. SHORT TITLE.

This title may be cited as the "Social Security Trust Funds Management Act of 1986".

SEC. 202. ELIMINATION OF UNDUE DISCRETION IN THE INVESTMENT OF TRUST FUNDS.

Section 201(d) of the Social Security Act is amended, in the first sentence—

(1) by inserting "immediately" after "to invest"; and

(2) by striking ", in his judgment,".

SEC. 203. SALES AND REDEMPTIONS BY TRUST FUNDS.

Section 201(e) of the Social Security Act is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following:

"(2) The Managing Trustee may effect any such sale or redemption with respect to either Trust Fund only for the purpose of enabling such Trust Fund to make payments authorized and directed by this title and related provisions of law.

"(3) The Managing Trustee may not sell or redeem any assets of either Trust Fund—

"(A) if such Trust Fund holds uninvested monies other than as required for the normal operation of such Trust Fund, or

"(B) in advance of the date on which such assets are scheduled to be sold or redeemed under procedures developed in accordance with section 153 of the Social Security Amendments of 1983 and under other normal operating procedures.".

SEC. 204. EXCLUSIVE DEDICATION OF AMOUNTS IN TRUST FUNDS.

Section 201(a) of the Social Security Act is amended by adding at the end the following: "All amounts deposited in or appropriated to either Trust Fund shall be immediately available exclusively for the purposes for which amounts in the Trust Fund are specifically made available under this title and related provisions of law.".

SEC. 205. FAITHFUL EXECUTION OF DUTIES BY MEMBERS OF BOARD OF TRUSTEES OF TRUST FUNDS.

Section 201(c) of the Social Security Act is amended by striking the last sentence and inserting the following: "A person serving on the Board of Trustees (including the Managing Trustee) shall not be considered to be a fiduciary, but each such person shall faithfully execute the duties imposed on such person by this section. A person serving on the Board of Trustees (including the Managing Trustee) shall not be personally liable for actions taken in such capacity with respect to the Trust Funds.".

SEC. 206. PRIORITY OF INVESTMENT OF TRUST FUNDS.

Section 3101 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(d) If on any day the face amount requirement of subsection (b) of this section has not been exceeded and any fund or government account for which the Secretary has investment authority has funds that must, under the statute governing investment of such fund or account, be invested during such day, then investment of such fund or account balance shall occur before obligations described in subsection (b) of this section are issued for any other purpose.".

SEC. 207. ELIMINATION OF AUTHORITY FOR NORMALIZED TAX TRANSFERS TO TRUST FUNDS.

(a) IN GENERAL.—Section 201(a) of the Soviet Union Act is amended, in the first sentence following clause (4)—

(1) by striking "monthly on the first day of each calendar month" each place it appears;

(2) by striking "such amounts to be determined on the basis of estimates by the Secretary of the Treasury of the taxes," and inserting "immediately upon receipt by the general fund of the taxes";

(3) by striking ", to be paid to or deposited into the Treasury during such month"; and

(4) by striking "to the extent prior estimates were in excess of or were less than the taxes specified in such clauses (3) and (4) of this subsection" and inserting "to the extent necessary to account for incorrect amounts of prior tax receipts".

(b) CONFORMING AMENDMENT.—Section 201(a) of such Act is further amended by striking the second sentence following clause (4).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxes received after June 30, 1990.

SEC. 208. REPORTS REGARDING THE OPERATION AND STATUS OF THE TRUST FUNDS.

Section 201(c) of the Social Security Act is amended—

(1) by striking "once" in the fourth sentence and inserting "twice";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, by redesignating paragraphs (3), (4), and (5) as subparagraphs (D), (E) and (F), respectively, and by inserting after subparagraph (B) (as redesignated) the following:

"(C) report to the Congress not later than the first day of November of each year on the operation and status of the Trust Funds during the six-month period ending the preceding September 30;";

(3) by striking "The report provided for in paragraph (2)" and inserting "The reports provided for in subparagraphs (B) and (C)"; and

(4) by inserting "(1)" after "(c)" and by adding at the end the following:

"(2) The Managing Trustee shall report monthly to the Board of Trustees concerning the operation and status of the Trust Funds and shall report to Congress and to the Board of Trustees not less than 15 days prior to the date on which, by reason of the public debt limit under section 3101(b) of title 31, United States Code, the Managing Trustee expects to be unable fully to comply with the provisions of subsection (a) or (d), and shall include in such report an estimate of the expected consequences to the Trust Funds of such inability.".

SEC. 209. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall take effect August 15, 1986.

COMMITTEE AMENDMENT SET ASIDE

Mr. DOLE. Mr. President, it is my understanding that there is one committee amendment that deals with disinvestment of Social Security Trust Funds. As I recall, in our committee meeting on yesterday, there was an indication by Senator MOYNIHAN, the sponsor of the amendment, and the chairman of the committee, that they were going to modify the committee amendment.

In addition, Senator MOYNIHAN offered the same amendment to reconciliation which now is pending in the Finance Committee. On that basis, without prejudicing their right, I ask unanimous consent that the committee amendment be set aside.

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

Mr. DOLE. Mr. President, as I understand the first amendment, the opening statement I guess will be presented by the distinguished Senators GRAMM, RUDMAN, and HOLLINGS. That is on a first-degree amendment.

Mr. GRAMM. Mr. President, it is not clear to me. It would have been a second-degree amendment the way the pending amendment stood. It is not clear to me what the unanimous-consent request did to that.

Mr. DOLE. Mr. President, it sets aside the committee amendment because I think, as I recall, Senator MOYNIHAN and Senator PACKWOOD asked that it be modifed. We may want to check that.

□ 1500

Mr. HEINZ. Mr. President, the majority leader has called up House Joint Resolution 668.

House Joint Resolution 668 contains two titles. In title I, the permanent public debt limit is raised to $2,322.8 billion, an increase of $244.1 billion over the present limit of $2,078.7 billion.

Title II provides rules relating to the investment of surplus moneys in the Social Security Trust Fund, and the normalized tax transfers at the beginning of each month from the general funds in the Treasury Department to the Social Security Trust Fund is repealed after June 30, 1990.

PUBLIC DEBT LIMIT

The current permanent debt limit of $2,078.7 billion was enacted on December 12, 1985. That level of the debt limit was established in the budget resolution for fiscal year 1986 and would have been satisfactory for all of fiscal year 1986 had the estimates made in 1985 of budget receipts and expenditures been realized. An amendment to the bill was the Gramm-Rudman-Hollings Act which established a path for reduction of annual budget deficits and achievement of a balanced budget in 1991.

The increased public debt limit specified in the bill (H.J. Res. 668) was determined as the appropriate limit through fiscal year 1987 in the budget resolution for next fiscal year that was approved by Congress last month. The

budget totals and estimated budget deficit are consistent with the mandatory path toward a balanced budget set forth in the Gramm-Rudman-Hollings Act.

There is again this year a note of urgency associated with passing the debt limit bill. The Treasury Department informed the Committee on Finance that the bill must be passed before August 15, 1986, in order to avert a highly probable default by the U.S. Government on its obligations.

Financing the deficit becomes a tightrope walk on August 1, when $14.6 billion will be transferred to the Social Security Trust Funds in anticipation of Social Security tax receipts during August. At that time, however, the outstanding debt will be close to the legal limit, and Treasury will use the $15 billion borrowing authority of the Federal Financing Bank which is outside of the debt limit. FFB debt will be issued to the Civil Service Retirement and Disability Trust Fund in exchange for Treasury debt, which will be retired and will make available enough unused debt authority to invest the Social Security Trust Funds in full.

The Treasury's operating cash balance is expected to be large enough to meet Treasury's obligations until August 15 when approximately $15 billion in interest payments must be paid to holders of Treasury. These payments are expected to exhaust the operating cash balance.

In addition, Treasury will not be able to carry out plans for the auction of regular mid-quarter financing scheduled for August 5, 6, and 7, if it does not appear that the debt limit will be increased by August 15 when the securities must be delivered to the successful bidders.

This scenario is based on the best estimates now available. It is typical that these estimates will prove to be inaccurate, but we do not know whether the inaccuracies will be small or large or the debt requirements will be overstated or understated. It would be imprudent to anticipate that the estimates will overstate in some way, shape, or form, the seriousness of the situation.

SOCIAL SECURITY INVESTMENT

In the fall of 1985 when passing the debt limit bill was delayed until completion of negotiations on the Gramm-Rudman-Hollings, Treasury met its financial obligations by disinvesting U.S. securities held by several trust funds, including Social Security. Those actions, however, stimulated the provisions in title II of House Joint Resolution 668 which are designed to protect the integrity of the trust funds and also reduce the demands on the debt limit by repealing, in 1990, the requirement that Treasury at the beginning of each month lend the Social Security Trust Fund an amount equal to estimated monthly trust fund receipts.

The Social Security amendments in title II, which make changes regarding trust fund investments and the debt limit, can be described briefly.

First, the managing trustee will be required specifically to invest immediately all surplus trust funds within the currently applicable debt limit.

Second, instructions are provided to guide the managing trustee in making sales and redemptions.

Third, amounts deposited in or appropriated to the Social Security Trust Fund are available immediately and exclusively for trust fund purposes.

Fourth, the need for the trustees to faithfully execute their duties is restated emphatically, even though, as under present law, they are not formally designated as fiduciaries and have no personal liability. The usual fiduciary rules were not imposed on the trustees in view of the massive size of the funds and statutory requirements that differ from general trust requirements which are more appropriate for private funds.

Fifth, on any day when there are abnormal uninvested balances in funds or accounts, any debt limit capacity must be used first to issue obligations to those funds or accounts. Since no priority structure is set among the funds, a fair and equitable proration system will be instituted for use when there is insufficient debt capacity for investment of all available trust funds.

Sixth, normalized transfers of estimated trust fund receipts at the beginning of each month will be repealed after June 30, 1990.

Seventh, trustees will be required to meet twice a year and issue two reports, the second report a supplement in November to the annual report issued in April. The managing trustee is required to report monthly on the operation and status of the trust funds and to report to the Board of Trustees and Congress at least 15 days before he expects to be unable to comply with the investment provisions of the Social Security Act because of currently insufficient debt limit authority.

Mr. President, the majority leader set aside consideration of the committee amendment. There will be a substitute amendment for title II that I have just described to perfect it. I will not take the time of this body to describe that at this time.

I do want to say that in this Senator's opinion, the Senate is wise to turn to consideration of the debt limit ceiling at this time. It is this Senator's view that a prolonged, protracted debate on the debt ceiling could cause the United States to come close to fuel speculation that it will be unable to meet its obligations, and to force the Treasury to have to cancel its plans for refundings and financings would be a very serious, indeed quite counterproductive, set of circumstances.

□ 1510

We are here on a day after the flash estimates for the economic growth of the second quarter. They are relatively disappointing: 1.1 percent GNP growth. We hope it will be revised upward; however, if it is accurate, it is unsatisfactory, mediocre to poor. Given the amount of uncertainty which is absolutely unavoidable that surrounds the investment community as the Senate tries to come, with the cooperation of the House, to a conclusion on the tax bill conference; given all those uncertainties that exist in the economy at this time; given the poor performance and difficult circumstances of the energy and agricultural and other sectors of the economy, it is this Senator's hope, and I think I speak for most members of the Finance Committee, when I say that we would gain not just nothing but less than nothing; we would really jeopardize a lot of what we have been seeking to accomplish in terms of returning economic certainty and economic security to this country were the debate on the debt ceiling—I know many Senators have amendments—were we to face a prolonged period of consideration.

I do not think it is the intention of any Senator to filibuster the debt ceiling. I am certain that there is a wide understanding of the necessity for our moving ahead.

I might add I am very pleased to be able to share the management responsibilities for this bill with the ranking minority member of the Finance Committee, a man who has served in the Senate with great distinction for so many years, who chaired the Finance Committee. I am referring, of course, to the senior Senator from Louisiana [Mr. LONG], who is here and to whom I shall yield the floor in a minute.

I might add, Mr. President, that normally, the chairman of the Senate Finance Committee would handle the debt ceiling bill or the chairman of the Debt and General Taxation Subcommittee, who is Senator CHAFEE. As I think most of our colleagues know, the committee is rather overwhelmed by its schedule of activities. Right now, the committee is meeting to meet its requirements under the Budget Act and as directed by the Budget Committee to finalize and report its reconciliation bill to meet the savings and generate the revenues that we were instructed by the Congress and by the Budget Committees and the conference report to do. Immediately upon conclusion of that, the conference on the tax bill will be resuming deliberations with the House to make as much progress as possible this week and in the coming weeks on the tax bill. That

is why there are only a few members of the Committee on Finance present on the floor.

Mr. President, I want again to indicate that it is my hope that we can move rapidly on this legislation. I yield to my friend and colleague, the Senator from Louisiana [Mr. LONG] for any remarks he has to make.

Mr. LONG. Mr. President, I shall have some remarks to make later on but I would just as soon not make them at this point if it is all the same to the Senator. I suggest that those who seek to offer amendments go ahead and offer them.

Mr. HEINZ. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PRESSLER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Texas.

Mr. GRAMM. Mr. President, I shall in a few moments be submitting an amendment on behalf of myself, Mr. RUDMAN, and Mr. HOLLINGS which attempts to correct a problem created by the Supreme Court decision as it related to the Gramm-Rudman-Hollings bill. I should like to begin this afternoon by talking about the Supreme Court decision, about what the Court did and did not do, about the backup provision in the bill, about the corrective action that we propose today and how it would work. I would like to respond to what I believe will be questions and criticisms related to this approach. I would like, in so doing, to take the first action to reaffirm the commitment we made to the American people in the original Gramm-Rudman-Hollings bill to bring the deficit under control and to move to a balanced budget in calendar year 1990, fiscal year 1991.

The Supreme Court ruled in the Gramm-Rudman-Hollings case that Congress had set up a procedure committed to balance the budget, delegated authority, and it found no objection to any portion of the bill as it related to those functions.

What the Supreme Court did object to, however, was a challenge raised by the Department of Justice that argued, based on the Budget and Accounting Act of 1921 and a provision of that law that gave Congress the power to remove the Comptroller General, that that removal provision made the Comptroller General an entity of the legislative branch of Government and that the function conferred on the Comptroller General by the Gramm-Rudman-Hollings bill was inherently an executive function.

The Court did not rule that we could not set into place automatic cuts if Congress refused to do the job. It ruled simply that the entity we identified to certify the deficit represented an improper delegation under the Constitution.

There is a backup provision in the law and that backup provision works as follows: The Director of the Congressional Budget Office and the Director of the Office of Management and Budget would meet jointly and issue jointly a report on the deficit, on the amount by which the deficit exceeded the targets of Gramm-Rudman if it exceeds those amounts, and report as to whether it exceeded those amounts by $10 billion or more.

If it exceeded the target deficit amount by $10 billion or more, it would calculate the percentage of those programs subject to the sequester order that would be required to be reduced in order to achieve the target of the bill. Those findings of CBO and OMB are strictly guided by the provisions of the Gramm-Rudman-Hollings law that required that 50 percent of the cuts be out of defense, 50 percent out of nondefense, and that reductions be proportional by program, project, and activity.

Under the original law prior to the Supreme Court ruling, that joint finding by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget went to the Comptroller General of the United States who, in essence, audited that finding and certified that finding with regard to the deficit. If a sequester order were called for based on those findings, the President, in a specified period of time, was required to issue the sequester order. Then Congress had 45 days to come up with savings to eliminate the deficit overage. If it failed to do that, then the sequester order would go into effect. The Supreme Court struck down the involvement of the Comptroller General as the final certifier of the deficit.

The backup provision has the Director of the CBO and the Director of the Office of Management and Budget report directly to a joint Budget Committee of the Congress. Then, under highly privileged, highly expedited procedures, that finding with regard to the deficit number, the amount by which it exceeds the target, and the proportion that represents of sequestrable items comes to the floor of the House and Senate with 2 hours of debate, with no motion to table, will no filibuster, and with no substitute, where we have an up-or-down vote on certifying the deficit number in a joint resolution. This joint resolution is then signed into law by the President.

□ 1520

Since the Supreme Court ruling, Mr. President, there has been a great deal of uncertainty as to what that ruling means. In fact, there are great differences of opinion even within this body. The distinguished chairman of the Budget Committee, Senator DOMENICI, said in testimony this morning before the Government Affairs Committee that he was concerned as to whether the backup mechanism would work. My own opinion is that it probably would work. Given a joint finding by the budgeting arm of the Congress and the budgeting arm of the White House that a deficit existed, given the commitment that Members of both Houses of Congress and both political parties by overwhelming majorities made to the original Gramm-Rudman-Hollings process, it is my view that when such a finding has been made Congress would not find it tenable in terms of the political realities that exist today to simply deny the existence of a deficit.

But, Mr. President, I will argue here today in the presentation of this amendment that we should not go forward with a backup trigger, and the reason is quite simple. That backup triggering mechanism entails a tremendous amount of uncertainty, uncertainty that will, in my opinion, immobilize the legislative process, induce the Congress to wait to see whether or not the deficit will be certified, induce the White House to wait and see if Congress will do its duty, induce the Congress to wait and see if the President will sign the joint resolution, all the while the deficit problem getting worse, all the while inviting a train wreck in September in legislative matters as we attempt to deal with the problem. What we need, Mr. President, in my opinion, is certainty, certainty that the targets will be enforced, certainty that if we do not stay with the appropriations process and meet the targets of the budget, certainty that if we do not adopt reconciliation there will be an across-the-board cut. Only such certainty can induce the discipline that is going to be required to take the very difficult, long and bumpy road of meeting the targets of $144 billion.

I believe that the debate on Gramm-Rudman-Hollings II, which we are here today to present, is going to be different than Gramm-Rudman-Hollings I. I am not saying there is not going to be opposition from people who do not want to deal with the problem, but I do believe that one thing has changed and that is what the process, imperfect though it clearly is, is working. No. 1, we put it into place. We made $11.7 billion worth of across-the-board reductions. We came back after the Supreme Court ruling and affirmed those cuts and we did so

by overwhelming margins. We have adopted a budget that, quite frankly, I did not think a lot of; it did not represent my priorities, but nevertheless at least on its face it met the targets of Gramm-Rudman-Hollings. It was a step in the right direction. It was insufficient and timid in my opinion, but nevertheless even the harshest critic of the process, even the distinguished Speaker of the House has said that while he does not like the Gramm-Rudman-Hollings process, he has to admit that it is working.

Now, our situation, Mr. President, is basically this: We can allow the uncertainty caused by the Supreme Court decision to disrupt the legislative process, to induce inaction, to produce a legislative train wreck, to generate economic chaos and disaster, or we can go back, in light of the Supreme Court ruling, fix the problem raised by the Supreme Court, and move ahead in reaffirming our commitment to the American people that we are serious about controlling the deficit, that we are going to bring the deficit under control, and that we are going to balance the Federal budget.

In discussing this problem, we have come up with many expressions. I think probably the most accurate was an expression by our distinguished colleague from South Carolina when he said, "On the way to the Supreme Court we got a flat tire." I prefer to express it that on the way out of the desert as we passed by the Supreme Court we got a flat tire.

Now, you are going to hear today, or whenever this debate continues, tomorrow or the next day or however long it takes, some people say, "You got a flat tire; let's blow up the car." You are going to hear apparently one of our colleagues say, "You got a flat tire in the desert on the road out; blow up the car, repeal Gramm-Rudman." And you will hear from the other extreme in this debate, "Why don't we, since we have a flat tire here in the desert, the sun beating down, the buzzards circling, if not for us politically, for the country and the economy. Why don't we redesign this car, why don't we build a little steel mill here and build tracks for the car or why don't we reengineer it and make it a jet aircraft or maybe an 18-wheeler."

We do not propose either blowing up the car or redesigning the car.

What we will have before us here today is a simple effort to put a new wheel on the car. It is not a perfect wheel, but it is a good four-ply steel-belted radial that should with a lot of effort on our part get us out of the desert, get us back into a commitment we made to the American people to balance the Federal budget.

I submit, Mr. President, in repairing this wheel and moving ahead that we will keep faith with the American people, we will affirm our commitment to control the deficit, to make the hard decisions; let no one be deceived. In committing to Gramm-Rudman-Hollings we have not sought to avoid responsibility. We have sought to force Congress and the President to face responsibility and to make the hard choices.

Our provision is not a perfect provision. You will hear those today who will say that to institute this change is to institute a change that is not perfect. And they are right. But I submit to my colleagues that simply to say a provision is not perfect is not an excuse not to do anything.

What we are proposing today is to take the original triggering mechanism, which involved a joint finding by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget, and to have that joint finding go to the Comptroller General of the United States to be audited, and then to have that final go back to the Director of the Office of Management and Budget, an officer of the executive branch of Government, to certify the deficit on which a sequester order would go into effect ordered by the President, if the deficit target was missed on the short side by more than $10 billion.

Now, you are going to hear people argue, Mr. President, that this is giving power to the executive branch of Government. Let us make it clear that the Court has said in very clear terms that the final certifier of the deficit has to be an officer of the executive branch of Government. We have set up the procedure so that CBO and OMB report jointly on the deficit. That is the procedure that existed in the original bill. The Comptroller General is still involved in the process in auditing the accounts of the Federal Government and certifying the number.

□ 1530

Those findings then come back to the Director of OMB, who makes the final certification.

How much discretionary authority is involved in this process? Basically, little that was not involved before. But what we are looking at here is a green-eyeshade function. That is not to say that clerical and green-eyeshade functions are unimportant. They are very important. In fact, those of us who have lived under a government run by bureaucrats and regulations know that little else governs the world than the decisions made by clerks. That is not to say that those decisions are not vitally important. That is not to say that the decisions made here by OMB, in conjunction with CBO and the General Accounting Office, will not be vitally important. They will be. But they are functions that are related to technical estimates.

This is a green-eyeshade function. It involves estimating what economic growth is going to be, what the revenues of the Federal Government will be, what the state of the economy will be, and therefore what the deficit will be.

To the extent that flexibility concerning technical estimates exists, it is in estimating the deficit. It is not in carrying out the cuts. I remind my colleagues that this delicate political balance which put the General Accounting Office as the final certifier of the deficit was focused not about our concern in certifying the deficit but was focused in our concern about carrying out the cuts.

I submit to my colleagues—and I ask them to remember as we debate this issue—that to the extent that discretion is involved, it is involved in certifying the deficit. It is not involved to any real or significant extent in carrying out the cuts in terms of specifying where reductions are to occur. That has been done in the law: Fifty percent for defense, 50 percent for nondefense. Reductions across the board, proportionally, by program project and activity. In terms of defense spending, rates are based on historical experience. There is no real discretion there. That function is a green-eyeshade technical function.

I submit to my colleagues that we have an opportunity here to go back and affirm to the American people our commitment to control the deficit and to balance the budget.

I do not believe, Mr. President, that it is an accident that the day the Supreme Court struck down the involvement of the Comptroller, virtually every newspaper and wire service in America ran headlines saying, "Gramm-Rudman Struck Down By the Supreme Court;" that the stock market fell by 62 points, the largest 1-day drop in American history. I do not think it is an accident, also, that we have seen stagnation in the market as our best, real world accounting of what people think is going to happen in the future since.

I think we have an opportunity here, by going back and reaffirming and reconstituting Gramm-Rudman-Hollings in light of the Supreme Court decision, to reaffirm our commitment to the American people to reestablish certainty in the budget policy of the Federal Government and, in doing so, work to bring down interest rates and to strengthen and sustain the recovery.

AMENDMENT NO. 2223

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 2223:

On page 1, line 6 strike "'$2,322,800,000,000'." and insert in lieu thereof the following: "$2,322,800,000,000".

TITLE II—BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL

That this title be cited as the "Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1986"."

AMENDMENT NO. 2224

Mr. RUDMAN. Mr. President, I send an amendment in the second degree to the desk and ask for its immediate consideration. The amendment is submitted on behalf of myself and Senators GRAMM, HOLLINGS, COHEN, and HELMS.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. RUDMAN], on behalf of himself and Senators GRAMM, HOLLINGS, COHEN, and HELMS, proposes an amendment numbered 2224 to amendment No. 2223.

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

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

The amendment is as follows:

At the end of the amendment strike "1986"." and insert in lieu thereof the following: "1986".

SEC. 201. REVISION OF PROCEDURES.

(a) REFERENCE.—Except as otherwise specifically provided, whenever in this section an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be a reference to a section or other provision of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) REVISION OF REPORTING RESPONSIBILITIES.—(1) Section 251(b) is amended—

(A) by striking out "President" in paragraph (1) and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by redesignating subsections (A) and (B) of paragraph (2) as clauses (i) and (ii), respectively;

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(D) by striking out "this subsection" in subparagraph (B) (as redesignated by subparagraph (C) of this paragraph) and inserting in lieu thereof "this paragraph";

(E) by striking out the subsection heading and inserting in lieu thereof the following:

"(b) REPORTS BY THE COMPTROLLER GENERAL AND DIRECTOR OF OMB.—

"(1) REPORT TO THE DIRECTOR OF OMB AND THE CONGRESS BY THE COMPTROLLER GENERAL.—"; and

(F) by adding at the end thereof the following:

"(2) REPORT TO PRESIDENT AND CONGRESS BY THE DIRECTOR OF OMB—

"(A) REPORT TO BE BASED ON GAO REPORT.—The Director of the Office of Management and Budget shall review and consider the report issued by the Comptroller General under paragraph (1) of this subsection for the fiscal year and, with due regard for the data, assumptions, and methodologies used in reaching the conclusions set forth therein, shall issue a report to the President and the Congress on September 1 of the calendar year in which such fiscal year begins, estimating the budget base levels of total revenues and total budget outlays for such fiscal year, identifying the amount of any deficit excess for such fiscal year, stating whether such deficit excess will be greater than $10,000,000,000 (zero in the case of fiscal year 1991), specifying the estimated rate of real economic growth for such fiscal year, for each quarter of such fiscal year, and for each of the last two quarters of the preceding fiscal year, indicating whether the estimate includes two or more consecutive quarters of negative economic growth, and specifying (if the excess is greater than $10,000,000,000, or zero in the case of fiscal year 1991), by account, for nondefense programs, and by account and programs, projects, and activities within each account, for defense programs, the base from which reductions are taken and the amounts and percentages by which such accounts must be reduced during such fiscal year in order to eliminate such deficit excess. Such report shall be based on the estimates, determinations, and specifications of the Comptroller General under paragraph (1) and shall utilize the budget base, criteria, and guidelines set forth in subsection (a)(6) and in sections 255, 256, and 257.

"(B) CONTENTS OF REPORT.—The report of the Director of the Office of Management and Budget under this paragraph shall—

"(i) provide for the determination of reductions in the manner specified in subsection (a)(3); and

"(ii) contain estimates, determinations, and specifications for all of the items contained in the report submitted by the Comptroller General under paragraph (1).

The report of the Director of the Office of Management and Budget under this paragraph shall explain fully any differences between the contents of such report and the report of the Comptroller General under paragraph (1).".

(2) Section 251(c) is amended—

(A) by striking out "President" in subparagraph (A) of paragraph (2) and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "subsection (b)" each place it appears in such paragraph and inserting in lieu thereof "subsection (b)(1)";

(C) by striking out "subsection (b)(2)(B)" in subparagraph (B) of such paragraph and inserting in lieu thereof "subsection (b)(1)(B)(ii)"; and

(D) by adding at the end thereof the following new paragraph:

"(3) REPORT BY THE DIRECTOR OF OMB.—

"(A) On October 15 of the fiscal year, the Director of the Office of Management and Budget shall submit to the President and the Congress a report revising the report submitted by the Director of the Office of Management and Budget under subsection (b)(2), adjusting the estimates, determinations, and specifications contained in that report to the extent necessary in the light of the revised report submitted to the Director of the Office of Management and Budget by the Comptroller General under paragraph (2) of this subsection.

"(B) The revised report of the Director of the Office of Management and Budget under this paragraph shall provide for the determination of reductions as specified in subsection (a)(3) and shall contain all of the estimates, determinations, and specifications required (in the case of the report submitted under subsection (b)(2)) pursuant to subsection (b)(2)(B)(ii).".

(3)(A) Section 251(e) is amended by striking out "Directors or the Comptroller General" and inserting in lieu thereof "Directors, the Comptroller General, or the Director of the Office of Management and Budget".

(B) Section 251(f) is amended by striking out "subsections (b) and (c)(2)" and inserting in lieu thereof "subsections (b)(1) and (c)(2), and reports of the Director of the Office of Management and Budget submitted to the Congress under subsections (b)(2) and (c)(3),".

(c) PRESIDENTIAL ORDERS.—(1) Section 252(a) is amended—

(A) by striking out "Comptroller General" the first place it appears in paragraph (1) and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "section 251(b)" each place it appears in paragraphs (1) and (3) and inserting in lieu thereof "section 251(b)(2)";

(C) by striking out "September 1" in paragraph (1) and inserting in lieu thereof "September 3"; and

(D) by striking out "Comptroller General's" in the heading for paragraph (3) and inserting in lieu thereof "Director's".

(2) Section 252(b) is amended—

(A) by striking out "Comptroller General" each place it appears and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "section 251(b)" each place it appears and inserting in lieu thereof "section 251(b)(2)";

(C) by striking out "section 251(c)(2)" each place it appears and inserting in lieu thereof "section 251(c)(3)"; and

(D) by striking out "October 15" in paragraph (1) and inserting in lieu thereof "October 17".

(d) TERMINATION OR MODIFICATION PROCEDURES.—(1) Section 251(d) is amended by striking out paragraph (3).

(2) The last sentence of section 251(c)(1) is amended by striking out "and authorized under subsection (d)(3)(D)(i)".

(3) Section 256(1)(2) is amended by striking out ", in accordance with section 251(d)(3),".

(e) TECHNICAL AMENDMENTS.—(1) Section 254(b)(1)(A) is amended by striking out "Comptroller General under section 251(c)(2)" and inserting in lieu thereof "Director of the Office of Management and Budget under section 251(c)(3)".

(2) Section 274(f)(5) is amended by striking out "Section 251(b) or (c)(2)" and inserting in lieu thereof "section 251(b)(2) or (c)(3)".

(3) Section 274(h) is amended—

(A) by striking out "Comptroller General" the first place it appears and inserting in lieu thereof "Director of the Office of Management and Budget"; and

(B) by striking out "Comptroller General under section 251(b) or (c)(2)" and inserting in lieu thereof "Director of the Office of Management and Budget under section 251(b)(2) or (c)(3)".

(f) APPLICABILITY.—The amendments made by this section shall apply with respect to any report required to be submitted, and any order issued, after the date of enactment of this Act under part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. RUDMAN. Mr. President, what we now have pending before the Senate in the second-degree amendment is essentially the amendment

that Senator GRAMM referred to in his opening remarks, the amendment we submitted this morning to the Committee on Governmental Affairs, and the amendment which will be pending in the Senate for not too long, we hope, but time enough so that all the views of Members of this body can be expressed and that the American people can be informed.

My colleague from Texas, as usual, has done a very complete and extraordinary job of setting forth the history and the background. I intend to be relatively brief here today. I know that my friend from South Carolina, Senator HOLLINGS, is here, and I am sure he wishes to be heard this afternoon as well. I want to address my remarks to two or three areas.

The first thing I want to point out is that it is worthy of note that the U.S. Supreme Court decision directed itself to one very narrow area. The decision essentially left Gramm-Rudman-Hollings intact. What it said was that the entire procedure we have outlined is constitutional. The delegation argument that was raised by the principal plaintiffs in Synar against Bowsher was rejected. Only two members of the Court even gave it passing reference in their opinions.

However, the Court said that the person we had chosen to do the job at the final cut, if one was necessary, was not the proper person. That is all the Court said.

Some may find it surprising that there is nothing in this Court opinion which would reject the possibility of Congress placing restrictions or placing parameters or doing anything we wish to do in terms of the economic forecasts by OMB and CBO; and, certainly, Congress, under the Constitution, has the statutory power to pass a statute, signed into law by the President, which in fact puts very strict controls on how the sequester would be implemented. I say that because we are going to hear on this floor, over the next day or day and a half, if I am not mistaken, arguments that we have given some new power to the President—or, in this case, to his appointee, the Director of OMB.

One might wish to go back and read the original law, which is still a law, and one would note in reading it that, in fact, it already has placed within it a number of restrictions on how that sequester can be written. So, for those who may charge later during the day or tomorrow that, somehow, some brandnew power is being given to the President, that is not so. It is not what the original law said. It is not what the Supreme Court decision said.

There has been a great deal of misunderstanding about this bill since the day it was passed. Many talk about cutting programs. I point out to anyone within earshot that what Gramm-Rudman-Hollings is really all about is less of more, not more of less. This year's budget resolution is higher than last year's, as is true for each of the last 5 years. All this bill is attempting to do is to change the rate of growth of this Government to meet those deficit targets.

Senator GRAMM has talked at length about what happened after this bill was passed and what happened when the Supreme Court, in fact, ruled a part of it unconstitutional. Let me outline some of the history he may not have outlined.

From the day this bill was passed until the Supreme Court ruled, the stock market went up nearly 400 points. There was not a major banker or major economist in this country who spoke against this bill, because this bill promises declining deficits. The prime interest rate dropped dramatically between the time this bill became law and the time the Supreme Court ruled. Yet, after all that, and after the sequester of 1985, where do we find ourselves today?

□ 1540

We find ourselves with a fiscal year 1986 deficit we are told that may be as high as $215 billion. I am talking about 1986, not 1987.

What does that mean for the American people? Let me put it in a couple of ways that maybe will make it very understandable.

This year this Government will borrow 25 cents for every dollar it spends, 25 cents for every dollar it spends.

Every morning, the Senator from South Carolina pointed out—and I think his number is low—the Treasurer of the United States has to borrow, he says, $500 million—my figures are as much as $700 million a day—to pay our bills.

What are we doing here today? We are doing what we did a year ago. We are being asked to raise the debt ceiling once again to well over $2 trillion. What are we telling the young people of America? What are we telling our children and our grandchildren? What we seem to be saying to them is, "We are spending your money, and the interest you will have to pay on this debt will probably make your standard of living in your generation far different than ours."

Why are we in the situation we are in? We are in the situation because there has not been the discipline in the budget process to force Congress and Presidents to act responsibly. That is the only reason we are here.

For those who want to argue let us do it the old way, the old way has brought us the $2 trillion plus. The old way has brought us to an interest payment that is close to $200 million a year now, about the third most expensive item in the Federal budget, and if it continues it will be the most expensive item in the Federal budget, and make no mistake, you can cut a lot of things but you cannot cut interest.

If we borrow money, the American people must pay the interest. And, by the way, where does that money go? Does it go to the middle class of America? Does it go to the poor people of America? Hardly. It is the greatest income transfer program from the poor and the middle class to the rich in history, and 40 percent of it for the last 5 years has been bought by people overseas.

Figures from last month or from the last quarter are discouraging. They show a 1.1 percent growth rate. They are very disturbing. Listen to what the economists are saying. Listen to what the business analysts are saying. They are ascribing America's failing growth to one major item. They say it is mainly the trade deficit which has been brought on by the fiscal deficit.

There is not a major economist in this country who has not said publicly that if you bring down the fiscal deficit, then you attack the trade deficit.

So here we are, almost a year later after passing the initial law, faced with a very simple proposition.

Shall we allow the future of the American economy to chance? Shall we allow future generations to have their standard of living and their life jeopardized by what we do or do not do? Oh, we will hear arguments that maybe the Director of OMB could fudge the number and he could fudge it $5 billion up or $5 billion down, but compared to a $215 billion fiscal deficit this year that quite frankly is not even worth talking about.

What is worth talking about is to give the power to someone to say to this Congress and to the President that unless you do your job, we are not going to meet these targets. Let Congress pass all of its appropriations bills or, if we wish, one joint continuing resolution. Let us work in the revenue area in any way we wish. But when it is all done, what we are saying is, thou shalt not exceed a deficit of $144 billion.

And, I might add, we have allowed a $10 billion error factor which someone once said it was close enough for Government work, and I guess that is probably true.

So here we are trying to fix this legislation. What are the alternatives? The alternatives in my view based on what I have seen—and the Senator from South Carolina has been here for 20 years and I am sure he will talk about what he has seen—if we do not have this action-forcing mechanism, we will continue to pile on this deficit, and at some point, be it 1988 or 1989 or 1990, the bottom will drop out of this economy and then we will wonder about all those interest groups that opposed this bill as to how they like

what happens to America when interest rates go into double digits, inflation takes off again, and unemployment goes back in double digits again because that is exactly what we are playing with. We are playing with the future of the American economy.

So I hope that those on this floor who would like to make improvements to this legislation will come to the floor and do so over the next day or two.

As Senator GRAMM said, this bill is not perfect. This amendment is not perfect. As a matter of fact, there are those who might like to see more tightening of the various constrictions that exist in terms of how the sequester is ordered, although I think the present ones are adequate, and they might even like to see some criteria concerning the statute as to how the OMB shall make its forecast.

Let me make it clear. It is perfectly constitutional so long as Congress passes it and the President signs it. That is the bottom line.

So we shall debate this for the next day or day and a half. But there is a bottom line here. When you get through all the legal arguments, all of the numbers, all of the constitutional arguments, when you get through all of them, I hope that someone who opposes this will stand up on the floor and say to the American people, "I have a better way" because I would like to hear it and if it is better I will vote for it. But I will say this: The bottom line we are talking about here today is are we going to do something about preserving the integrity of America's economy and thus our freedom?

I think this Senate will because this bill has worked. It has proven over the last year that it will work, it can work, and it must work if we are to preserve this economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank the distinguished leader, and my good friend from Louisiana, Senator LONG who has been the expert for the years I have been in the U.S. Senate on financial matters. I will be delighted to yield to him momentarily after I make a few comments. If he has some changes to our proposal I am sure that we will work hard to accommodate them.

The Senator from New Hampshire and the Senator from Texas, have both made very eloquent statements, easily understandable and have focused on the predicament in which we find ourselves.

We did get a flat tire on the way to the Supreme Court and we have minimized the repair job. We started up the path of the Comptroller General and said perhaps since he has been found to be a member of the legislative branch, let us transfer him to a route that meets constitutional requirements. He has a 15-year term. He has his precedents. If the President is allowed instead of the Congress to displace him or to fire him, he cannot do that very easily. Congress and the American public, would not go along unless it was for a just cause. So we said he could be displaced for cause—but only after hearing and notice.

But that bothered many experts in Government, including the Comptroller General himself.

He thought it could in some way ameliorate his abilities or integrity to criticize the executive branch. His principal function is to make critiques of the executive branch and its functions as to whether or not, the intent of Congress is being carried out. Or, whether a program is working, or, if costs are reasonable or there is no waste and the like.

The Comptroller was very much alarmed about that approach. So we than discussed around the Congress—both the Senate and the House—what would be better ways to approach the fix. The more we discussed it, the more we realized that the precedents set for the 1986 cuts must be continued. We overwhelmingly approved $11.7 billion in cuts last Thursday. The discipline employed in making these cuts must be maintained—the methodologies, the due regard to the various data, and to the economic assumptions that we normally use in the budget work.

With that particular precedent, the Comptroller General did not look as tricky as our friends in OMB. You can never tell where they are going to come out on an issue. I have been a trial lawyer. I have been a criminal lawyer. I know tricky witnesses when I am listening to them. Now we have a book about it by the witness himself.

□ 1550

I do not want to belabor that point, but we have always had a regard for the Directors of the Office of Management and Budget, be they Republican or Democrat. They are experts in the field of Federal governmental finance. And I think we have that with the present occupant, Mr. Jim Miller.

He just testified before the Government Operations Committee. In response to a question about how he would treat the Comptroller General's audit of the estimates made by himself, and the Director of CBO, he said he would give judicial notice to that and try to follow it as closely as he possibly could. And I think he is genuine in that intent.

I think that we ought to understand here and now the politics of the entire situation, because in reality the American people are demanding that we do something about these deficits.

Last year, when everyone was ready to go home, we passed the budget in August. We came back after Labor Day and we were ready to pass a few appropriations bills, a continuing resolution, and by no stretch of the imagination would we be here beyond Thanksgiving. We were shooting to adjourn by November 1.

The President of the United States was headlining tax reform. The news media were headlining arms control, pending the Geneva or Gorbachev-Reagan summit.

When we went back home, practically this same time last year, for the Labor Day break, the people said, "Look you ought to be ashamed of yourselves running these outrageous deficits and passing all of this debt on to the next generation." It has been a game of Roman bread and circuses. We have been buying everybody's votes for the last 5 years. They said, "You ought to be ashamed or yourselves. Get back up there and start acting responsibly and let's pay the bills and let's get rid of these deficits."

And so when we came back, it was not the persuasive powers of any individual Senator that finally persuaded the Congress into adopting the particular discipline of Gramm-Rudman-Hollings. Rather it was the pressure of an alarmed people of the United States as to what was going on. And we had the parliamentary device of a debt limit and we knew at that particular moment that we could not once again increase the debt limit to the $2 trillion mark without having done something about the deficits.

Gramm-Rudman-Hollings gave them an alternative and gave them a discipline to do something about that deficit. That is why it passed by an overwhelming majority of both parties, in the Senate and in the House. That is why we adopted it.

In looking at the politics and completing that thought, the politics still are there. They somewhat diminish when you go back home and you have the Fourth of July break and everything else of that kind. But I can tell you here and now—and I have just traveled my entire State for those 2 weeks—questions on tax reform, about 1 out of 10; questions on the deficit, about 8 out of 10. They are more interested in their jobs, in the economy, the trade deficit, and the financial deficit that causes, in part, the trade deficit. Yes, the people are still vitally interested.

But you return to Washington and everyone again starts anew. There is a good strategy, you know, in politics that when in doubt, do nothing, and stay in doubt all the time. So there will be many that will say, "Well, but maybe all I want is a fallback provision." They really do not want a fallback provision. They do not want

Gramm-Rudman-Hollings. They do not want to do anything.

They come in here and fool us about they like that fallback provision, because they cannot give the power away; give our power to the Executive, not at all.

The overriding politics, I wish to emphasize, is upon us all. It is just as much on the executive branch as it is here in the national Congress. I am confident the Director of the Office of Management and Budget and certainly President Reagan himself wants to act responsibly. That is why he endorsed this particular initiative. He has been loyal to it. They have not played games over there. On the contrary, they have gone right on down a consistent point with it.

I should say at this time, there has been a discipline that had developed between the executive branch and the Congress on the matter of deficits over the past 7 to 8 months going back to December of last year we adopted Gramm-Rudman-Hollings then and went home for Christmas. We heard all the rhubarb about this was going to end the Pentagon and we are going to have to cut so many from the armed services, and there would be no more food stamps, and we destroyed school lunches, education, veterans benefits were gone, and everything else. But the discipline, Mr. President, adhered. It came and stayed in February when we had an entire month for the Congress to put in an amendment and walk from the 1986 sequester. When some said here is what we should do instead. There was not any "instead." There was not any alternative. There was not any amendment from the 435 House Members and the 100 Senators. We were here the entire month of February and the March 1 sequester took effect.

Then, we passed the reconciliation bill, that we had difficulty with all last fall, saving some $18 billion. One evening here on the floor of the Senate, we had a very important farm bill. However, proponents had sneaked in another billion bucks, that was not in the House version. And we all know the critical needs of America's agriculture at this particular point. Anyone with any awareness knows this is a urgent stage that the American farmer is in and he deserves our full support. Yet, with that $1 billion add on, we were put to the task of making the point of order and the colleagues sustained it. The discipline was fixed.

Thereafter, with respect to the 1987 budget resolution it contains a $38 billion cut of the deficit—complying, as it would, with Gramm-Rudman-Hollings.

The tax reform bill, under our particular initiative, followed the procedure whereby the amendments had to be revenue neutral. Senator PACKWOOD, Senator DOLE, Senator LONG, and the others who led that particular measure, will tell you that the neutrality aspect definitely facilitated one of the most responsible tax reform measures ever to pass the U.S. Senate.

□ 1600

Yesterday the Finance Committee, responding to the budget under Gramm-Rudman-Hollings, has made what we call the reconciliation cuts.

So the President and the Congress have both been responding. We have had returned to us as a result of the constitutional question the 1986 sequester, and less than a week ago reaffirmed those cuts. I hope the Members will appreciate that, and also their staffs who are following the consideration of the Gramm-Rudman-Hollings II fix. The reaffirmation of the cuts is of tremendous value to the stability of the financial markets and the confidence of the people that the Congress is acting responsibly.

(Mr. EVANS assumed the chair.)

Mr. HOLLINGS. They very much worry about it, quite frankly. And I think when we get a chance to compromise a little, it should be repeated here in a comprehensive fashion of where we are.

In that regard, then, the discipline is still there. I am not worried about the Director of the Office of Management and Budget, or the President of the United States. There are various guidelines in the law itself to restrain their action. We are not changing those whatever. We just say that this particular ministerial task is to be carried out by the Director of the Office of Management and Budget. Let us consider it in the extreme. Suppose the Director of the Office of Management and Budget said, "I project next year 6 percent real growth." All the economists in the financial world are telling us at the moment that we are likely to have 1 percent. But let us say OMB said we are going to have 6 percent. And he gave that original estimate and along with CBO they considered what should be sequestered, and they sent it on to the Comptroller General, he audited it and reported it back, as Gramm-Rudman-Hollings II requires, to the Director of OMB.

And the Director could will still say, "Look, I know what the GAO has said about 1 percent economic growth. I know that the Congressional Budget Office has said 1 percent. But I told you when I first submitted it I thought it would be 6 percent, and I am going to give it to the President at 6 percent."

What does that mean? It means on the one hand I think we will all agree that would be irresponsible, and I am only doing this hypothetically. I am confident the Director would think that irresponsible. But in any event it means that then there has been a rather liberal or extravagant estimate of growth factor for the next fiscal year avoiding by any chance any kind of sequester or triggering of Gramm-Rudman-Hollings.

And when the snapshots are really taken next year and there is this outrageous deficit, then the responsibility is fixed. You see there has been a very interesting charade that has gone on for quite some time. Both the leader of the Republican Party, the President of the United States, and TIP O'NEILL, the Democratic leader in the House, have both employed these efforts for different reasons. The President of the United States has not resisted very strongly the deficit because he figures that is what is keeping the lid on the size of Government. That is why we are not running up here with all kinds of new programs, that we have been cutting back on all the social programs—not defense of course, but we have been cutting back on the others.

In contrast, the distinguished Speaker believes very strongly in the needs. I think he would be willing to pay for it, and go along with the revenues. But as long as the President says over my dead body, he says, well, so what? If these deficits continue to grow and grow, the economy will hit a devastating recession. It will come tumbling down into ashes. We as Democrats like a phoenix will rise and be crowned king. We will all be put back in the White House, become the majority again here in the U.S. Senate.

That is what has been happening, and there is no better picture for those who are just beginning to learn about our national economy. Last year at this particular time we tried to enforce the discipline and we agreed in general that we would hold up on Social Security like other entitlement programs. We met in the Budget Committee back and forth. We put out a budget freeze at the beginning of the year. It finally culminated into the Gorton-Chiles provision within the Budget Committee of just holding the line, freezing, including a freeze of Social Security, and the other entitlements. Just take this year's budget for next year, save some $40 billion, and the Republican leadership had already taken that position publicly, and obviously the political wrath of some who did not believe that should be done.

Having gotten the approval of the White House it was taken away and the White House reversed that particular position. The distinguished Speaker went over to the White House right after Labor Day, and as the President described it to us—he said, "You know, your Speaker came over last evening, and we had a little toddy. And we went outside underneath the oak tree. And the Speaker turned to me and said, 'Mr. President, I will take your increase in defense if you take my increase in Social Security.'" And the President said, "Well, that is fine

business with me. And we will not pay for it. There will not be any revenues. I am against it."

Of course, Speaker O'NEILL said, "Yes, I am against taxes, too." They cut the ground out from under us. That is what got us into the critical stage that set the scene for the introduction of Gramm-Rudman-Hollings last September.

Mr. President, there has been a stop put to that. I think we have all sobered up somewhat. The President has supported us. The Speaker, while he said he did not favor the particular initiative, had to agree it was working. It helped definitely that the Speaker and others over on the House side agreed with the reaffirmation of the 1986 cuts. I hope we can continue on that path.

I do hear about different fixes. I do not hear a better suggestion. We have talked, for example, in Government Operations earlier this morning perhaps about a special commission with the Comptroller as part of it. He would wear a dual hat. We considered that. But you are running right into the matter again of constitutionality. You would be diminishing the Comptroller's authority and his zeal to criticize the executive branch and to make these important findings for us which have been most valuable.

So I think we are on course. We should understand that all we are trying to do is fix that tire. We know we have a spare in the trunk. There is no need to wait until September 1 and then wait until October 1 for what we all had heard characterized as the train wreck. There is no reason to put the American people and the Congress through that. And then we could well get into a dogfight as we have done before and come up with an even worse kind of solution.

This Gramm-Rudman-Hollings is nothing more, Mr. President, than what we have operative in 43 States in America. It is a great frustration that I suffer from because I know at the local government and State government level people act responsibly. They have to. City hall cannot print money like we do in Washington. When he has financial problems a mayor will say look, let us freeze. Let us take this year's budget and use it next year. Similarly, State governments know that they could not just spend as if there is no tomorrow. They would lose their financial accreditation from unbalanced budgets. That would cost again millions that they could not afford. So as a result, 43 States have the ability to sequester. In January of this year, the Governor of South Carolina received a certificate from the State comptroller. Mr. Earle Morris, that he had overestimated last year's revenues. We have been suffering from the export of textile jobs and other industrial jobs, high technology and everything now is moving out.

□ 1610

Commings Engine is moving to Mexico; Pratt & Reid is moving to Mexico. When I was Governor we had nothing but industries coming in. Now we are in a heck of a fix trying to hold on to what we have. We have lost those jobs and we have lost the income and sales, the tax revenues, from those particular industrial jobs. We have lost from the devastation of the family farm in the State of South Carolina. The Federal deficit is a major reason why.

When Governor Riley got the certification, he had to direct the State treasurer to sequester or have a set-aside of 2 percent across the board of all the budgets in an evenhanded fashion. Thereupon, at the end of June—our fiscal year begins on July 1—we had the money to pay our bills. We had the money to balance our budget, and we had the money to maintain our AAA credit rating.

This procedure was the basis of Gramm-Rudman-Hollings. I have seen it work. It works in 43 States. None of the Governors get into this kind of thing of being given too much power. It is ludicrous. The Governor does not want that power because when he makes the cuts they are referred to as cuts in his particular name. They do not say the general assembly made the cuts. They will call them cuts after the particular Governor and he has to explain why he did it.

You know how people like to assess blame. They said, "Well, I was for you but those are Governor Riley cuts."

In that particular exercise over the years amongst these 43 States, I can tell you that they do not like to identify the executive with those cuts, but they do because the executive must and does act responsibly.

That is the frustration I have at the Federal level. We literally have to cover ourselves with a rather complex Gramm-Rudman-Hollings initiative to put us all into a box to make us do our jobs.

We are doing it, as I said. I do not want to disparage that in any sense. But having done that, to maintain the discipline now, all we are trying to do is to have the tire fixed. We are not trying to disturb the authority of the Comptroller General. We are not trying to appoint a new commission. We are not trying to change any of the substantive part—the 95 percent of Gramm-Rudman-Hollings found constitutional by the Supreme Court. We are only trying to fix that one thing in a restrictive fashion.

After talking to the leadership on the House side and the leadership on the Senate side, we hope we can get everyone's support.

I was here in 1968 when we last balanced the Federal budget. I harken back by memory, why is it we could balance the budget at that time and cannot do it today? It was because there was a fixed responsibility with respect to the party in power. President Johnson was very sensitive about the charge that he put in his Great Society and he was not paying for it and that we would run a deficit. It could be as much as $10 billion, not $220 billion that we have this year. It could be $10 billion. That threatened him and all of us in our minds and conscience.

We met as late as December. I remember when Marvin Watson from President Johnson's staff called over and agreed to cut another $5 billion. Thereupon, we were late in the fiscal year doing it but we cut that budget and we gave to President Richard Milhous Nixon for the fiscal year 1968-69 a balanced budget. It was a $2.3-billion surplus.

When President Nixon came along, we got into the idea again of sending the Government back to the local people. President Nixon came along with all of his block grants and everything else of that kind and in the Congress the authority was split between a Republican President and a Democratic Congress. We, in the Democratic Congress, kept passing the regular programs, and he kept insisting on trying to create these block grant programs thereby creating the first federalism initiative, before even President Reagan.

The compromise at that time again was made by the leadership, that we would just pass both of them. In any event, they were signed into law, President Nixon knowing all along that he was going to impound, that he was going to rescind, that he was going to defer. So he took all the programs that he was against and he impounded and he rescinded and he deferred.

We in the Congress then took it before the court and the court found his impoundments, rescissions, and deferrals unconstitutional.

So then we had both programs and we had a double dose of government.

You see from President Johnson's balanced budget that the deficit had jumped by 1975 to $45 billion. That is where we started this.

Then when President Carter came in he had the task of trying to lower the deficit. At one time he got the deficit down as low as $28 billion.

I was chairman of the Budget Committee in the year 1980. After President Carter's defeat in November I went to him and said, "Mr. President, you are going to leave office with the largest deficit we have ever had in our history."

He said, "How much is that?"

I said, "They are now estimating it to be as much as $75 billion and I have heard the figure of $80 billion."

He said, "That will be unforgivable. What should we do?"

I said, "There is a little thing in this act which is called reconciliation. If you will leave me alone, I will get the votes. I will go back over there and get these things cut. You inherited a $66 billion deficit from President Ford and you certainly do not want to go forward with an even larger deficit for the Carter history of 4 years, when we worked hard on trying to bring these deficits down."

I came back. I do not say this disparagingly, but if I were conservative, I would say Warren Magnuson was liberal. I went to Senator McGovern, I went to Senator Church, to Senator Nelson, and all the others and said, "Look, we Democrats will be in the soup. We will set a national record of a $75 billion deficit if we do not do something about it. I need your votes."

They gave me the votes and we passed the first reconciliation bill in December 1980 when I was chairman of the Budget Committee, cutting it back to a $58.7 billion deficit. We had brought in, finally, a lower deficit for President Carter when he left office than what he had inherited from President Ford. That is because you did not have the split authority where both sides can point to each other and no one being responsible.

That is the particular game that has been going on to our devastation, particularly the devastation of future generations. We are suffering now, let me emphasize, from the running of these deficits.

Everyone is saying, "Is it not grand? Everybody is happy. A new morning in America."

I can tell you here and now that it is costing you $200 billion in interest costs for that morning in America.

Let us break down this Federal budget so we will all get a grasp of it. It is not very difficult. If there is a trillion-dollar budget here in Washington for the Federal Government, $300 billion is for defense and $300 billion for entitlement costs—for health care, Medicare, Medicaid, and Social Security. That is $600 billion. Then you have $200 billion for interest costs. That leaves $200 billion for the rest of the Government, law enforcement, NASA, highways and the like. You could abolish the rest of Government and you would still end up with a deficit. That is how bad off we are.

However, nobody wants to cut health care or Social Security. Nobody wants to cut defense. Many say, "Oh, we will find savings. We will sell some assets." Man, that is child's talk.

Look at the page in the budget book the President submitted in January and you can find the cuts that he could think up. He could find a grand total of $22.4 billion in cuts out of the entire trillion dollar budget. It brings into sharp focus our dilemma. If the best, let us say, of budget cutters at the Federal level, the President himself, can only find $22 billion and we are looking at a $22 billion deficit, we are in bad shape on our path to put us back in the black.

Gramm-Rudman-Hollings is not traumatic. We are not eliminating the deficit this afternoon or this year or next year. In fact, if we are successful in carrying out this 5-year program, we will be adding another one-half trillion dollars to the national debt. So instead of a $2 trillion debt, we will have a $2.5 trillion debt.

So those who speak deliberately and loosely and everything else about ruining programs, I can tell you what is ruining the farmer: the deficit. I can tell you what is ruining the businessman: the deficit. I can tell you what is ruining the industrial worker: the deficit. I can tell you what is ruining the social programs, health care and education, feeding and nutrition programs: the deficit.

This deficit is eating into all of us. And now is the hour to get on with the job and let us maintain the discipline. If you have a better offer to make here—and be blessed if you have—I will join it.

Let us understand that we have a job to do now. We want to pass this debt limit. I do not know that we can get the vote for the debt limit unless we have a fix for Gramm-Rudman-Hollings and an understanding that something will continue to be done about the deficit and not just throw it back to the enactment of legislation.

That is not my desire. It is not the desire of the other authors. We had to take what we could get when we passed the balanced budget bill in December. We had to accept, Mr. President, certain exemptions from this particular initative. I am confident if we had our way, our intent was to be absolutely impartial toward all programs, just taking the particular budget that the Congress and the President together had passed and, in an equal amount, get the sequester straight across the board in the smallest percentage possible.

That was not politically attainable last fall. We had to settle the argument between domestic programs and defense and we did it with the 50-50 split. We realize that Social Security had such political power that we were running into the brick wall that I had run into for 5 years running with a budget freeze. So we had to exempt Social Security. We exempted these other programs in order to get a good consensus, a strong majority in the House and a strong majority in the Senate, to go along with this particular discipline.

I do hope, Mr. President, that my colleagues will study it and see that again, we have acted in good faith. We are not trying to prejudice anyone. We are not trying, if you please, Mr. President, to fix every little thing that we have come across while working on the Budget Committee. Incidentally, my colleagues on the Budget Committee have some changes I would like to accept. There are some inequities, I say to the Senator from Nebraska, that I would like to fix. But let us not, in our zeal to fix every little thing, lose overall. Let us not drop Gramm-Rudman-Hollings in our zeal to pick up everything and end up with nothing. We need more than the hope that we will pass three readings in the House and three readings in the Senate and the hope that it will meet with the President's approval. That is the backup proposal you have in the present act.

I think if we give the task to the Director of the Office of Management and Budget, it is a fair way, an understandable, deliberate kind of approach. I am confident that the Director of the Office of Management and Budget and the President will act responsibly.

AMENDMENT NO. 2225

(Purpose: To express the sense of the Senate that the "fallback" provisions of the Gramm-Rudman-Hollings law be utilized if necessary and that the Congress vote on specific measures to reduce the deficit)

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

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Nebraska [Mr. EXON] proposes an amendment numbered 2225.

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

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

The amendment is as follows

At the end of the matter proposed to be stricken add the following:

SEC. . (a) the Senate finds and declares that:

(1) annual deficits which exceed $200 billion and an accumulated national debt which exceeds $2 trillion threaten the economic health of the nation;

(2) The Constitution provides that "The Congress shall have the Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States . . .;"

(3) The Congressional Budget and Impoundment Act of 1974 was intended to establish effective Congressional Control over the budget process;

(4) The Emergency Deficit Control Act of 1985, popularly referred to as the Gramm-Rudman-Hollings law, attempted to implement an automatic spending reduction

mechanism which could be activated without a Congressional vote;

(5) the United States Supreme Court invalidated the automatic sequester mechanism of the Emergency Deficit Control Act of 1985;

(6) other provisions of the Emergency Deficit Control Act of 1985 remain in effect, including the declining deficit targets and the requirement that legislation be consistent with the declining deficit targets;

(7) the Emergency Deficit Control Act of 1985 further provided for alternative procedures, popularly known as "fallback" provisions, which became effective upon the invalidation of the automatic sequester mechanism by the United States Supreme Court;

(7) the Congress successfully used the alternative procedures on Thursday July 17, 1986 to implement $11.7 billion in spending reduction for fiscal year 1986;

(8) the American people expect their Representatives in Congress to set budgetary priorities and make difficult decisions necessary to reduce the federal deficit;

(b) it is therefore the sense of the Senate that the Congress utilize the existing "fallback" provisions of the Emergency Deficit Control Act to require a Congressional vote on specific measures to reduce the federal budget deficit.

Mr. EXON. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. HEINZ. Mr. President, will the Senator explain the amendment?

Mr. EXON. I shall be glad to explain the amendment. This is basically an amendment that I would like to talk about which merely says that we have a fallback position in the Gramm-Rudman bill that, in the opinion of this Senator, should be the mechanism to force Congress to proceed with its duties.

Mr. HEINZ. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HEINZ. Senators GRAMM, RUDMAN, and HOLLINGS offered in effect one amendment in the first degree, another in the second degree. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HEINZ. What is the situation with respect to the amendment of the Senator from Nebraska?

The PRESIDING OFFICER. The amendment of the Senator from Nebraska proposes to amend the language intended to be stricken by the amendment of the Senator from Texas.

Mr. HEINZ. Is that amendment in order?

The PRESIDING OFFICER. That is correct, it is in order.

Mr. HEINZ. I thank the Chair.

Mr. EXON. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. EXON. Mr. President, the matter before the U.S. Senate is a tremendously important one that I hope will be given the consideration that is due it. I know that there is a full-speed-ahead effort to move with the new amendment called Gramm-Rudman-Hollings II. It seemed to me, Mr. President, that something is in order for a thorough discussion in the Senate as to whether we need any further perfecting of the Gramm-Rudman-Hollings amendment.

Mr. President, the amendment that I am offering, that the Gramm-Rudman-Hollings supporters have not seen fit to allow a second to, is a simple amendment which expresses the sense of the Senate that, if necessary, Congress will utilize the existing fallback procedures of the Gramm-Rudman law; that the Congress vote a specific measure to reduce the budget.

□ 1630

Being a Member of Congress is not an easy task. We were elected to make many hard choices between competing interests. However, no one was forced to take this job, each one of us sought it. Each one of us sought the opportunity of expressing our wishes on the floor of the Senate as to what we should and should not do in correcting legislation that came before us previously. If you followed the debate on the original Gramm-Rudman amendment, you might think that the key duties of a Member of Congress have shifted from representing their constituents and governing the Nation to finding new ways to avoid making responsible decisions.

There is a mania that Congress cannot do its job. While I do not want to question the motives of any particular Member of Congress, I fear that as a body Congress may have simply lost its courage.

There has been a disturbing trend in recent years. The Congress has become increasingly unwilling to deal with big controversial issues. When faced with the impending bankruptcy of the Social Security System, the Congress was paralyzed, and had to turn to a bipartisan commission to find a workable solution; when faced with the need to balance the Federal budget through reducing spending or raising taxes, the Congress repeatedly borrowed more money and last year when faced with the need to raise the debt ceiling above $2 trillion, the Congress designed a contraption known as the Gramm-Rudman amendment to hide its vote and tell the American people that by raising the debt ceiling, Congress was reducing the deficit.

Now, with the President's request to raise the debt ceiling further, the same people are employing the identical technique to achieve their goals and cover up the new record of the debt ceiling that is likely to pass.

When the Senate debated the Gramm-Rudman amendment to the debt ceiling, I expressed concern that it was merely an effort to delay action on the deficit and push serious decisions into 1987, after the election. Although the Gramm-Rudman law promised a 1986 deficit of $179 billion, it produced a 1986 deficit likely to exceed $210 billion. Although the Gramm-Rudman law was promoted as "truth in budgeting," the President submitted a 1986 budget which underestimated the deficit by at least $16 billion and we now hear that the Office of Management and Budget, OMB, has a bag full of accounting tricks ready to jimmy the 1987 deficit estimates to paint a rosy preelection picture of the economy and deficit.

It is a reasonable proposition that if Congress wants the spending cuts yielded by what I consider the unfair Gramm-Rudman formula, Congress should vote on those cuts. We do not need to build another mindless mechanism. The majority of the Gramm-Rudman law survives, the discipline of no net effect on the deficit survives, and a "fallback" mechanism is already in place which could be utilized to trigger formula cuts.

I would simply remind this body that the authors of the fallback position that was written very specifically into the Gramm-Rudman law are the same authors who are here today saying we need to fix it up again. If that were their true feelings, why did they write the fallback position into the original bill?

The latest plan from my good friends from Texas, New Hampshire and South Carolina gives the OMB authority to implement automatic spending reductions. I guess the theory is that if enacted, Members of Congress can feel that they did something about the deficit and merrily vote to increase the debt ceiling again.

Then if the sequester ax falls, Members of Congress can borrow RUSSELL LONG's famous poem and say, "Don't blame you, don't blame me, blame the man at OMB."

Mr. President, the solution to the deficit crisis is simple; we need to declare a bipartisan truce, sharpen our pencils and go to work. In many respects the Senate Budget Committee did just that. We produced a balanced, fair and prudent budget based upon the facts then at hand. We should not underestimate our ability to act in the best interests of the Nation.

There are only certain things that we can do in Congress, and one of those things, it seems to me, Mr. President, is to have the right to stand up, to take the heat, and make the deci-

sions and not pass them off to some unelected official.

As supposedly must pass legislation, a debt ceiling bill can be used as a catalyst to prompt additional efforts to reduce the deficit. Last year, that opportunity was lost and the debt ceiling bill was used as a vehicle for the Gramm-Rudman amendment. Now here we are considering another increase in the debt ceiling. Rather than reviewing spending and revenue provisions to reduce the deficit, we are examining more procedural gimmicks to avoid a vote on difficult spending decisions.

I am also especially concerned that the Congress has abandoned the committee system on several important pieces of legislation. There were no committee hearings or reports prior to the consideration of the original Gramm-Rudman amendment. Now we are told that the Senate will again be asked to take another leap into the darkness and accept the son of Gramm-Rudman without the benefit of serious committee consideration.

If the Congress does not need committees to consider important legislation, we should immediately turn our cost cutting efforts toward drastic reductions in committee staffs and budgets.

The proponents of the son of Gramm-Rudman seem to want to construct another automatic device which does everything but require Congress to vote on the hard choices necessary to reduce the deficit.

There are only three ways to reduce the deficit; reduce spending, increase revenues, or through an appropriate balance of both. I have come to this floor many times to offer or support alternative budgets—frequently with my friend from South Carolina—which balance on the Federal budget in 5 years. These proposals met the schedule of the Gramm-Rudman law. In each budget, we set priorities and made some hard choices. Although we have taken some tough political knocks for some of those decisions, I am proud of our efforts to find a solution to the deficit crisis and keep those decisions in the hands of elected officials rather than shuffling them off to some faceless, nonelected bureaucrat in some other branch of the Government.

Mr. President, I realize that there are 100 Members of this body, each with an individual prescription to balance the Federal budget. However, I am confident that, as men and women of good will, we can find common ground. I am simply saying that the U.S. Senate does not need to run away from the problem of the deficit. We only need to get to work.

The sooner we stop kidding ourselves that the deficit will disappear through growth, through supply-side miracles, or through procedural gimmicks, the sooner we can start to plan for the Nation's future.

I hope that the Senate will support this resolution which essentially says, that the Congress should exercise its responsibility and vote for the measures necessary to reduce the deficit.

□ 1640

I would be glad to have the clerk continue to read the amendment in its entirety.

To answer questions that have been directed my way by my colleagues, this is an amendment that simply says, and directly says, let us use the fallback provision that you wrote into Gramm, in the original instance. I think it is safe to say that the reason why that fallback provision was in the original Gramm-Rudman measure was to simply realize that you had some possible constitutional problems, and you did, and the Supreme Court has acted. At that time you felt that if that provision was eliminated by court action, you should have a fallback provision, which I think was wise in that instance.

All I am saying now is, why do not the authors of that measure accept the fact that they have a fallback position? It essentially has been recognized as there and operating by the Supreme Court.

All I am saying is, let us get on with the fallback provision that you authored, that you lined up, and that you provided for. That, along with the other parts of the Gramm-Rudman proposal, is still operating. I, for one, will not vote at this time to eliminate Gramm-Rudman, as I heard some talk in the Halls of Congress.

I just want to put the responsibility where it belongs—with us in the U.S. Senate and with our colleagues in the House of Representatives. Let us put us all on the spot and make the decisions that your fallback provision provided for when this bill passed.

I think the action that has been suggested, the transfer of the responsibility for the sequester or meat-ax order to a nonelected bureaucrat in the executive branch of Government is unwise. I think it makes for a process of our ducking a responsibility which is ours.

I am willing to join with my colleagues in making those hard choices; and if we shuffle off that sequestering duty to another bureaucrat this time, under the control of the executive branch, we are not deciding our duties, and I think that is wrong.

Mr. President, I request the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

The yeas and nays were not ordered.

Mr. EXON. Mr. President, since there is not a sufficient second and since the usual procedures of the U.S. Senate are not being observed here this afternoon, I will make an attempt to offer the amendment at another time, when there will be a sufficient number of Senators on the floor.

The PRESIDING OFFICER. The Senator has that right.

Mr. RUDMAN. Mr. President, I call for regular order.

The PRESIDING OFFICER. Regular order has been called for.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The clerk will report the committee amendment.

Mr. RUDMAN. Mr. President, without losing my right to the floor, I yield to the floor manager, if he wishes to comment.

The PRESIDING OFFICER. Is the Senator at this point calling for regular order?

Mr. RUDMAN. I am.

The PRESIDING OFFICER. The clerk will report the committee amendment.

The assistant legislative clerk read as follows:

On page 2, insert new language, beginning on line 1, to page 6, line 17.

Mr. HEINZ. Mr. President, as the floor manager of the bill, I modify the committee amendment, in accordance with the instructions of the committee.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator has a right to modify the committee amendment on behalf of the committee, and the committee amendment will be so modified.

The modified committee amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE II—SOCIAL SECURITY TRUST FUNDS

SEC. 201. SHORT TITLE.

This title may be cited as the "Social Security Trust Funds Management Act of 1986".

SEC. 202. INVESTMENT AND RESTORATION OF TRUST FUNDS.

(a) Subsection (d) of section 201 of the Social Security Act (42 U.S.C. 401(d)) is amended—

(1) by striking out "(1) on original issue" and inserting in lieu thereof "(A) on original issue",

(2) by striking out "(2) by purchase" and inserting in lieu thereof "(B) by purchase";

(3) by striking out "It shall be" and inserting in lieu thereof "(1) It shall be", and

(4) by adding at the end thereof the following new paragraphs:

"(2) If—

"(A) any amounts in the Trust Funds have not been invested solely by reason of the public debt limit, and

"(B) the taxes described in clause (3) or (4) of subsection (a) with respect to which such amounts were appropriated to the Trust Funds have actually been received into the general fund of the Treasury of the United States,

such amounts shall be invested by the Managing Trustee as soon as such investments

can be made without exceeding the public debt limit.

"(3)(A) Upon expiration of the debt issuance suspension period, the Managing Trustee shall immediately reissue to each of the Trust Funds obligations under chapter 31 of title 31, United States Code, that are identical, with respect to interest rate and maturity, to public debt obligations held by such Trust Fund that—

"(i) were redeemed during the debt issuance suspension period, and

"(ii) as determined by the Managing Trustee on the basis of standard investment procedures for such Trust Fund in effect on the day before the date on which the debt issuance suspension period began, would not have been redeemed if the debt issuance suspension period had not occurred.

Such obligations shall be substituted for obligations that are held by such Trust Fund, and for amounts in such Trust Fund that have not been invested, on the data on which the debt issuance suspension period ends in a manner that will ensure that, after such substitution, the holdings of such Trust Fund will replicate to the maximum extent practicable the obligations that would be held by such Trust Fund if the debt issuance suspension period had not occurred.

"(B) In determining, for purposes of subparagraph (A), the obligations that would be held by a Trust Fund if the debt issuance suspension period had not occurred, any amounts in the Trust Fund which have not been invested, and any amounts required to be invested under paragraph (2), shall be treated as amounts which were required to be invested upon transfer to the Trust Fund.

"(4) The Managing Trustee shall pay, on the first normal interest payment date which is at least after the expiration of any debt issuance suspension period, to each of the Trust Funds, from amounts in the general fund of the Treasury of the United States not otherwise appropriated, an amount determined by the Managing Trustee to be equal to the excess of—

"(A) the net amount of interest that would have been earned by such Trust Fund during the debt issuance suspension period if all noninvestments, redemptions, and disinvestments with respect to such Trust Fund that—

"(i) occurred during such debt issuance suspension period, and

"(ii) would not have occurred if such debt issuance suspension period had not occurred, over

"(B) the net amount of interest actually earned by such Trust Fund during such debt issuance suspension period.".

"(5) For purposes of this section—

"(A) The term 'public debt limit' means the limitation imposed by subsection (b) of section 3101 of title 31, United States Code.

"(B) The term 'debt issuance suspension period' means any period for which the Secretary of the Treasury determines that the issuance of obligations of the United States sufficient to orderly conduct the financial operations of the United States may not be made without exceeding the public debt limit.".

SEC. 203. REPEAL OF NORMALIZED TAX TRANSFER.

(a) Subsection (a) of section 201 of the Social Security Act is amended by striking out the matter following clause (4) and inserting in lieu thereof the following: "The amounts appropriated by clauses (3) and (4) shall be transferred from the general fund of the Treasury of the United States to the Federal Old-Age and Survivors Insurance Trust Fund, and the amounts appropriated by clauses (1) and (2) of subsection (b) shall be transferred from the general fund of the Treasury to the Federal Disability Insurance Trust Fund, upon receipt by the general fund of taxes specified in clauses (3) and (4) of this subsection (as estimated by the Secretary). Proper adjustments shall be made in amounts subsequently transferred to the extent amounts previously transferred were in excess of, or were less than, the taxes specified in such clauses (3) and (4). All amounts so transferred shall be immediately available exclusively for the purpose for which amounts in the Trust Fund are specifically made available under this title or under other provisions of law directly related to the programs established by this title.

(b) The amendment made by subsection (a) shall take effect on July 1, 1990.

SEC. 204. FAITHFUL EXECUTION OF DUTIES BY MEMBERS OF BOARD OF TRUSTEES OF TRUST FUNDS.

Section 201(c) of the Social Security Act is amended by striking the last sentence and inserting the following: "A person serving on the Board of Trustees (including the Managing Trustee) shall not be considered to be a fiduciary, but each such person shall faithfully execute the duties imposed on such person by this section. A person serving on the Board of Trustees (including the Managing Trustee) shall not be personally liable for actions taken in such capacity with respect to the Trust Funds.".

SEC. 205. REPORTS REGARDING THE OPERATION AND STATUS OF THE TRUST FUNDS.

Subsection (c) of section 201 of the Social Security Act is amended—

(1) by striking "once" in the fourth sentence and inserting "twice",

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(3) by redesignating paragraphs (3), (4), and (5) as subparagraphs (D), (E) and (F), respectively,

(4) by inserting after subparagraph (B) (as redesignated by paragraph (2) of this section) the following:

"(C) Report to the Congress as soon as possible, but not later than the date that is 30 days after the first normal interest payment date occurring * * * after the expiration of any debt issuance suspension period for which the Managing Trustee is required to take action under paragraph (3) or (4) of subsection (d), on the operation and status of the Trust Funds during each of such debt issuance suspension periods;",

(5) by striking out "in paragraph (2) above" and inserting in lieu thereof "in subparagraph (B) above",

(6) by inserting "(1)" after "(c)", and

(7) by adding at the end thereof the following:

"(2) The Managing Trustee shall report monthly to the Board of Trustees concerning the operation and status of the Trust Funds and shall report to Congress and to the Board of Trustees not less than 15 days prior to the date on which, by reason of the public debt limit, the Managing Trustee expects to be unable to fully comply with the provisions of subsection (a) or (d)(1), and shall include in such report an estimate of the expected consequences to the Trust Funds of such inability.".

SEC. 206. ELIMINATION OF UNDUE DISCRETION IN THE INVESTMENT OF TRUST FUNDS.

(a) Section 201(d) of the Social Security Act is amended, in the first sentence—

(1) by inserting "immediately" after "to invest"; and

(2) by striking ", in his judgment,".

(b)(1) Paragraph (2) of section 201(d) of the Social Security Act, as added by section 202 of this Act, is amended to read as follows:

"(2) If any amount in either of the Trust Funds is not invested solely by reason of the public debt limit, such amount shall be invested as soon as such investment can be made without exceeding the public debt limit."

(2) The amendment made by paragraph (1) shall take effect on July 1, 1990.

SEC. 207. SALES AND REDEMPTIONS BY TRUST FUNDS.

Section 201(e) of the Social Security Act is amended—

(1) by inserting "(1)" and "(e)"; and

(2) by adding at the end the following:

"(2)(A) The Managing Trustee may effect any such sale or redemption with respect to either Trust Fund only for the purpose of enabling such Trust Fund to make payments authorized by this title or under any other provisions of law directly related to the programs established by this title. If either of the Trust Funds holds any amounts which are not invested by reason of the public debt limit, the Managing Trustee is nevertheless directed to make such sales and redemptions if, and only to the extent, necessary to assure timely payment of benefits and other payments authorized by this title or by any other provisions of law directly related to the programs established by this title, but the principal amount of obligations sold or redeemed pursuant to this sentence shall not exceed the principal amount of obligations that would have been sold or redeemed under normal operating procedures in order to make such payments.".

SEC. 208. EFFECTIVE DATE.

Except as otherwise provided by this title, the amendments made by this title shall take effect on the date of enactment of this Act.

Mr. HEINZ. Mr. President, on behalf of the Finance Committee, I am offering a substitute amendment for title II of House Joint Resolution 668 as reported by the committee, which increases the statutory debt limit. Title II addresses the treatment of Social Security Trust Funds when the debt ceiling is reached.

The intent of title II was to protect the trust funds—both from the loss of interest which is caused by disinvestment of the trust funds—and from the public perception that the funds were used to bail out the Federal Government.

Originally, title II would have prevented disinvestment even for the payment of Social Security benefits. This, restriction concerned many Members of this body, including myself. Social Security Trust Funds have reserves to fund benefits while Congress engages in a responsible debate on the debt ceiling. Therefore, it seems unfair to generate fears among the elderly by threatening to hold their checks hostage in our debates.

Consequently, on July 22 the Finance Committee approved a substi-

tute amendment in lieu of the original title II. This amendment fully protects the trust funds, and assures benefit payments. Basically, the amendment provides that when the debt ceiling is reached:

First. Disinvestment is permitted solely for the purpose of paying Social Security benefits;

Second. Social Security payroll tax receipts which are received subsequently to the disinvestment will be invested as soon as Treasury has room under the debt ceiling.

This is important. It means that the Federal Government cannot tap those payroll taxes for a loan to pay any other operating expenses.

Third. Finally, when the debt ceiling is increased, the trust funds will be restored in full so that no interest will be lost because of these actions.

Mr. President, this amendment improves on the original committee bill by assuring timely benefit payments for today's beneficiaries as well as protecting the integrity of the trust funds for today's workers.

Mr. President, I ask unanimous consent that language describing the amendment I am offering be printed in the RECORD and be treated as legislative history as if in the original report.

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

B. TITLE II—AMENDMENTS RELATING TO INVESTMENT OF SOCIAL SECURITY TRUST FUNDS

REASONS FOR CHANGE

Title II of the bill responds to questions raised in 1984 and 1985 about management of the Old Age and Survivors Insurance Trust Fund and the Disability Insurance Trust Fund (together, "the Social Security Trust Funds") in a debt limit crisis. During the fall of 1984 and 1985, substantial delays in increasing the debt limit prevented the Secretary of the Treasury from fully and timely investing all funds transferred to the Social Security Trust Funds. In addition, in order to make certain that benefits were paid notwithstanding the inability of the government to issue new debt to raise cash, the Secretary redeemed some long-term securities held by the Trust Funds earlier than would normally have been done. Moreover, some assets of the Trust Funds were maintained as uninvested balances even after the general fund had received FICA taxes that were the basis for the uninvested balances.

The potential losses to the Trust Funds were avoided, and the Trust Funds fully restored, only by legislation enacted as part of the 1985 debt limit increase. Thus, the Committee believes that legislation is appropriate to give the Secretary clear guidance as to how the Trust Funds should be managed when the debt limit prevents normal investment and redemption operations. Moreover, the Committee believes that there should be permanent legislation to assure that the Trust Funds will be protected from interest losses caused by the debt limit.

EXPLANATION OF AMENDMENT

Summary

The bill amends the Social Security Act to take into account, and protect both beneficiaries and the Trust Funds from, the impact of periodic debt limit crises. The Secretary's authority to redeem securities held by the Trust Funds during a debt limit crisis, solely in order to pay benefits, notwithstanding the presence of uninvested balances, is clarified and strengthened. Redemptions may not be made in excess of the needs of the social security programs or simply to prevent general governmental default. Any interest losses will be repaid to the Trust Funds when the debt limit is raised, and the portfolio of the funds will be appropriately reconstructed. If a debt limit prevents the normal investment of the funds, the uninvested balances (to the extent of estimated actual tax receipts) must be invested as soon as possible consistent with the debt limit. Under the bill, the Secretary of the Treasury is required to report monthly to the Board of Trustees of the Social Security Trust Funds on the status of the funds, and is required to notify both the Board and the Congress 15 days prior to the date on which he expects, because of the debt limit, to be unable fully to comply with the transfer or investment requirements of the Social Security Act.

Title II also clarifies existing law requiring that funds appropriated to or deposited in the Social Security Trust Funds be available immediately and exclusively for Trust Fund purposes. Under the bill, the Board of Trustees will be required to meet twice, rather than once, each year, and will make a special report after any situation in which the debt limit disrupts normal procedures. The duty of the trustees faithfully to execute the responsibilities imposed on them by the Social Security Act is explicitly stated. The normalized tax transfer, enacted in 1983 when there was concern that the funds might not have sufficient assets to pay monthly benefits, is no longer needed for that purpose and is repealed with respect to taxes received after June 30, 1990.

Short title

Section 201 designated Title II of the bill as the "Social Security Trust Funds Management Act of 1986."

Investment and designation of trust funds

Section 202 has three major purposes: (i) to clarify existing law with respect to dedication of Trust Fund revenues; (ii) to provide the Secretary of the Treasury, as Managing Trustee, with further guidance on investments to be made during periods of debt limit constraint; and (iii) to restore the Trust Funds after a debt limit impasse distorts normal operations, to the condition in which they would have been had the debt limit been increased before normal operations were constrained. The restoration covers both prematurely redeemed securities and lost interest, and will prevent any actions taken to assure payment of benefits during a debt limit crisis from having any permanent negative impact on the Trust Funds.

Section 202 clarifies existing law by providing that amounts deposited in or appropriated to either Trust Fund immediately are available exclusively for Trust Fund purposes. This is meant to emphasize the special dedication of the Trust Funds. The Committee recognizes, however, that transfers to the Trust Funds must of necessity be based on estimates and that, furthermore, if failure to increase the debt limit results in the government as a whole running out of cash, it would give rise to a situation in which Trust Fund assets would not be available to make benefit payments until the debt limit is increased.

Section 202 directs the Secretary of the Treasury, as Managing Trustee, to invest any amounts in the Trust Funds that are uninvested because of the debt limit, as soon as possible without breaching the limit. This provides investment of the Social Security Trust Funds with priority over other uses of available debt limit authority, including priority over investment of other funds and accounts. However, in recognition of the fact that under the normalized tax transfer system, a portion of the uninvested balances usually represents monies not yet received by Treasury, the directive is limited to investment of amounts equal to the Secretary's estimates of actual Social Security tax receipts. Because section 203 repeals the normalized tax transfer effective July 1, 1990, and thereafter all funds transferred to the Trust Funds will represent actual tax receipts, the limitation on the direction to invest would be eliminated at that time. (Section 206(b) contains the post-July 1, 1990 direction to invest uninvested balances as soon as possible consistent with the debt limit.) Of course, once a sufficient debt limit increase is enacted, all monies in the Trust Funds are required to be invested.

Following the pattern of section 272 of the Balanced Budget and Emergency Deficit Control Act of 1985 (P.L. 99-177, "Gramm-Rudman-Hollings"), section 202 requires the Secretary of the Treasury to (i) restore to the Trust Funds obligations that were redeemed during the debt limit impasse that ordinarily would not have been redeemed at the time or in the order redeemed; and (ii) pay to the Trust Funds the excess of net interest they would have earned over net interest actually earned. (For these purposes, the delayed investment procedures discussed above are disregarded.)

The provision becomes operative when a debt limit increase is enacted that is sufficient to allow orderly government financial operations; limited or temporary increases enacted to allow continued debate on a debt limit increase would not trigger the restoration provisions unless so specified in that enactment. Although the language of the restoration provision is complex, the goal is simple—to place the Trust Funds in the condition in which they would have been had there been no debt limit problem, and to do it by the first normal interest payment date following enactment of a debt limit increase.

Elimination of authority for normalized tax transfers to Trust Funds

Section 141 of the Social Security Amendments of 1983 altered the system under which tax receipts were transferred to the Social Security Trust Funds by providing that projected receipts for a month be transferred at the beginning of the month rather than as received. This was intended to assure payment of benefits when the Trust Funds were scheduled to receive sufficient assets during a month to pay the month's benefits, but because benefits are paid at the beginning of the month, would not have sufficient assets to make the payments when due. This procedure, although meant to be neutral between the Trust Funds and the general fund, in operation can result in modest subsidies to the Trust Funds, and has also created artificial bulges in debt outstanding at the beginning of each

month. The other provisions of the 1983 amendments will, by 1990, have resulted in Trust Fund surpluses that make the procedure provision unnecessary.

Section 203 repeals the normalized tax transfer effective with respect to taxes received after June 30, 1990 and would return to a daily transfer system. The Committee recognizes that the transfers must of necessity be based on estimates of tax receipts, and the statute provides for such estimates and adjustment of fund balances to account for actual receipts.

Faithful execution of duties by members of Board of Trustees of Trust Fund

Section 201(c) of the Social Security Act now states that trustees of the Social Security Trust Funds are not to be considered fiduciaries and shall not be personally liable for actions taken as trustees with respect to the Trust Funds. Given the massive size of the funds, and statutory requirements that differ from general trust requirements which are more appropriate for private funds, this degree of protection for the trustees as individuals is essential.

Section 204 amends section 201(c) to emphasize the need for the trustees to faithfully execute their duties, even though they are not formally designated as fiduciaries and have no personal liability. The Committee expects that the Board of Trustees, and in particular the Managing Trustee, will, within the confines of the statute, recognize the special trust placed in them in executing their responsibilities.

Reports regarding the operation and status of the Trust Funds

Under current law, the Social Security Board of Trustees is required to meet only once each year and to provide one annual report. However, the by-laws of the Board of Trustees provide for the two meetings each year. Given recent concern about the operation of the Trust Funds and the addition of two public trustees to the Board as a result of the 1983 amendments, the Committee believes that requiring by statute a second meeting and a limited second report when there has been a debt limit problem would be beneficial. The Committee also believes that, although the current Managing Trustee has agreed to keep the other Trustees and Congress informed about Trust Fund problems arising because of the debt limit, requiring such notice by statute for future Managing Trustees would encourage confidence in the system.

Section 205 amends section 201(c) of the Social Security Act to require two meetings annually of the Board of Trustees. It also requires a report to Congress not later than 30 days following the last date on which Trust Fund restoration actions as provided in section 202 are taken, which will usually be the December 31 or June 30 next following an increase in the debt limit. The report would be required only in years in which a debt limit impasse had actually distorted normal Trust Fund operations, and would be limited to a report of the actual operations and status of the Trust Funds during the period from the first date of constrained operations through the final restoration date. It is not intended to include projections or actuarial analyses of future experience.

Section 205 also requires the Managing Trustee to report monthly to the Board of Trustees concerning the operation and status of the Trust Funds, and to report to both the Board and Congress not less than 15 days prior to the date on which he expects, because of the debt limit, to be unable fully to comply with the transfer or investment provisions of the Social Security Act, including an estimate of the expected consequences to the Trust Funds of such inability.

Elimination of undue discretion in the investment of Trust Funds

Section 201(d) of the Social Security Act requires the Managing Trustee of the Social Security Trust Funds to invest the portion of the funds not required to meet current withdrawals in specified obligations issued or guaranteed by the United States. Section 206 of the bill clarifies the intent of current law by specifically requiring the Managing Trustee immediately to invest all such surplus funds. Because the investments specified in the Social Security Act are by statute subject to the debt limit, there may be times when the debt limit prohibits immediate investment. The Committee does not intend that the requirement for immediate investment of the funds supersede the debt limit in such a situation, but does intend to emphasize the importance of timely investment. Section 206(b) provides that, after July 1, 1990, when the normalized tax transfer will no longer be in effect, the Secretary will be required to invest balances uninvested because of the debt limit as soon as possible without breaching the debt limit.

Sales and redemptions by Trust Funds

Because funds transferred to the Trust Funds are immediately invested in short-term securities, virtually all payments from the Trust Funds require redemption of securities. Section 201(e) of the Social Security Act provides that the Managing Trustee may sell at the market price or redeem at par, as appropriate, obligations held by the Trust Funds. Section 201(d) states a preference for investment in specially issued public debt obligations redeemable at par. Both Trust Funds are currently fully invested in such "par value specials," except for a small amount invested in market securities.

For many years, the Managing Trustee has used an essentially mechanical redemption order designed to result in long-term parity between the Trust Funds and the general funds. The shortest term securities are redeemed first, starting with the securities with the lowest interest rate. When all securities of a given maturity have been redeemed, securities on the subsequent maturity category are redeemed, again starting with those with the lowest interest rate. The net effect of this procedure, during a period of normal Trust Fund operation, is that long term securities are redeemed only when monthly expenditures of the funds exceed monthly receipts. However, in 1984 and 1985, when the debt limit prevented investment in new short-term securities, longer term securities were redeemed to pay benefits, resulting in potential losses to the Trust Fund that required legislative action.

Section 207 of the bill provides further guidance and limitations on sales and redemptions. First, it clarifies existing law that the Managing Trustee may redeem Trust Fund assets only to make payments authorized and directed by Title II of the Social Security Act and other laws which are directly related to the programs established by Title II (such as freestanding provisions of law which are sometimes incorporated in acts amending Title II).

Section 207 of the bill also clarifies the responsibility of the Managing Trustee in a situation where the Social Security Trust Funds hold uninvested balances solely because the constraints of the debt limit have prevented him from carrying out the normal investment procedures. In such a circumstance, he is directed to redeem investments held by the Trust Fund, but such redemption can be carried out only to the extent necessary to assure timely payment of benefits and other payments required by the social security statutes. If necessary to assure timely payments, he could under this authority depart from the normal redemption schedule, but he could not in any case redeem Trust Fund obligations in a principal amount greater than the principal amount of the obligations which would have been sold or redeemed under normal operating procedures.

This section will make it clear that the invested assets of the Social Security Trust Funds will be available to meet Trust Fund payment responsibilities when needed for that purpose but can never be sued to fund other governmental operations—even to prevent general governmental default. The Committee recognizes, however, that in the event that the general government cash balance were insufficient to meet general government needs, no government checks could be honored. The Committee would not expect there to be any redemption under these circumstances.

EFFECTIVE DATE

Except for the repeal of the normalized tax transfer, Title II will be effective on enactment.

● Mr. RIEGLE. Mr. President, I am pleased that the Finance Committee has reported an amendment that would eliminate the Secretary of the Treasury's discretion to use Social Security Trust Funds to pay for the operation of general Government during a debt-limit crisis. This amendment represents the culmination of efforts throughout this session by myself, Senator MOYNIHAN, and other colleagues to prevent the Secretary from raiding the Trust Funds as he did during the last debt-limit crisis—and in previous year—without informing the Congress or Social Security's Board of Trustees. I believe that the language finally worked out in the Finance Committee this week will protect the Trust Funds from this kind of misuse and will keep the reserves maximally invested for future beneficiaries, while guaranteeing that current beneficiaries' needs are met.

As you know, Mr. President, incoming Social Security contributions from current workers go to pay beneficiaries, and the surplus is invested in a Trust Fund that can either be used to pay beneficiaries in months when receipts are less than current needs, or remain invested to draw interest for future beneficiaries. But when the debt ceiling was reached last fall, the Secretary disinvested long-term securities held in the Social Security Trust Fund so that incoming contributions could be used to pay for other operations of the general Government. This is not an acceptable way to manage the Trust Funds for the benefit of future generations.

Mr. President, Congress acted quickly to require Treasury to restore the interest that was lost in last fall's disinvestment episode, but it should never have happened in the first place. The amendment that was worked out in the Finance Committee ensures this by permitting disinvestment only in the event that it is required to issue current beneficiaries' checks. Ordinarily, workers' contributions are received by the Treasury Department throughout the month, and Treasury makes a "normalized tax transfer" to the Social Security System in one lump sum to cover the checks for the month, with any residual contributions invested in the Trust Funds. The provision worked out in committee ensures that in the event the debt ceiling is reached and Treasury fails to appropriately credit Social Security with the normalized tax transfer, securities could be disinvested to pay beneficiaries that month, but contributions received thereafter could not be used by Treasury for other purposes—as they were last fall. As workers' contributions were received throughout the month they would be directly credited to the Social Security System, rather than allowing the Treasury to use the funds for general Government and induce further disinvestment of the Trust Funds to cover the next month's benefit checks. The amendment further requires that Treasury repay the interest lost from the otherwise unncessary disinvestment and the failure to invest the surplus as soon as the debt limit had been raised.

Mr. President, I believe that this measure represents a much-needed modification of our present Social Security laws, in which the conflicting responsibilities of the Treasury Secretary permit decisions that are not in the best interest of the Social Security System. I strongly urge my colleagues to concur in the amendment that the Finance Committee has reported.●

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, a parliamentary inquiry.

It is my understanding that the pending business is now the committee amendment, as modified by the floor manager, the Senator from Pennsylvania. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2226

(Purpose: To modify procedures under the Balanced Budget and Emergency Deficit Control Act of 1985)

Mr. RUDMAN. Mr. President, I send to the desk an amendment in the nature of a second-degree amendment to the committee amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. RUDMAN], on behalf of himself and Mr. GRAMM, Mr. HOLLINGS, Mr. COHEN, and Mr. EVANS, proposes an amendment numbered 2226.

Mr. RUDMAN. 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 6, line 17, strike out "August 15, 1986." and insert in lieu thereof the following:

August 15, 1986.

TITLE III—BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL

That this title be cited as the "Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1986."

SEC. 301. REVISION OF PROCEDURES.

(a) REFERENCE.—Except as otherwise specifically provided, whenever in this section an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be a reference to a section or other provision of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) REVISION OF REPORTING RESPONSIBILITIES.—(1) Section 251(b) is amended—

(A) by striking out "President" in paragraph (1) and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by redesignating subparagraphs (A) and (B) of paragraph (2) as clauses (i) and (ii), respectively;

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(D) by striking out "this subsection" in subparagraph (B) (as redesignated by subparagraph (C) of this paragraph) and inserting in lieu thereof "this paragraph";

(E) by striking out the subsection heading and inserting in lieu thereof the following:

"(b) REPORTS BY THE COMPTROLLER GENERAL AND DIRECTOR OF OMB.—

"(1) REPORT OF THE DIRECTOR OF OMB AND THE CONGRESS BY THE COMPTROLLER GENERAL.—": and

(F) by adding at the end thereof the following:

"(2) REPORT TO PRESIDENT AND CONGRESS BY THE DIRECTOR OF OMB.—

"(A) REPORT TO BE BASED ON GAO REPORT.—The Director of the Office of Management and Budget shall review and consider the report issued by the Comptroller General under paragraph (1) of this subsection for the fiscal year and, with due regard for the data, assumptions, and methodologies used in reaching the conclusions set forth therein, shall issue a report to the President and the Congress on September 1 of the calendar year in which such fiscal year begins, estimating the budget base levels of total revenues and total budget outlays for such fiscal year, identifying the amount of any deficit excess for such fiscal year, stating whether such deficit excess will be greater than $10,000,000,000 (zero in the case of fiscal year 1991), specifying the estimated rate of real economic growth for such fiscal year, for each quarter of such fiscal year, and for each of the last two quarters of the preceding fiscal year, indicating whether the estimate includes two or more consecutive quarters of negative economic growth, and specifying (if the excess is greater than $10,000,000,000, or zero in the case of fiscal year 1991), by account, for nondefense programs, and by account and programs, projects, and activities within each account, for defense programs, the base from which reductions are taken and the amounts and percentages by which such accounts must be reduced during such fiscal year in order to eliminate such deficit excess. Such report shall be based on the estimates, determinations, and specifications of the Comptroller General under paragraph (1) and shall utilize the budget base, criteria, and guidelines set forth in subsection (a)(6) and in sections 255, 256, and 257.

"(B) CONTENTS OF REPORT.—The report of the Director of the Office of Management and Budget under this paragraph shall—

"(1) provide for the determination of reductions in the manner specified in subsection (a)(3); and

"(ii) contain estimates, determinations, and specifications for all of the items contained in the report submitted by the Comptroller General under paragraph (1).

The report of the Director of the Office of Management and Budget under this paragraph shall explain fully any differences between the contents of such report and the report of the Comptroller General under paragraph (1).".

(2) Section 251(c) is amended—

(A) by striking out "President" in subparagraph (A) of paragraph (2) and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "subsection (b)" each place it appears in such paragraph and inserting in lieu thereof "subsection (b)(1)";

(C) by striking out "subsection (b)(2)(B)" in subparagraph (B) of such paragraph and inserting in lieu thereof "subsection (b)(1)(B)(ii)"; and

(D) by adding at the end thereof the following new paragraph:

"(3) REPORT BY THE DIRECTOR OF OMB.—

"(A) On October 15 of the fiscal year, the Director of the Office of Management and Budget shall submit to the President and the Congress a report revising the report submitted by the Director of the Office of Management and Budget under subsection (b)(2), adjusting the estimates, determinations, and specifications contained in that report to the extent necessary in the light of the revised report submitted to the Director of the Office of Management and Budget by the Comptroller General under paragraph (2) of this subsection.

"(B) The revised report of the Director of the Office of Management and Budget under this paragraph shall provide for the determination of reductions as specified in subsection (a)(3) and shall contain all of the estimates, determinations, and specifications required (in the case of the report submitted under subsection (b)(2)) pursuant to subsection (b)(2)(B)(ii).".

(3)(A) Section 251(e) is amended by striking out "Directors or the Comptroller General" and inserting in lieu thereof "Directors, the Comptroller General, or the Director of the Office of Management and Budget".

(B) Section 251(f) is amended by striking out "subsections (b) and (c)(2)" and inserting in lieu thereof "subsections (b)(1) and (c)(2), and the reports of the Director of the Office of Management and Budget submitted to the Congress under subsections (b)(2) and (c)(3),".

(c) PRESIDENTIAL ORDERS.—(1) Section 252(a) is amended—

(A) by striking out "Comptroller General" the first place it appears in paragraph (1) and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "section 251(b)" each place it appears in paragraphs (1) and (3) and inserting in lieu thereof "section 251(b)(2)";

(C) by striking out "September 1" in paragraph (1) and inserting in lieu thereof "September 3"; and

(D) by striking out "Comptroller General's" in the heading for paragraph (3) and inserting in lieu thereof "Director's".

(2) Section 252(b) is amended—

(A) by striking out "Comptroller General" each place it appears and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "section 251(b)" each place it appears and inserting in lieu thereof "section 251(b)(2)";

(C) by striking out "section 251(c)(2)" each place it appears and inserting in lieu thereof "section 251(c)(3)"; and

(D) by striking out "October 15" in paragraph (1) and inserting in lieu thereof "October 17".

(d) TERMINATION OR MODIFICATION PROCEDURES.—(1) Section 251(d) is amended by striking out paragraph (3).

(2) The last sentence of section 251(c)(1) is amended by striking out "and authorized under subsection (d)(3)(D)(i)".

(3) Section 256(l)(2) is amended by striking out ", in accordance with section 251(d)(3),".

(e) TECHNICAL AMENDMENTS.—(1) Section 254(b)(1)(A) is amended by striking out "Comptroller General under section 251(c)(2)" and inserting in lieu thereof "Director of the Office of Management and Budget under section 251(c)(3)".

(2) Section 274(f)(5) is amended by striking out "section 251 (b) or (c)(2)" and inserting in lieu thereof "section 251 (b)(2) or (c)(3)".

(3) Section 274(h) is amended—

(A) by striking out "Comptroller General" the first place it appears and inserting in lieu thereof "Director of the Office of Management and Budget"; and

(B) by striking out "Comptroller General under section 251 (b) or (c)(2)" and inserting in lieu thereof "Director of the Office of Management and Budget under section 251 (b)(2) or (c)(3)".

(f) APPLICABILITY.—The amendments made by this section shall apply with respect to any report required to be submitted, and any order issued, after the date of enactment of this Act under part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. RUDMAN and Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. RUDMAN. Mr. President, let me first say to my friend from Nebraska that I believe that the amendment he offered in the nature of a perfecting amendment, which is still pending, certainly ought to be voted on, and I intend to vote on it and to ask that the Senate vote on it.

The reason for this amendment is quite simple, and I want the Senator from Nebraska to understand exactly what the Senator from New Hampshire is doing, because we want to be totally open with each other. It is the opinion of Senator HOLLINGS, Senator GRAMM, and myself that because of the nature of the debate on this issue, the first vote on this matter should come on this amendment.

This amendment is identical to the amendment that was offered heretofore, both in the first and second degree, to what I would call the left half of the amendment tree. It is therefore now pending. I believe I am correct in stating that it is not amendable in any way, form, or manner.

I am now delighted to yield the floor, and certainly would be willing to discuss this matter with the Senator from Nebraska. That is the only reason for this. It was pending, and we have made it clear from the beginning that we wanted an up-and-down vote on this matter first on the floor of the Senate, and then I think any other matter which Senators ought to be debating should be debated and voted on.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1650

Mr. RUDMAN. 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. RUDMAN. Mr. President, I thank the Senator from Nebraska for his courtesy. This is purely a technical change. I now send to the desk a modification of page 1 of our amendment. It was made necessary by the nature of the language change in the modification of the committee amendment offered by the Senator from Pennsylvania. This is a modification on page 1 of my second-degree amendment.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment is so modified.

The modified amendment is as follows:

On page 9, line 18, strike out "this Act." and insert in lieu thereof the following: "this Act."

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1700

Mr. THURMOND. Mr. President, I ask unimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

(Mr. COCHRAN assumed the Chair.)

COMMENDING THE COMPASSIONATE ASSISTANCE EXTENDED TO SOUTHEAST FARMERS BY OTHER AMERICANS

Mr. THURMOND. Mr. President, earlier today I informed the Senate of the extent of the drought which the southeast region is experiencing. I commended the farmers who have contributed hay to feed the starving livestock in South Carolina and in other States in the region.

These farmers epitomize the American spirit of lending a helping hand to your neighbor in times of trouble. I know that I speak for the citizens of South Carolina when I say that we are truly appreciative of the generosity of these farmers, and the efforts of the various Government leaders who continue to work on arrangements to provide hay and feed grains to this devastated region.

Today farmers throughout the Nation are experiencing a crisis of their own. It seems that every day we read news accounts of decreased farm income and increased farm foreclosures in our country. The generosity of these particular farmers is further underscored when we consider that these contributions come in the midst of this national crisis. Instead of receiving desperately needed income for this hay, these farmers have contributed the source of their livelihood to others in need.

Because of these circumstances, I inquired of the Internal Revenue Service as to whether current law would allow these farmers equitable tax treatment for their contributions. I am sorry to report that even under emergency circumstances such as the worst drought in over 100 years, current law does not allow these public-spirited farmers to obtain fair tax benefits for their generosity.

Under curent law, a taxpayer gets a deduction, in the year paid, for the amount of money he contributes to a charitable organization or a State. However, there are special rules under section 170 of the Internal Revenue Code which apply to gifts of property.

The charitable deduction for contributions of ordinary income property is limited to the donor's adjusted basis which is usually his or her cost in the property. For example, if a painter donates one of his works to a museum, he would only be able to deduct his basis in the painting. This would

amount to the actual cost of producing the painting. I can understand that the policy behind such a provision is based on the prevention of fraud. For instance, many people might overvalue a product which they produce themselves. Such values would be subjective and difficult to prove or disprove.

Despite the reasons which might be advanced to justify this policy, emergency circumstances require different remedies that are more equitable.

Accordingly, I am introducing legislation which fairly considers the circumstances and offers a limited exception to the general rule in emergency situations.

This legislation would allow equitable charitable contributions to farmers who donate agricultural products for the ultimate benefit of individuals who have been adversely affected by drought, flood, or any other natural disaster. The donee of the agricultural product, for instance the State Agriculture Department, would certify that all reasonable efforts would be made to distribute the product to farmers truly in need. In order to obtain the more favorable deduction, the donor must contribute the product within a 6-month period from the time of the natural disaster. The recipient of the product must also certify that the contribution has been made during this time period.

In order to assure certainty in the value of the product, the charitable contribution would be limited to the wholesale market price for the product based upon the lowest wholesale market price for such product in the regional market nearest the farmer during the month in which the contribution is made. Furthermore, this exception is limited to agricultural products, which are specifically defined in the bill.

This legislation has been carefully drafted with the policy of the current law in mind. It provides certainty in determining the value of a product. It applies only to agricultural products. It is only applicable to a limited period of time following a natural disaster. It provides necessary assurances that the products will benefit only those people who desperately need them.

As a matter of law, it is tailored to avoid abuse. As a matter of general fairness, it allows farmers to have the benefit of their hard work when they contribute products to States devastated by natural disaster. It is by no means a windfall to farmers. It is a fair deduction necessitated by emergency conditions.

Mr. President, I am also submitting a resolution which commends the Government officials who have assisted in providing the desperately needed hay to my State and other States in the drought-stricken Southeast, and to commend the farmers who unselfishly contributed their products to prevent the starvation of livestock.

Mr. President, I am sending both measures to the desk and ask unanimous consent that immediate consideration be given to the resolution.

Mr. President, this has been cleared with the distinguished Democratic leader.

Mr. President, I further ask unanimous consent that the text of these measures be printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the requests of the Senator from South Carolina? Without objection, it is so ordered.

The texts of the resolution and the bill follows:

S. RES. 451

Whereas the drought in the Southeast has been the worst in over one hundred years;

Whereas the Southeast is suffering from record heat;

Whereas damage to crops in the Southeast has been estimated at nearly $700,000,000;

Whereas the livestock are starving due to a lack of feed;

Whereas farmers in other areas of the Nation have offered assistance in the form of feed grains and hay for the livestock;

Whereas leaders across the Nation have worked together to transport the goods to the Southeast; and

Whereas these goods are helping to alleviate the suffering of the farmers in the Southeast: Now, therefore, be it

Resolved, That it is the sense of the Senate that the farmers and government leaders that have been a part of this effort are to be commended for their public-spirited actions in helping to alleviate the suffering of the farmers in the Southeast.

S. 2680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTRIBUTIONS OF AGRICULTURAL PROPERTY FOR VICTIMS OF NATURAL DISASTERS.

Subsection (e) of section 170 of the Internal Revenue Code of 1954 (relating to contributions of ordinary income and capital gain property) is amended by adding at the end thereof the following new paragraph:

"(6) CONTRIBUTIONS OF AGRICULTURAL PRODUCTS FOR VICTIMS OF NATURAL DISASTERS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, the amount allowable as a deduction under subsection (a) for any charitable contribution of an agricultural product by a taxpayer who produced such agricultural product shall be an amount equal to the wholesale market value of such agricultural product if the State, State agency, or other organization described in subsection (c) to which such agricultural product is donated submits to the taxpayer a written statement certifying that reasonable efforts will be made to assure that the ultimate beneficiary of such agricultural product will be individuals who have been adversely affected by a drought, flood, or other natural disaster that occurred during the 6-month period ending on the date on which such contribution is made.

"(B) DEFINITIONS.—For purposes of this paragraph—

"(i) WHOLESALE MARKET VALUE.—The term 'wholesale market value' means, with respect to any agricultural product, the lowest wholesale market price for such product in the regional market nearest the taxpayer during the month in which the contribution is made.

"(ii) AGRICULTURAL PRODUCT.—The term 'agricultural product' means any hay, feed, crop, livestock, poultry, or product thereof.".

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to contributions made after June 30, 1986, in taxable years ending after June 30, 1986.

Mr. THURMOND. Mr. President, I might say that cosponsors of the resolution are Senators HOLLINGS, HELMS, TRIBLE, DANFORTH, KASSEBAUM, GRAMM, BOSCHWITZ, BROYHILL, NUNN, FORD, LEVIN, ABDNOR, COHEN, DURENBERGER, BOREN, BIDEN, DENTON, LONG, KASTEN, HAWKINS, HARKIN, COCHRAN, SARBANES, STAFFORD, DIXON, CHILES, METZENBAUM, QUAYLE, ROCKEFELLER, EXON, and MCCLURE.

The cosponsors of the bill that I am introducing are Senators HOLLINGS, GRASSLEY, ZORINSKY, BOREN, ABDNOR, DENTON, and COCHRAN.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 451) to express the sense of the Senate commending the compassionate assistance extended to Southeast farmers by other Americans.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Is there further debate?

Mr. HOLLINGS. Mr. President, I wish to commend my senior colleague for his leadership on this score. We have been recipients of an outpouring of help from the Governor of Illinois. I wish to thank him and Senator SIMON and Senator DIXON. They have already made deliveries of some hay to the stricken farmers in my State.

The Senator from Massachusetts, Senator JOHN KERRY, has another 30 tons. We are having a little bit of problem there about the delivery. But, aside from the problem, I do not want to confuse it with this particular initiative.

We ought to have that kind of deduction made. Certainly there is no greater thing than when farmers found in these desperate circumstances receive this kind of charity and help and assistance, that if there is any kind of deduction or exemption within the Internal Revenue Code for any particular initiative, it should be for this one.

We have also heard from the Senator from Nebraska. I want to thank Senator EXON and others and join my senior Senator in asking for the enactment of this resolution.

Mr. KASTEN. Mr. President, I rise in support of Senate Resolution 451, expressing the sense of the Senate

commending the compassionate assistance extended to Southeast farmers by other Americans.

Over the last 2 days, I have been involved in organizing an emergency airlift of hay from Wisconsin to the Southeast. This airlift will begin tomorrow and will be supplemented by other hay transported south by road and rail.

Clearly, the hardship that the great drought of 1986 has inflicted on farmers in the Southeastern United States has struck a chord among Wisconsin farmers, many of whom have been going through some very difficult times themselves in recent years. In Wisconsin, also, we know something about livestock, and Wisconsin farmers cannot but sympathize with the plight of the cattle forced by the heat and lack of rain to suffer without adequate forage.

Helping neighbors in trouble is an American tradition that is especially strong in Wisconsin; and I think it is well worth the Senate's time to draw public attention to this admirable gesture of sympathy extended by farmers in one part of the country to their suffering brethren in another part of the country.

I commend the Senator from South Carolina for offering this resolution, and urge my colleagues to support it.

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

If not, the question is on agreeing to the resolution.

The resolution (S. Res. 451) was agreed to.

The preamble was agreed to.

Mr. THURMOND. Mr. President, I ask unanimous consent that the RECORD be kept open so statements may be made by others.

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

□ 1710

INCREASE IN STATUTORY LIMIT ON THE PUBLIC DEBT

The Senate continued with the consideration of the joint resolution (H.J. Res. 668).

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I do not seek recognition. I think we can go about the regular business of the Senate.

The PRESIDING OFFICER. The pending question is the amendment of the Senator from New Hampshire to the committee amendment.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. 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. MOYNIHAN. 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. MOYNIHAN. I thank the Chair. Mr. President, the distinguished Senator from New Hampshire is on the floor. Am I correct that this Xerox copy is the amendment to the Budget Act that we are going to act on today? It says "to committee, as modified." Has this gone to the Finance Committee?

Mr. RUDMAN. I believe I understand the question of the Senator from New York. The modification refers to the modification offered by the Senator from Pennsylvania to an amendment which I think bears the name of a Senator from New York which was the committee amendment pending. This is offered as a second-degree amendment to that amendment as modified.

Mr. MOYNIHAN. Am I to take it that this could end up as the Moynihan-Gramm-Rudman-Hollings amendment?

Mr. RUDMAN. We certainly hope so. [Laughter.]

Mr. MOYNIHAN. Mr. President, I urgently suggest the absence of a quorum. [Laughter.]

The PRESIDING OFFICER. The clerk will urgently call the roll.

The legislative clerk proceeded to call the roll.

Mr. HART. 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. HART. Mr. President, momentarily I would like to propound some questions to one of the sponsors of the measure presently before us. But I call the attention of our colleagues to a very valid point made and suggested by our distinguished colleague from the State of New York [Mr. MOYNIHAN]. I would ask him if my perception is not accurate on the matter; that the amendment before us, although it has been suggested that it has been referred to the Finance Committee is yet to have hearings held on it. Is that correct?

Mr. MOYNIHAN. May I say to my friend from Colorado that I am reminded in this piece of paper of Karl Marx's remark about Emperor Louis Napoleon who was the grandson once removed, a relative in some way, of the Emperor Napoleon Bonaparte, and he used the phrase "first time tragedy, second time farce."

It was tragic to be on this floor last October as the Senator and I were day after day saying can someone tell us what we are about to vote on, an epic event, that was so advertised, I think, we thought it was unconstitutional, but it is not every day we pass something that is unconstitutional. We would ask for copies, and occasionally a single page would be passed over, and then it would be asked to be given back because there were changes being written in the Cloakroom.

There had been no hearings. There was no report. It had never been near the Finance Committee. The Budget Committee had held no hearings on the matter. And this measure has never been near the Finance Committee. We do not know a thing about it. If there is one member of the Committee on Finance who can explain to me what this says, I wish he would come to the floor. This is our committee. The debt limit is within your jurisdiction. There is no report. There is no comprehensible language. It could mean any of nine things, and will be found to have done so if by some great mischance it is enacted.

I have consulted one of the most distinguished, learned, and able members of the committee staff that I have had the privilege of working with for almost a decade. I have asked him what does the amendment say. I said, "Show me in the amendment where it says what it does." He said, "I have to say there is not any place in the amendment where it says what it does. But this is what we hear it does."

I am sorry I cannot be of any help to the Senator from Colorado.

Mr. HART. If the Senator from New York would respond further, does the Senator from New York recall when the Supreme Court, as predicted, rendered its decision that the procedures under the so-called Gramm-Rudman-Hollings No. 1 were declared unconstitutional? That was, as I recall a month or 6 weeks ago, something like that.

Mr. MOYNIHAN. It was about a month ago. It was in the first week of July.

Mr. HART. In any case, the point is: Has there been, in the judgment of the Senator from New York, sufficient time elapsed for a measure to be presented to the Finance Committee, hearings to be held upon that measure from constitutional scholars, and those who are expert in the workings of our Federal Government, and for the Committee on Finance to have rendered some judgment on that measure as the so-called fix to the Supreme Court's decision? Has sufficient time elapsed for that?

Mr. MOYNIHAN. There has been all together enough time. Any time the committee was not doing something else, there was time enough to take up a matter of this consequence, a matter of profound constitutional and procedural consequence, and a matter of the most extraordinary impact on the committee's own responsibility. The committee has been in existence since 1915. Not a minute, not a moment was

used to discuss why the U.S. Senate, by a vote, if I recall of 75 to 24, how did we come to do something so manifestly unconstitutional such that the Senator from Colorado could stand on this floor and say day after day it is not constitutional?

□ 1720

Why do we do that? It may be that the court has erred. That is possible, in my judgment. I am not prepared to agree with the court, but we have to obey it. We have to. But, no, there was no hearing, there was no discussion. There was no discussion of discussion. It has to stand as a desire by that three-quarters majority not to discuss.

Mr. HART. Will the Senator from New York agree with the Senator from Colorado that what we are seeing here is perhaps a rerun of a fairly well-known phenomenon which might best be described as legislate in haste and repent in leisure? Is that what we are about to do once again?

Mr. MOYNIHAN. Once again. First time tragedy, second time farce.

I cannot help but to suggest would it not be within reason for the sponsors, who are responsible men and serious men, to have come to the floor with a two-page explanation of what they propose to do? Is there something in the press gallery that we do not know about? How is the press to know or anybody to know?

We have talked about the abdication of responsibility. The Senator from Colorado and I over and again on this floor have cited President John F. Kennedy, when Kennedy said "to govern is to choose."

What we are abdicating in this whole method is the need to choose. We are going to let a machine make the choices that Congressmen and elected officials do under the Constitution.

We are asking today not simply to abdicate the choice of specific measure with respect to the budget of the United States of America, but we are even abdicating the choice of deciding what legislation we should enact because we do not know what this says. We are just told to vote for it. That is not choice. That resembles the procedures for which this body was established in the Constitution two centuries ago to put an end to.

I find it baffling.

I say to the members of the Finance Committee we have never seen this proposal. We should have 4 weeks at least to have it debated, have it printed, and have a report saying something about what it does, something about the views of the authors about why their proposal turned out to be judged unconstitutional, as was forecast by the Senator from Colorado.

That has not happened.

I do not think the American public will find this a procedure that redounds to the reputation of this body. No, I do not.

Mr. HART. I thank the Senator from New York for his observation.

Mr. President, the Senator from Colorado, as a student of military history, is reminded of the Civil War by the debate on Gramm-Rudman, Part II. At that time, young men of wealth could purchase an indulgence and send a substitute soldier to do the fighting.

In conscriptions of this era, we have tried to eliminate that practice. The obligations of citizenship should not be sold or transferred in the name of convenience.

I am sorry to say that in the battle of the deficit, one of the great economic challenges of our time, Gramm-Rudman-Hollings substitutes political convenience for civic virtue. We have courage enough, they say, to cut the people's taxes. But when it comes to make hard choices about their programs, we are to cede the power to cut the budget to someone else.

The question is, who should it be? The Supreme Court has now said it cannot be the Comptroller. We are presently in search for some other responsible official, or perhaps an irresponsible official, to fill that role.

In the elegant phrase of the senior Senator from Maryland, it is cutting the budget by "anonymous consent." Buy an indulgence. Hire a substitute.

The substitute proposed to be hired is the Director of the Office of Management and Budget.

The events of the last year force us to conclude this course is folly. When Gramm-Rudman-Hollings was debated on this floor, opponents of the measure made assertions that history has proven correct.

The senior Senator from New York rightly called this bill an assault on the building blocks of national security—operations and maintenance, readiness and personnel. He was right. The Armed Services Committees are stalled in writing an authorization bill due to the mischief this law has caused.

We said it would prevent needed national investments in students, workers, and technology. When Democrats offered an alternative budget to provide those investments, it was turned down. The country cannot afford to invest in our economic security, we were told.

We said the Supreme Court would pull the plug on computerized budget-cutting. And it did.

We said Gramm-Rudman-Hollings would not work, that you cannot conform the dynamic nature of the economy to the static vision of sequestration. We cannot. The deficit has gone up, not down.

We warned colleagues on both sides of the aisle: Do not believe the sponsors who suggest that the threat of across-the-board cuts will force the administration to negotiate on revenues. "You are wrong," said the sponsors. "Make my day," the President replied.

Ignoring this history, we return to the scene of the crime—as recidivists, not as the reformed.

In reply to the Supreme Court, the sponsors restore the sequester by placing in the hands of the President's Budget Office the final power to make across-the-board cuts. This proposal is dangerous: It further aggrandizes an agency which has become a rogue elephant, and it corrupts the budget process.

Gramm-Rudman granted GAO this authority out of respect for its neutrality. The supporters of the law recognized the perils of giving the automatic cuts to OMB, an agency sharing office space with the President. We created the Congressional Budget Office to review the estimates of the OMB. In 8 of the last 9 years, it has revised the President's projected deficit upward, by an average of 16 percent. OMB, in the 1987 budget, underestimated the size of the defense budget by $130 billion. In Gramm-Rudman-Hollings II, OMB has enormous discretion: To manipulate the size of the base, to manipulate the size of the sequester, to manipulate defense program spend-out rates, and the ratio of budget authority to outlays.

As a recent Government Affairs Committee report stated: "Congress has come to understand OMB as an agent with a point of view * * * once a ministerial chore performed by career bureaucrats, budgeting at OMB has become a policysetting and sometimes partisan political process."

Politics knocks on every door at OMB. The agency has illegally impounded housing and refugee assistance funds, in pursuit of the President's agenda. OMB has improperly blocked the promulgation of asbestos regulations, in pursuit of the President's agenda. OMB defied a congressional mandate, blocking the promulgation of an FDA rule to assure the purity of baby formula * * * in pursuit of the President's agenda. We are tempting the fates to assume that somehow, someway, OMB will wear an honest, nonpolitical green-eyeshade if we expand its power over the budget.

The sponsors argue that without their amendment, deficit reduction will falter, the "miracle" of 1.1 percent economic growth will slip away, and the sky will fall. We all know that is nonsense.

For those of our colleagues who support the concept of Gramm-Rudman, the Supreme Court left much of it intact: Deficit targets, the requirement that amendments be deficit neutral, spending ceilings which bind on sub-

committees, and the so-called fallback procedure.

But the Supreme Court left us with something no one can take away—commonplace courage.

□ 1730

It is the courage which enabled a steamroller named Bradley-Packwood to pass the Senate by 97-to-3 vote; the courage to subordinate national interests over special interests.

It is the courage to tell the President that revenues and defense must play a central role in deficit reduction.

It is the courage to let farmers control their own destiny with a supply management program that will save the Federal Treasury billions of dollars.

It is the courage to ask citizens—in the name of deficit reduction and energy security—to accept a fee on imported oil or a tax on gasoline.

It is the courage to say to beneficiaries of social programs or federally sponsored economic development programs, they, too, must contribute to deficit reduction.

It is also the commonsense to recognize that courage—as any other strength or human virtue—wastes away when we ask others to do our fighting for us.

It is, in my judgment, the courage to say that we made a mistake—that Gramm-Rudman must be repealed—that courage cannot be legislated—that expedience is no substitute for Congress shouldering this burden.

Mr. President, it has been said, and I expect it will be said further, that there is no alternative to Gramm-Rudman, that those who oppose Gramm-Rudman as this Senator did when it first appeared weeks or months ago are in favor of continued deficit spending and profligate spending by the Government, that we do not have the courage to make cuts or impose the revenues necessary to balance the budget. I can only say on behalf of the Senator from Colorado that that is not true. As late as this year, the Senator from Colorado put forward specific proposals with specific numbers that included new revenues, that included, in specific terms, reductions in domestic spending, and that included targeted cuts in defense spending that did not harm our conventional deterrent. So to posit the strawman that there is no alternative to Gramm-Rudman is just not true.

There are those of us—in my case it goes back well over 10 years—who have moved each year in Congress, whether the deficit was $40 billion under Jimmy Carter or over $200 billion under Ronald Reagan, each year put forward programs and policies and specific measures that balanced the Federal budget. What we do not need to do is badly misconstrue the relative balance of power in our Government to achieve that objective under some sense that there is no alternative.

Mr. President, there is always an alternative, and those alternatives are available to the Senate today and tomorrow, rather than to accept this very unwise proposal.

Mr. KENNEDY and Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, let me say to the Senator from New York that I do not want to interfere with the flow of debate, but the Senator from Connecticut and I shall be only a few minutes. Then I ask unanimous consent that my comments and perhaps the comments of the Senator from Connecticut appear at a appropriate place in the RECORD not to interfere with the exchange.

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

(The remarks of Mr. KENNEDY, Mr. WEICKER, and Mr. CRANSTON, delivered at this point are printed later in today's RECORD.)

Mr. MOYNIHAN. My friend from Colorado is on the floor, as he was almost continuously during the debate last December on this Gramm-Rudman-Hollings legislation. He was kind enought to ask me some questions earlier, and I referred to the comparison between the First Empire and the Second Empire as between Nepoleon Bonaparte and Louis Napoleon as made by Karl Marx. In find curious residence in a passage from the memoirs of David Stockman. He is talking about the early months of the present administration, which in all truth the Senator from New Hampshire is trying to do something about. The Senator from New Hampshire did not create this crisis. He is trying to do something about it. It is the kind of thing that he is trying to do that concerns us.

The administration realized full well that their tax reductions and so forth would lead to a tremendous deficit, and they had a question: Would they tell this to the American people or would they commence what was in effect an enormous conspiracy to change the nature of the American Government, which the American people had not proposed but which they would end up having no choice but to do. He says,

> The prospect of needing well over $100 billion in domestic spending cuts to keep the Republican budget in equilibrium appeared more as an opportunity than as a roadblock. Once Governor Reagan got an electoral mandate for Kemp-Roth and 10-5-3, we would then have the Second Republic's craven hands pinned to the wall.

We are the Second Republic. There was a more virtuous earlier Republic.

> They would have to dismantle its bloated, wasteful and unjust spending enterprises or risk national ruin.

He then went on to say in a key passage, "The success of the Reagan resolution depended upon the willingness of the politicians to turn against their own handiwork—the bloated budget of the American welfare state. Why would they do this? Because they had to. In the final analysis I"—Stockman—"had made fiscal necessity the mother of political invention."

That is the Director of the Office of Management and Budget to whom we are to turn over the judgments about what the U.S. Government will spend.

We have just seen such a conspiracy in place to dismantle domestic enterprises but without this power, and that is why Mr. Stockman calls his book "The Triumph of Politics," because elected people stepped in and said, "No, you can't do that; we want the Social Security System, we want the farm program and we want a couple more farm programs as a matter of fact." An unelected man contrived to force us. I would like to ask the Senator from Colorado: Suppose an unelected head of OMB contrives another process? We have seen a person wanting to dismantle the domestic side of Government. Suppose someone came to office, and it could happen, whose idea was to put an end to "bloated American militarism," as he might describe it—some caricature of a leftist—sometimes these people are caricatures of genuinely conservative thinking—some caricature on the left could arise; and the idea was to disable the Armed Forces of the United States, and that Director of OMB, with this proposed new power, with the President's knowledge—perhaps contrivance, perhaps not—said: "Mr. President, you have no choice but to take $200 billion out of this budget and close down, in effect, the armed services of the United States."

Would he not have the power to do that?

□ 1750

Mr. HART. I say to my distinguished colleague from New York, not understanding completely what the so-called fix that is before us contemplates, since we have had somewhat limited debate—no debate, I guess, up to this point—that I do not know what the answer to that could be. But it is certainly within the realm of reason that if one imposes one set of ideological values on the budget of the United States——

Mr. MOYNIHAN. Which we have seen happen.

Mr. HART. Which we have seen happen—that under this law there is no reason to believe that we could not impose a set of ideological values—namely, one which, as the Senator suggests, strongly works against the largest bureaucracy and agency of Government, the Pentagon, and works

in favor of all those horrible domestic programs.

I must say that if that were to transpire under Gramm-Rudman II, it would be mightily helped by a President who refused to consider one cent of revenues, including an oil import fee, and talked, in terms of a kind of Eastwood-esque rhetoric,, "Make my day," as if that were some sort of meaningful policy declaration, and at the same time said: "There will not be 1 cent of cuts in any of these domestic programs, whether housing, education, health, or anything else. Every cent of cuts must come from that one agency, since it is, after all, close to one-third of all Federal spending, and we are not going to raise any revenues because I do not believe in it."

If we had that situation, as I believe we have today, that ideological value system from the other direction could prevail.

Mr. MOYNIHAN. It is a possibility. We have seen it happen in one of these extremes. We can see it happen in the other.

There is an article that just appeared in Commentary magazine by the distinguished political scientist James Q. Wilson, whom I know the Senator from Colorado admires. I do not always agree with him, and vice versa. In reviewing Mr. Stockman's memoirs, Wilson writes of the early months of the administration:

> It was during these months of difficult and painful economic adjustment that David Stockman and a handful of apparently like-minded ideologues decided to remake domestic public policy.

The head of OMB, to whom Congress is delegating these powers to a degree unprecedented on the assumption that a rational man is there. What if the man is not rational? What if he is profoundly rational but conspiratorial?

Professor Wilson went on, recalling the remarks of one Senator who voted for the bill and said it was a bad idea whose time had come. He said that we mean nothing personal about this. We are talking about this and our Constitution.

He said:

> The Gramm-Rudman-Hollings reduction is not a viable idea.
>
> Reducing the budget by making deep, indiscriminate, across-the-board cuts in everything from the FBI and the Coast Guard to agricultural subsidies and military spending is madness, a fiscal guillotine that reflects no conception whatsoever of what is and what is not in the public interest.

I say, from more than half a lifetime of friendship with Professor Wilson, that he is not given to using such language casually. It is not his view that the U.S. Congress tends toward madness, but he has used the word "madness"—"reflecting no conception whatsoever of what is and what is not in the public interest."

I ask the Senator from Colorado, would he not agree that perhaps the oldest constitutional question that has engaged the executive and the legislative branches has been the degree to which the President has been required to spend moneys Congress had appropriated, or whether he had some discretion?

Always, it was a question of the President choosing not to spend money. President Jefferson refused to spend some moneys when appropriated for gunboats on the lower Mississippi. President Nixon made some similar decision. We enacted an Impoundment Act. We rose constitutionally and said: "No, sir. You must do as instructed by the budget."

It is not a dozen years since the Impoundment Act was enacted. Are we not giving the President an unprecedented delegation of power to reduce spending as he likes?

Mr. HART. The Senator is correct to the 10th degree.

The point here is that we are going far beyond, it seems to me, the position our Government was in before the Impoundment Act was passed. But instead of giving the President the power and the responsibility which goes with that power, we are giving it to a functionary of the President. We are not even empowering the President. We are empowering a subordinate of the President who has demonstrated, particularly in recent years, a profound willingness to be political and to pursue the same kind of ideological agenda that the Senator was talking about earlier. So I think it works in both directions.

Mr. MOYNIHAN. Does this not raise the question of whether, in the face of a challenge, the court would say that this was an unconstitutional delegation of power? It might.

Mr. HART. As much as the Senator from Colorado came to love the study of constitutional law and, in a secular sense, to worship the Constitution itself, the Senator from Colorado would not elevate himself to the level of a constitutional scholar.

The opinion of the Senator from Colorado is that this proposal, this so-called fix, is probably fraught with equal constitutional peril as the measure which it seeks to replace.

Mr. MOYNIHAN. I think that is a restrained and careful statement from a restrained and careful Senator. Constitutional peril. We acted in response to almost trivial sums that President Nixon chose not to spend openly. There was no question about what he was proposing.

□ 1800

We now make it possible for someone to do this deliberately, or suppose someone just was wildly wrong. We are acting under a proposition that presumes a 4-percent real economic growth rate for this fiscal year and we learned the last quarter was just 1.1 percent.

Suppose a perfectly respectable man with no conspiratorial purpose in mind says, "My lord, we are heading for a massive recession, depression; we are going to have a tremendous shortfall. I am obliged as an honest man to tell the President to get rid of $150 billion fast."

He would have the power and no one would naysay him. It is his judgment. There may be people in this world who know how to predict the gross national product. If there are, they do not tell anyone. If you have that power of prophecy of 6 months, you need never work again.

But it is an utterly imperfect effort. It is a responsible one, but always wrong, and always wrong usually in an unspecified direction.

Does the Senate know what we are delegating to the President? Is this the same Senate that passed the Budget Impoundment Act? The Senator from Colorado was here at that time, was he not?

Mr. HART. It was just before I came to the Senate.

Mr. MOYNIHAN. Just before. Then he does not have to account for his position in that regard. The Senator from New York was not, and the Senator from South Carolina was.

Mr. President, I can only say that any measure James Q. Wilson describes as madness should be looked at very carefully in this body and I hope we do that.

Before I sit down, as I see my distinguished friend from New Hampshire is on the floor, I ask unanimous consent to have printed in the RECORD a very carefully reasoned article by the Senator from Colorado [Mr. HART] on this subject, entitled, "Get Rid of the 'Monster'," which appeared in the New York Times on Monday and which has as its central proposition the fact it says right here, "Congress ought to vote budget cuts."

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

[From the New York Times, July 21, 1986]

GET RID OF THE "MONSTER"

(By Gary Hart)

WASHINGTON.—There is a genre of cheap horror film in which the monster does not die. Unfazed by bullets that would stop mere mortals, the behemoth charges forward, laying waste to everything. The ugliest, most formidable monsters even get resurrected after the last reel. So it is with Gramm-Rudman-Hollings.

Before Congress adopted this deficit-reduction process, Senate foes issued a warning. We said it would harm essential building blocks of national security—for example, training soldiers and spare parts for conventional arms—and it has. We said it would prevent investment in national priorities such as education and training—and it has. We said the Supreme Court would pull the

plug on its computerized budget cutting—and it did. We said that if Congress truly wanted to cut the deficit, it should vote to do so in order to benefit America's economy; the Court agrees.

Gramm-Rudman's authors sought to insulate Congress from the politically unpalatable task of making hard choices. When the deficit exceeded an arbitrary amount, the Comptroller General of the General Accounting Office was designated to cut the budget across the board. The Supreme Court held that this improperly assigned executive branch decisions to an officer whom Congress could fire. No matter how important deficit reduction may be, the Court said, such political expedience offended the Constitution: Congress must vote the cuts.

Now, the folks who created the monster are writing a sequel: The Return of Gramm-Rudman. It promises to be even more destructive than the original. Gramm-Rudman II gives the President's Office of Management and Budget final power to make across the board cuts. This "fix" may satisfy Congressmen seeking to avoid responsibility for such cuts, but it raises profound questions about dramatically expanding the power of an agency known as a rogue elephant in this Administration.

The last six years have seen a steady and startling aggrandizing of O.M.B.'s power. O.M.B. exerts strict control over executive agency budgets, over personnel strength and can edit or block testimony before Congress by Cabinet and agency heads. It can classify budget information as top secret. It once forced delays in a regulation mandated by Congress to protect the purity of baby formula, allowing a substantial amount of defective products to enter the market.

O.M.B. is no neutral accounting firm. Besides repeatedly altering the economic forecasts on which the Administration's budgets are based, thereby grossly underestimating the size of the deficit, it illegally impounded funds for housing and refugee assistance programs. This record of mischief recently moved the Republican-controlled Senate Governmental Affairs Committee to say that "budgeting at O.M.B. has become a partisan political process."

Recognizing O.M.B.'s penchant for cooking numbers, Gramm-Rudman II empowers the G.A.O. to file suit, if the O.M.B. violates the spirit or intent of the deficit reduction law. In disregard of the Constitution, which vests Congress with pre-eminent powers over the Federal purse, Gramm-Rudman II not only expands the executive branch's budgeting role but subjects the setting of the nation's accounts to litigation and endless delays.

Gramm-Rudman should not be saved. It should be repealed. Congress should face the deficit squarely without gimmicks or extra-constitutional props. Gramm-Rudman's authors believe Congress lacks the courage to make such difficult decisions. But experts said that about the prospects for a comprehensive tax reform bill until a steamroller called Bradley-Packwood cleared the Senate, 97-3.

Presidential leadership, notably absent from budget debates, would be required. The Administration's dogmatic unwillingness to accept a tax increase would have to be surrendered to the adoption of an oil import fee or a gasoline tax. The Pentagon would be put on a predictable budget that allowed increases for inflation, but no more. A proportionate amount of domestic savings would become part of the mix. As with tax reform, where individuals and industries subordinate special interests to the national interest, full contributions from defense, revenues and domestic programs would be the glue holding serious deficit reduction together.

Under Reaganomics, the national debt doubled. Under Gramm-Rudman I, the deficit climbed higher. Gramm-Rudman II promises more debate, more delay and the injection of the Federal courts into the budget process. A real horror show.

Mr. MOYNIHAN. The Government is to decide. If the President wanted a balanced budget, he could send us one. If we want one, we simply have to enact one.

I thank the Chair. I see my friend from New Hampshire is on the floor.

The PRESIDING OFFICER (Mr. HUMPHREY). The Senator from New Hampshire.

Mr. RUDMAN. Thank you, Mr. President.

Mr. President, I have enjoyed sitting here listening to my friend from New York and my friend from Colorado.

I would point out that I do not expect we will get into a long involved debate this evening but I would like to deal with some facts with which there can be no disagreement. If these facts are in error, I would be pleased to have the Senator from New York or the Senator from Colorado correct me. I believe these facts are correct.

First, as to the legislation itself, it is not under the jurisdiction of the Finance Committee. Rather, it is under the jurisdiction of the Governmental Affairs Committee.

This morning at 9:30, the Governmental Affairs Committee had an extensive hearing involving the sponsors, the Comptroller General, the Director of OMB, an eminent constitutional law professor, and several others. There was conducted a complete hearing and a complete record.

I would agree it would have been nice to have this hearing 2 weeks ago, nevertheless the hearing was held today.

The hearing record will certainly be available. It was an excellent hearing. Many questions raised here were raised at that hearing by committee members on both sides.

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

Mr. RUDMAN. If I may, I will yield for questions, as is my habit, but I would very much like to complete just two other statements which I believe were honestly contradicted by my friends from Colorado and New York, who are two of the most respected and learned men in this body.

I wish to correct a couple of facts which I am sure are simply errors.

First, a copy of this legislation and a copy of the explanation of the legislation, including a timetable which showed any deviations from the original Gramm-Rudman-Hollings law, was delivered to every Senator's office yesterday.

Second, in the Gramm-Rudman-Hollings II proposal now before the Senate there are no changes to certain controls which were previously placed upon the GAO and OMB by the original G-R-H law. I wanted to point this out because I agree with the Senator from New York that without a great many controls I too would have honest problems as he does with the role of the Director of OMB in this process.

I have read the book that the Senator refers to. There is much in it that is discouraging. But I would just like to read into the RECORD at this point, so that it is available when we debate this issue further tomorrow, the controls presently placed upon the Director of OMB and GAO by Gramm-Rudman-Hollings.

No. 1, the budget base line is defined by law.

No. 2, distribution of the cuts specified is in detail according to the law.

No. 3, the budget authority to outlay spending ratios in defense are specifically defined.

Those are the three major facts.

Let me simply finish up by saying that the views of the Congressional Budget Office and the General Accounting Office will be made public and available. OMB will be forced to justify any differences which occur under this law. Congress will have 30 days to act upon those differences.

And finally, I want to make one last point: the courts of this country have a very detailed plan contained within this bill. We retain within this legislation the rights of Congress or certainly any plaintiff to bring suit against the Director of OMB, should any of the sequestrations not be made in accordance with the strict controls of this law. That is in the law.

So I would say to my friend from New York that I share his suspicion about a lot of people in Government. I would not want to give the Director of OMB carte blanche to move in and make indiscriminate cuts and unrealistic estimates.

But if the Senator from New York and the Senator from Colorado have suggestions they wish to make which would further restrict and define the role of the Director of OMB, let me point out and this is undisputed by anyone, that Congress may in fact do so as long as we pass a law signed by the President. This is clearly constitutional by everybody's reading of the law.

So I would say to my friends from New York and Colorado if you want to help strengthen this law in terms of making the Director of OMB more accountable, more responsible, that is fine. The only thing the U.S. Supreme Court said was that the officer who makes the final determinations must be appointed and removable by the President. That is what they said and

that is what we have done, no more, no less.

I would submit to you that this two-page Dear Colleague letter, which is really one page and an attachment, is short because the changes contained in this legislation are essentially simple, easily explainable, and we would be pleased to answer any questions you have.

Mr. MOYNIHAN. Fine.

Mr. HART. Mr. President, I wonder if the Senator from New Hampshire will yield the floor for one question.

Mr. RUDMAN. I will, but I want to first correct something I said earlier.

I am told the amendment was not delivered but has been available upon request since Monday. The Dear Colleague was delivered.

Mr. MOYNIHAN. Our letter did not arrive.

Mr. RUDMAN. It was delivered to your office by hand.

Mr. MOYNIHAN. A commonplace error.

Mr. RUDMAN. A commonplace error—the mails.

Mr. HART. I wonder if the Senator from New Hampshire will tell us when the record of the hearing this morning will be made available to the Senate?

Mr. RUDMAN. I will certainly inquire about that from Senator ROTH, the chairman of the Governmental Affairs Committee. I would like the hearing record to be available because the testimony of the current Director of OMB and the testimony of the Comptroller General and particularly the testimony as to how well this bill has worked, Professor Wilson notwithstanding, I think would be worth while reading for all Members of the Senate.

Mr. HART. I think it would be more worthy reading if we could read it before we vote.

Mr. RUDMAN. I think that is a good suggestion, and we will try to do that if we can.

Mr. MOYNIHAN. Mr. President, the parliamentary situation is complicated, but I ask the Chair, would a sense-of-the-Senate resolution be in order which said that before we vote on Gramm-Rudman-Hollings II we have available to us a copy of the transcript of the hearings that were held this morning in order that we make judgments that obviously are important to us?

The PRESIDING OFFICER. In order for a resolution to be considered at this point, unanimous consent would be required to set aside the pending business.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that we set aside the matter before us in order that there be considered a sense-of-the-Senate resolution that we do not vote on Gramm-Rudman-Hollings II until the record of the hearing held this morning to explain the matter to the Committee on Governmental Affairs is available to the Senate.

□ 1810

Mr. RUDMAN. Reserving the right to object, and I will object, I am the very temporary occupant of this position, which is the leadership position. Only the majority leader of the U.S. Senate, in my view, could agree with the Senator from New York as to whether or not we ought to do that. So I would object. Of course, the Senator can renew that again if he wishes.

The PRESIDING OFFICER. Objection is heard.

Mr. MOYNIHAN. Mr. President, the Senator from New Hampshire is characteristically courteous and characteristically accurate and characteristically attentive to his duties in the leader's post here. I would not expect it would be possible for such a unanimous-consent request to be considered tonight, but that does not preclude one being made tomorrow.

May I say that the Senator is correct that the Parliamentarian has ruled that the matter of this bill belongs properly in Governmental Operations, but the Senate Finance Committee, really, in my view, ought to have been visited. It did not happen. And there is pressure. We are up against a deadline of the debt ceiling—not for the first time. It is no accident that we are once again on the debt ceiling.

I am sorry that the letter that he sent out did not make its way through.

Mr. RUDMAN. Hand-delivered.

Mr. MOYNIHAN. I happily accept this hand-delivered, Dear Colleague letter which is obviously an important one. I would happily accept the offer of the Senator from New Hampshire to see if there is some way we can ensure that this procedure is less susceptible to the conspiratorial events of late 1980 and early 1981, which had been revealed to us.

Mr. RUDMAN. Will the Senator yield for one moment?

Mr. MOYNIHAN. I am happy to yield.

Mr. RUDMAN. I would say to the Senator, Senators HOLLINGS and GRAMM and myself are as concerned about possible mischief making for the very reason the Senator from Colorado so accurately stated in his colloquy with the Senator from New York.

This bill is going to be in effect, with or without this provision, for a 5-year provision; hopefully with. We do not know who the President might be in 1989, what his bias might be towards anything. We believe the Congress has the absolute right, under the Constitution, not only to appropriate funds but to determine how those funds will be either limited or exceeded. That is precisely what Gramm-Rudman-Hollings was all about in the first place. And to the extent we draw rigid specifications, which we have already done, but if we can be more rigid, we certainly want to hear them.

Nobody in this Chamber, it seems to me, wants to give the OMB Director any more discretion than we have in this bill right now, and less, if that is possible. That is my view.

Mr. MOYNIHAN. May I say—and I do not want to continue the debate; I see the Senator from South Carolina is on the floor—I would put this to my friend from New Hampshire. In Gramm-Rudman-Hollings I, the judgment about the fateful reductions in the budget of the United States was delegated by us to the least political, most professional, most trusted officer of the Congress, of the American Government that one could hope to find. Apart from the Director of the Bureau of Standards, I do not know that there is another office which has the reputation for integrity and professionalism of the Comptroller General. It is not surprising that that was the office chosen in your first option, and the court told you you could not do it.

But we go from the Comptroller General, who, for 65 years, I believe, has earned and deserved the confidence of the Congress for professionalism and absolute nonpartisan judgment; we go from that office to the most politicized office in the executive branch of Government.

I have known every Director of the Bureau of the Budget, and later the Office of Management and Budget, since Kermit Gordon served under John F. Kennedy, and I have seen progressive politicization of that role.

I had occasion to speak on this several weeks ago—the Senator from Colorado might be interested to hear, and I think he would agree—talking about an episode that took place in the White House in 1981 in which it was recognized that the economic forecasts were all wrong, things were going to be much worse, the onset of the depression, small depression, of 1982 was already clear, and the decision was made not to tell the Congress and not to tell the public; to go, in effect, and tell the Congress other than the facts, as understood, facts as best understood.

I said not long ago, Could you imagine George Shultz agreeing in a meeting at the White House, "Fine, I will go up to Capitol Hill and lie"? No; no. The thought was beyond belief—that was not something which the Director would have to do. He might say, "I can get pneumonia and go away for 2 weeks and not say anything, perhaps, but I certainly would never misrepresent facts as understood." What happened, happened.

So we go from the august position in the Comptroller General making these judgments, without any concern for party or politics, simply following the mechanism, the very mechanism, too rigid in my judgment, but in our haste

that was the only way you could do it, but with the Comptroller General doing it.

We turn from that least political to the most political. Is that prudent? Is that a course of events that we want to set in motion? I find this difficult to understand.

But I thank the Senator from New Hampshire for correcting me with respect to the matter of hearings. A hearing was held. But I happen to know it was held this morning. I happen to know the record was not available, although Senators were present to know what was said.

I am happy that a "Dear Colleague" letter has come around and I regret that—it is in the mail somewhere, as this happens regularly.

I look forward to continuing this debate tomorrow. I would put the Senate on notice that I will ask unanimous consent that we not vote on this matter until the record of the hearing is available, but the Senator from New Hampshire quite properly objects that the majority leader is not on the floor and is not at this moment available, and that would be inappropriate to pursue at this time. Tomorrow is another day.

I thank the Chair.

Mr. HOLLINGS. Mr. President, I will try to cooperate and see if we cannot get copies of today's hearings for the Senator from New York so that his request for unanimous consent will not be necessary.

I rise because of the comments made by the Senator from Colorado and the Senator from New York. Unfortunately, we are making a permanent record and I just could not sit by and listen to the arguments of the Senator from New York and the Senator from Colorado and act like there was any real substance to it. When they talk about monsters and madness, manipulation, rogue elephants, scene of the crime, cutting by anonymous consent, believe me, they really know better than that.

What you are seeing now is confusion and avoidance. "Rogue elephant," "scene of the crime," "master madness," and all the other cute phrases are very nice.

I ran for President myself. I know if you can get these clever phrases in, and some journalist picks it up it will make a colorful story. It will be quoted.

Therein is the general substance of what the Senator from Colorado said in his statement. He says, for example, the deficits have gone up. That is absolutely false. He knows differently. He was here last week when we reaffirmed the $11.7 billion sequester of March 1 and saved $16 billion in 1987 and $18 billion in 1988 for a total of $45.7 billion in savings. That is a fact. The Senator from Colorado knows deficits have not gone up. They are going down.

I have been here for 20 years and we have never made cuts like that before.

With respect to the strategy of the distinguished Senator from New York about David Stockman, I only remind the distinguished Senator from New York that Stockman was his student, not mine. I never did believe him.

Mr. MOYNIHAN. Will the Senator yield for a comment on a point of personal privilege?

Mr. HOLLINGS. Yes.

Mr. MOYNIHAN. Mr. Stockman was my babysitter, not my student.

Mr. HOLLINGS. The Senator from New York told us he was his student. If he was his babysitter, I would not trust him with the baby.

Mr. MOYNIHAN. On a personal point of privilege, I did not say anything of the kind one way or the other.

Mr. HOLLINGS. There is no need to make a personal privilege about it. The Senator is the one who told me about his relationship with Mr. Stockman. I am not making it up.

Mr. MOYNIHAN. On a point of personal privilege, does the Senator suggest that I ever said Mr. Stockman was a student? A student is someone who comes to classes.

Mr. HOLLINGS. I misunderstood. I thought the Senator said he was a student under the Senator. He was a babysitter. The Senator told me that.

Mr. MOYNIHAN. Yes. He lived with us. I was very happy to have him. In return for living quarters, his principal responsibilities were to do babysitting occasionally.

Mr. HOLLINGS. But in any event, I would not trust him with the baby. [Laughter.] There is no question in my mind that Mr. Stockman is the biggest charlatan I have ever seen since I have been in Washington. He double-talked everything. He was quick. He was clever. He was brilliant in his activity. But do not use David Stockman as a reason against this particular measure because I do not believe you will ever find that kind of artful dodger activity in the Office of Management and Budget ever again.

We have set the discipline. We have seen the track record of the present Director of the Office of Management and Budget, Mr. Miller. He has responded well with respect to the 1986 cuts. I do not intend to listen to these talks about courage and the abdication of choice when they are the ones who are trying to avoid the choice, avoid the courage, and play politics in the U.S. Senate.

I was not the one who put in an amendment for a 5-percent increase for Social Security on the floor of the Senate. I came in here late one afternoon, and it was the Senator from New York requesting a 5-percent increase for Social Security. I was one of three Senators that voted against it.

It is not popular to freeze Social Security or vote for Social Security cuts. But these Senators are the ones that have been recommending the spending, and now they are forced to make a choice. They say we are abdicating choice, giving us this philosophical professorial about madness, and monsters, and all the other nonsense they talk about.

The truth of the matter is the Senator from New York is too persuasive. He is the one in the Budget Committee that recommended the sale of assets. Now he has the President talking about it. I did not come in here to sell off the assets of the Government. The Senator from New York has been recommending it for several years. I do not go that route. I want to pay the bills. I want to get these deficits down. I do not intend to sit by and listen to how we need courage, and how we are abdicating choice, and using David Stockman as a reason for not voting for this particular amendment.

If that is the reason, I would vote with the Senator from New York. I think we will have time for further debate tomorrow, and maybe on Friday. There is no rush. They said last September and October that we were rushing, and it took us 3 months. We did not rush the argument. No one is rushing now. I do not think we are going to pass this debt limit because we have the Contras, the matter of SALT, and many other items that might be brought up. So there is no particular rush.

We told everyone about this particular amendment last week at the Democratic caucus. It has been discussed in the press for the last 10 days. The Speaker of the House of Representatives, Speaker O'Neill, has commented that this might be a feasible solution. Similarly, other leaders on the House side have discussed it. So this should not come as a surprise and there is no truth that we are rushing it through.

I understand the strategy of those who oppose it. They continue to oppose it. But I do not want to sit by and allow these descriptions, if you please, rogue elephants, scene of the crime, and all of the colorful language to go unchallenged, because this is serious business.

We have a deficit to reduce. At the present time, the discipline has been set. I hope we can maintain it. It is working in 43 States. None of the Governors are running around talking about madness, monsters, and scene of the crime. It worked on March 1, and it worked again last week when we reaffirmed $11.7 billion sequester.

Their objection is that it is working. And it is identifying the choice, not abdicating the choice. We described it early on as putting the Federal Government on a diet. We are saying, "Mr. Federal Government, we are putting

you on a diet. You are going to have to lose 36 pounds each year for the next 5 years. How you lose it, what budget you write, what choice you make is your choice."

As students of government, the Senator from New York and the Senator from Colorado know that it is totally impossible to take away the choice. We cannot do that. No Congress can bind ensuing Congresses. We can pass a bill today, and pass another one tomorrow. We are not taking away any choices. We are saying, "Give it all to defense if that is your disposition, and eliminate all social programs." As long as you pay for it and not increase the deficit there is no Gramm-Rudman-Hollings trigger.

Or, in contrast, give it all to social programs and eliminate the Pentagon, as long as you pay for it. That is your budget. That is your diet, there is no trigger. But if you do not live by a diet, if you do not have truth in budgeting, then on October 1, we are going to wire your jaws and you will not get anything to eat until you lose that 36 pounds or in this instance the $36 billion.

□ 1830

We are reducing the deficit.

I would not like to rush through a vote. I would like this to go on for about a week. Maybe if we had a good discussion for a week the message would get out to the people.

Let us not confuse all of this colorful language with what we are actually doing here.

We have set a discipline. The Senator from Colorado calls it a discipline. He calls it "substantial disciplinary measures." I agree with him. But do not call it substantial disciplinary measures on the front page and say on the second page that you want to repeal it.

You talk of substantial existing disciplinary measures on page 1. But then you say, "Now that I have made that argument, let us repeal the whole thing."

I say, let us maintain the discipline.

Mr. MOYNIHAN. Mr. President, I do not want to detain the Senate on personal matters, but I would like the RECORD to show that any comments I made about Mr. Stockman were with respect to his status as a guest in our home and not as a pupil. He is a personal friend and remains such. I hope he will continue to be.

Mr. President, I send a resolution to the desk and ask unanimous consent that it be held at the desk.

Mr. RUDMAN. Reserving the right to object, and I probably will not object, will the Senator from New York explain what is in that resolution and what he is doing?

Mr. MOYNIHAN. I am happy to do that for my learned friend from New Hampshire.

This is the resolution I suggested earlier that would provide that we not vote on the amendment pending until such time as the transcript of the hearings of the Governmental Operations Committee is available.

Mr. RUDMAN. The majority leader not being here, would the Senator from New York agree to modify his request to say that that be held at the desk for not more than 1 day and then he could discuss it with the leader tomorrow? Is that satisfactory?

Mr. MOYNIHAN. Entirely so. I so amend my request.

Mr. RUDMAN. I do not object.

The PRESIDING OFFICER. Without objection, the request is agreed to.

Mr. MOYNIHAN. If I could say a final word, Mr. President, we will have perhaps a lengthy debate; we are certainly going to have an intense debate. I would like to express the particular appreciation of the Senator from New York for his friend from New Hampshire who has shown restraint and good cheer and interest in the matter. He has responded to us. He has corrected us. I think he would recognize that any mistakes we have made were done innocently. The mail does not always work in the Senate either.

We appreciate his remarks. I hope we can continue this debate in that manner.

Mr. President, I yield the floor.

Mr. RUDMAN. Mr. President, it is my understanding that, unless someone wishes to continue, and if someone wishes to continue, certainly I will be willing to continue, and Senator HOLLINGS is still here and Senator GRAMM is still here—if nobody wishes to continue, the majority leader has asked me to consult with the Democratic leader and do what is referred to as the wrap-up, and then let the Senate go home. I do not want to move to that if the Senator from Colorado wishes more time today. Evidently he does not.

The Senator from New Mexico is here and does wish to say something. We will proceed to that before we do the wrap-up. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Colorado.

Mr. HART. Mr. President, to me so far the discussion of this matter has proceeded along generally agreeable lines. I believe given the good faith of all those participants involved on all sides, it is that it will continue to do so. However, off the floor, it has come to my attention that one of our colleagues made some reference to the fact of having sought the Presidency of the United States. And I think this may have been the Senator from South Carolina. I wanted to make sure that the Senator from Colorado understood the context of the remarks, the direction in which it was meant, for his own sake.

Mr. HOLLINGS. I would be glad to repeat exactly what I said.

I was listening to the distinguished Senator from Colorado discuss pulling the plug, the rogue elephant, manipulate, scene of the crime, and all of these other colorful expressions. I said that I knew how to write a statement with colorful expressions because I had run for President myself.

Mr. HART. Mr. President, I am not sure I got the clarification. I am still unclear as to what the reference of having run for President has to do with anything. Certainly, the Senator from South Carolina is no stranger to colorful language.

(The following proceedings occurred earlier and are printed at this point by unanimous consent:)

Mr. KENNEDY. Mr. President, Senator WEICKER and I intend to offer South Africa sanctions legislation as an amendment to the debt ceiling bill. Time has run out for the administration's policy, and it is now time for the Senate to act.

Yesterday, the President announced the disappointing results of his review of current policy toward South Africa. The world was watching—and all friends of freedom and justice were appalled to find the United States of America by its inaction, siding with apartheid.

I had hoped that President Reagan would bow to reality and modify his position. Instead, his speech was a reaffirmation of the flawed and failed policy of the past, and it is now up to the Senate to write a new antiapartheid policy for the future.

The testimony by Secretary of State Shultz to the Senate Foreign Relations Committee this morning was even more disturbing. Rather than moving forward—vigorously and visibly—to increase pressure on the South African Government, the administration now appears intent on relieving the minimal pressure that already exists.

According to Secretary Shultz, the administration is undecided on whether to renew the modest sanctions imposed by the President's Executive order of last September. The Secretary even endorsed the incredible view that it is desirable for United States firms to increase their investments in South Africa.

America's best values and traditions—and any hope we have that our country may yet play a positive role in achieving a peaceful end to apartheid

in South Africa—depend on effective action by Congress to establish a new policy that takes tough action against apartheid and offers hope for a free South Africa.

The amendment we propose contains a series of economic and diplomatic sanctions that we believe have broad support in Congress and the country and the international community. In essence, they are the proposals endorsed by the Eminent Persons Group of the Commonwealth of Nations.

They fall short of the full divestment and total trade embargo adopted by the House of Representatives that we prefer. But these are still far-reaching and effective sanctions. With the endorsement of the Eminent Persons Group, there is a reasonable prospect that if the United States takes the lead in adopting them, the Commonwealth of Nations, including Great Britain, the European Community, and other free nations will adopt them as well—and soon the entire free world will at last be saying, with one eloquent, powerful, effective voice, "Apartheid must end, and end now."

Mr. WEICKER. Mr. President, I recall the words of James Russell Lowell, specifically:

Then it is the brave man chooses, while the coward stands aside,
Doubting in his abject spirit, till his Lord is crucified,
And the multitude make virtue of the faith they had denied.

Very clearly in the context of events of the past years, days, and now hours, the time has come for this Nation to choose.

More specifically, a message went out from the United States of America yesterday that would indicate to some that we are going to waffle on the matter of the previousness of human life, on the matter of human dignity. I do not think that message can be left hanging out there without at least the opportunity for the Nation to speak with another voice.

It certainly is the intention of the distinguished Senator from Massachusetts and myself to work with our colleagues, Republican and Democrat and those on the Foreign Relations Committee, to come forth with a response to the Presidents of South Africa and the United States. But that is not something for future months and future Congresses. That is a matter to be addressed today and by the Senate. So it is in the nature of courtesy to the leadership, majority and minority, and to our colleagues, that the distinguished Senator from Massachusetts and I are alerting this body that the time to choose is hours away, not months. I hope that the message that goes out when the choice is made will give hope to all the blacks of South Africa and, indeed, the entire continent.

I yield the floor.

Mr. KENNEDY. Mr. President, I would like to take just another 2 or 3 minutes to read the provisions to be included or incorporated in the amendment which we are fashioning now and hope we will have other broad support on.

We tend to codify the President's executive order of September 9, 1985, which bans the importation of krugerands, bans United States loans to the South African Government and its agencies, except for education, housing, or health facilities available on a nondiscriminatory basis, bans the sale of computers, computer software, and computer services to the South African military, the police, and prisons and other agencies involved in the implementation or enforcement of apartheid, bans the United States exports of nuclear equipment and technology to South Africa, bans the importation from South Africa of arms, ammunition, and military equipment, makes the Sullivan Code mandatory for United States firms in South Africa.

Those were incorporated in the executive order, most of which was lifted from the legislation which we passed overwhelmingly last year. It also provides $25 million in United States aid for the victims of apartheid, $30 million in United States aid for the Beira Corridor Project to improve the transportation infrastructure of the Front Line States; bans United States bank loans to the private sector in South Africa; bans new United States private investment in South Africa; prohibits South African banks from operating in the United States; bans the importation of uranium, coal, and steel from South Africa; prohibits South African aircraft from landing in the United States and United States aircraft from landing in South Africa; bans all United States computer exports to South Africa; prohibits all United States consular facilities in South Africa from offering services to South African citizens; prohibits United States citizens from holding bank deposits or bank accounts on behalf of any South African entity; bans the importation of food and agricultural products from South Africa; terminates all United States Government assistance to investment in and trade with South Africa; bans all United States Government procurement from South Africa; bans all United States Government contracts with South African companies; bans United States assistance for exploration, research, development, production, or expansion of energy sources in South Africa; bans the promotion of United States tourism to South Africa, and lifts all the sanctions that have been mentioned here in points 4 through 17 above, all of the sanctions above with the exception of the Executive order, if the South African Government frees Nelson Mandela.

This is a very clear indication, Mr. President, that our intention is not to be punitive. All of these provisions with the exception of the banning of the krugerrand and the nuclear equipment, certain loans to the Government would all be lifted, lifted immediately, with the release of Nelson Mandela. I believe, if that happens, they should be lifted and we will have an opportunity in the future to consider U.S. policy.

Finally, Mr. President, I ask unanimous consent to include in the RECORD a statement of President Kaunda of Zambia who has spoken in the last several hours about current United States policy.

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

STATEMENT OF PRESIDENT KENNETH KAUNDA OF ZAMBIA

Zambia had been anxiously awaiting the much-advertised policy statement on South Africa from the President of the United States.

We had hoped that, commensurate with the gravity of the situation in South Africa, the statement would represent a significant shift from the present policy of the United States Administration to a more positive and realistic posture which would allow that great country to contribute meaningfully to the realization inside South Africa of the ideals of liberty, freedom, justice and human dignity and democracy which we know the American people cherish greatly, not only for themselves but also for humanity as a whole.

The statement by the President disappointed us greatly. We fear that its emphasis on East-West rivalries and its negative characterization of the role of the liberation movements of South Africa can only embolden the Pretoria regime in its intransigence.

Equally, we regret the refusal * * * to recognize the urgent need for the imposition of economic sanctions against South Africa in order to bring peaceful change inside that country.

In fact, we cannot escape the conclusion that the statement by the President was calculated to forestall the moves in the United States Congress to impose effective economic sanctions.

Issued July 23, 1986.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. I rise very briefly to join my colleagues and collaborators, Senators KENNEDY and WEICKER, in regard to apartheid. I am proud to be a sponsor of the Kennedy-Weicker-Cranston measure. I am proud to be the principal sponsor of the Cranston-Kennedy-Weicker measure which is the strongest pending proposal. It is the exact measure that has passed the House of Representatives.

It is unfortunate that the White House has folded its hands on apartheid. Constructive engagement has

been an embarrassment. Many Americans are ashamed of constructive engagement. It is dead. Only the White House fails to recognize and accept that fact. The United States refused to do business with Nazi Germany. The United States must now refuse to do business with apartheid South Africa.

What the administration incredibly fails to understand is that there is more to life than a paycheck. Moderate black leaders in South Africa will risk not only their jobs but their lives for freedom. America, the land of "give me liberty or give me death," should of all nations understand this. The liberation of American slaves caused unemployment but blacks were glad to trade their jobs in slavery for freedom and to accept joblessness for a while.

To protect United States interests, to put us on the right side of history, Congress must now act. Congress must act on strong sanctions, not on token slaps, not on trivial pursuits.

I predict we will act soon and, if need be, we will pass a strong bill over the President's veto. Time is running out. The time for action has come. We have delayed for 6 years. We delayed another year, really, in effect last year. If we delay a bit longer, the clock will run out on this session of Congress and there will not be time to pass a measure and to cope with an anticipated veto. I am, therefore, delighted to join with my colleagues in preparing for the action that our country now expects of us.

□ 1840

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I wish to ask the acting Republican leader if he can tell us if there will be any more rollcall votes today.

Mr. RUDMAN. Mr. President, although that is usually reserved to the leader, I think I can say, without invoking his anger of intruding on his privilege, that there will be no more rollcall votes tonight.

Mr. BYRD. I thank the distinguished Senator.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The President pro tempore (Mr. THURMOND) reported that on today, July 23, 1986, he had signed the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 1068. An act to eliminate unnecessary paperwork and reporting requirements contained in section 15(1) of the Outer Continental Shelf Lands Act, and sections 601 and 606 of the Outer Continental Shelf Lands Act Amendments of 1978;

S. 1874. An act to authorize quality educational programs for the deaf individuals throughout the United States, to reenact and codify certain provisions of law relating to the education of the deaf, and for other purposes;

H.R. 4409. An act to authorize appropriations for fiscal year 1987 for the operation and maintenance of the Panama Canal, and for other purposes;

H.R. 4985. An act to authorize the distribution within the United States of the USIA film entitled "The March";

S.J. Res. 274. Joint resolution to designate the weekend of August 1, 1986, through August 3, 1986, as "National Family Reunion Weekend";

S.J. Res. 279. Joint resolution to designate the month of October 1986, as "Lupus Awareness Month"; and

H.J. Res. 672. Joint resolution to ratify the February 1, 1986 sequestration order of the President for fiscal year 1986 issued under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, July 23, 1986, she had presented to the President of the United States the following enrolled bills and joint resolutions:

S. 1068. An act to eliminate unnecessary paperwork and reporting requirements contained in section 15(1) of the Outer Continental Shelf Lands Act, and sections 601 and 606 of the Outer Continental Shelf Lands Act Amendments of 1978;

S. 1874. An act to authorize quality educational programs for the deaf individuals, to foster improved educational programs for deaf individuals throughout the United States, to reenact and codify certain provisions of law relating to the education of the deaf, and for other purposes;

S.J. Res. 274. Joint resolution to designate the weekend of August 1, 1986, through August 3, 1986, as "National Family Reunion Weekend"; and

S.J. Res. 279. Joint resolution to designate the month of October 1986, as "Lupus Awareness Month"

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 2345: A bill to improve counseling, education, and services relating to acquired immune deficiency syndrome (Rept. No. 99-337).

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2184: A bill to authorize appropriations to the National Science Foundation for the fiscal year 1987, and for other purposes (Rept. No. 99-338).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation:

Rear Admiral Francis D. Moran, National Oceanic and Atmospheric Administration, to be Director of the Commissioned Officer Corps, National Oceanic and Atmospheric Administration.

(The above nomination was reported from the Committee on Commerce, Science, and Transportation with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. DANFORTH Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably a nomination list in the Coast Guard which was printed in its entirety in the CONGRESSIONAL RECORD of July 14, 1986, and ask, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

By Mr. THURMOND, from the Committee on Armed Services:

George Woloshyn, of Virginia, to be an Associate Director of the Federal Emergency Management Agency.

(The above nomination was reported from the Committee on Armed Services with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. THURMOND. Mr. President, from the Committee on Armed Services, I report favorably the attached nominations.

These nominations are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of July 14, July 15, and July 16, 1986, at the end of the Senate proceedings.)

1. In the Army Reserve there are 60 promotions to the grade of colonel and below (list begins with Thomas N. Bolton) (Ref. 1222).

2. In the Navy there are 901 promotions to the grade of lieutenant commander (list begins with John P. Abenstein) (Ref. 1227).

3. In the Air Force there are 3 appointments to a grade no higher than lieutenant colonel (list begins with Benjamin P. Graham (Ref. 1230).

4. In the Air Force there are 6 promotions to the grade of colonel and below (list begins with Kenneth Klint) (Ref. 1231).

5. In the Air Force there are 123 promotions to the grade of colonel (list begins with Lewis J. Abrahams) (Ref. 1232).

6. In the Air Force there are 183 promotions to the grade of lieutenant colonel (list begins with Gary A. Anderson) (Ref. 1233).

7. In the Air Force there are 475 promotions to the grade of major (list begins with Steven W. Abbott) (Ref. 1234).

8. In the Air Force there are 482 appointments to the grade of second lieutenant (list begins with Michael F. Adames) (Ref. 1235).

9. In the Army Reserve there are 149 promotions to the grade of colonel and below (list begins with William R. Anderson) (Ref. 1236).

Total: 2,382.

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. BENTSEN (for himself and Mr. WALLOP):

S. 2678. A bill to provide a comprehensive national oil security policy; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. MATHIAS, Mr. BIDEN, and Mr. SARBANES):

S. 2679. A bill to grant the consent of Congress to the Appalachian States Low-Level Radioactive Waste Compact; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. HOLLINGS, Mr. GRASSLEY, Mr. ZORINSKY, Mr. BOREN, Mr. ABDNOR, Mr. DENTON, Mr. COCHRAN, Mr. ROCKEFELLER, and Mr. HELMS):

S. 2680. A bill to amend the Internal Revenue Code of 1954 to allow a charitable contribution deduction to farmers who donate agricultural products to assist victims of natural disasters; to the Committee on Finance.

By Mr. ABDNOR:

S. 2681. A bill to amend the Small Business Act to increase the authorized level of surety bond guarantees; to the Committee on Small Business.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND (for himself, Mr. BIDEN, Mr. HOLLINGS, Mr. HELMS, Mr. TRIBLE, Mr. DANFORTH, Mrs. KASSEBAUM, Mr. GRAMM, Mr. BOSCHWITZ, Mr. BROYHILL, Mr. NUNN, Mr. FORD, Mr. LEVIN, Mr. ABDNOR, Mr. COHEN, Mr. DURENBERGER, Mr. BOREN, Mr. DENTON, Mr. LONG, Mr. KASTEN, Mrs. HAWKINS, Mr. HARKIN, Mr. COCHRAN, Mr. SARBANES, Mr. NICKLES, Mr. METZENBAUM, Mr. QUAYLE, Mr. ROCKEFELLER, Mr. EXON, Mr. MCCLURE, Mr. STAFFORD, Mr. DIXON, and Mr. CHILES):

S. Res. 451. Resolution to express the sense of the Senate commending the compassionate assistance extended to Southeast farmers by other Americans; considered and agreed to.

By Mr. MOYNIHAN:

S. Res. 452. Resolution expressing the sense of the Senate with regard to a vote on any amendment to the Balanced Budget and Emergency Deficit Control Act; ordered held at the desk, by unanimous consent, until the close of business on July 24, 1986.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN (for himself and Mr. Wallop):

S. 2678. A bill to provide a comprehensive national oil security policy; to the Committee on Finance.

NATIONAL ENERGY POLICY AND SECURITY ACT

● Mr. BENTSEN. Mr. President, I am introducing legislation today, accompanied by Mr. WALLOP, to do what this body and the administration should have done long ago: establish a national energy policy designed to ensure United States energy security. My legislation, entitled the Energy Policy and Security Act of 1986, will establish a national energy policy designed to minimize the risks of disruption from oil embargoes by members of the Organization of Petroleum Exporting Countries or OPEC.

Twice in the past 15 years, OPEC members have arbitrarily hiked the price of oil on world markets. Each time, this Nation wrung her hands, but had few effective actions it could take to counter OPEC. We were forced to pay considerably higher prices each time and once we had to resort to consumption restrictions and gas lines because we had an ineffective energy policy.

I would like to say that we learned our lesson—that this great Nation has a long enough memory to establish policies designed to prevent oil blackmail again. Sadly, that has not occurred. Briefly in the late seventies, we moved vigorously toward an oil policy which would minimize our exposure to OPEC blackmail. Conservation steps were instituted, including the very effective vehicle fuel economy standards. Renewable energy sources were explored. And even a strategic petroleum reserve was put in place to carry this Nation over brief periods of oil supply disruption from abroad. These steps took years to have an impact.

ENERGY POLICIES CAN WORK

But they did alter the way we use oil in this Nation. Building designs were made more energy efficient. Home insulation became a forethought rather than an afterthought. Fuel economy became a marketing plus for American auto companies. And fuel efficiency in autos rose dramatically. Back in 1973, for example, the typical car went 13.1 miles per gallon. Today, they average over 17 miles per gallon. More broadly, our economy in 1973 used 27,000 Btu's per dollar of GNP. Last year, that figure had improved nearly 30 percent to 20,000 Btu's per dollar of real GNP.

Government policies were not always consistent. Some steps like the windfall profits tax were counterproductive, discouraging domestic energy production in favor of imports. But the important lesson to my mind is that a national energy policy is possible—a vast reservoir of actions exist which can be used to reduce our Nation's reliance on imported oil. Back in 1977, for example, we imported a very high 47 percent of domestic oil consumption. The steps we took in conjunction with higher prices had reduced that level of dependence to 27 percent by last year.

That dramatic reduction in import dependence resulted from increased domestic production of oil as well as energy conservation. Back in 1976, we produced a bare 8.1 million barrels of crude oil daily. Last year, production was 10 percent higher at 8.90 million barrels per day. Not only can an energy policy work, but it works best if it focuses on both the demand and supply side of the oil equation.

THE THIRD OPEC CRISIS

OPEC has precipitated a third oil crisis. Oil prices have plunged over 60 percent to around $10 per barrel since last fall because Saudi Arabia has glutted world oil markets. Their objective is straightforward: drive competitors like American oil producers out of business to increase world dependence on OPEC oil. More narrowly, the Saudi's are also seeking to discipline overproducers within OPEC, as well. The message in both cases is clear: OPEC benefits from reduced production, especially from producers in the United States. And it will keep prices down until production here and elsewhere shrinks, enabling OPEC to once again drive world oil prices up.

In light of that background, the price drop over the last 6 months in oil prices poses a dramatic threat to U.S. oil security. American oil producers are directly in the gunsights of OPEC. And American consumers are perched on the OPEC bullseye.

But that is only part of the story. Falling oil prices have hobbled our economy as well as jeopardized energy security. Many analysts confidently predicted that the decline in oil prices would benefit our economy. That tune has changed in recent weeks. The regional impact in Texas and other oil producing States has not been offset by stronger growth elsewhere. Indeed, the slumping economy in Texas is dragging our entire economy into the economic doldrums. That is why the conference board concluded on June 30 that the impact of falling oil prices has generally been negative. That is especially true in manufacturing where capital spending plans have been sharply curtailed. Earlier this year, the 1,000 largest U.S. manufacturers hoped to expand spending by 8 percent this year on capital projects. But the most recent survey found that the spending increase would be only a bare 1 percent. Lower gasoline prices do very little good when jobs are being lost or incomes frozen as a result.

THE OIL INDUSTRY COLLAPSE

The OPEC-engineered collapse of world oil prices was aimed at U.S. producers. And it has hit the target. Energy firms are reeling from reduced prices and shrinking cash-flows. They have reacted as any industry would, by pulling in their horns and tightening down on budgets.

The hardest hit is exploration. Company after company in the oil patch is cutting exploration to the bone. According to Solomon Bros., the majors have cut exploration by half, and independents—who drill 90 percent of exploratory wells—have cut budgets by 48 percent. The number of crews engaged in seismic activity has fallen to 205 in April from 681 during 1981. And just since January, seismic crew activity has declined nearly one-third. As a result, exploratory and wildcat drilling have plunged. It costs $230,000 to drill wildcat wells onshore and $2.7 million offshore. Oil firms simply cannot afford to gamble with that amount of money when oil prices are soft and may grow even softer at the whim of OPEC. Back in the peak year of 1981, nearly 4,000 drilling rigs were in operation. That number has slipped steadily this year. And in the past 3 weeks, the drilling rig count prepared by Hughes Tool Co. has set successive new record lows. On Monday, July 14, it slumped to a bare 663 rigs.

At that pace, perhaps a scant 4,000 exploratory wells will be drilled this year. And one-third of those will be wildcat wells in unexplored fields. Only 13 percent of wildcat wells are successful historically. Thus, as few as 165 successful wildcats will be brought in this year in the United States, or fewer than 1 every 2 days. For comparison purposes, that means the number of wildcat wells brought in this year will slump to barely 10 percent of the number successfully brought in during 1981. Indeed, we could well see only one successful wildcat this year for every three brought in as recently as last year.

The collapse in exploration and drilling is easily the most dramatic in the history of the American oil industry. The domestic industry can drill 112,500 wells a year. This year, drilling is running at an anemic rate of 25,000 wells. Capacity utilization in the oil industry has plunged to a bare 20 percent, compared to 78 percent for other industries. In March 1986 alone, 24,000 jobs were lost in oil and gas. And over the past year, a staggering 1 job in 4 in oil and gas or 150,000 jobs nationally have been lost. This calamity has cut through the Texas economy and other oil producing States from Alaska to Louisiana and Oklahoma like wildfire. Its ripple effects have pushed real estate bankruptcies in Dallas to record levels. And unemployment across the Southwest is at double digit levels. The statewide rate in Texas, for example, in June was a record 10.5 percent, up sharply from 6.7 percent in January. Other indicators of economic distress like plunging office vacancy rates and falling home prices are abundant in the oil producing States, as well. House prices in most of Houston are down an amazing 20 to 40 percent this year. And Houston has more vacant office space than Pheonix has offices.

The tragic trauma to families facing economic loss from collapsing oil prices is not restricted to those from the oil industry. Each oil industry worker supports four or five others in the oil service as well as unrelated businesses like the corner barbershop or grocery store. These ripple effects are still working their way through my State and the Nation. I noted earlier that capital spending plans have been nearly cut to zero across the Nation as a consequence of the oil industry collapse. That means the oil industry weakness is reaching into every nook and cranny of our Nation, holding unemployment up at levels which have persisted since 1984. For example, Amoco cut 400 jobs recently from its headquarters staff in Chicago.

My State of Texas and the entire Nation has confronted economic troubles before. We will bounce back. And we will weather the current economic weakness in the oil patch, as well.

A SLOW REBOUND IN THE ENERGY INDUSTRY

There are new hopeful signs yet of a rebound in the oil industry. The Saudi strategy of driving prices down until production cutbacks occur is still being pursued. And oil prices have continued heading south. Last Tuesday, oil prices for west Texas crude dropped to $10.42 per barrel and foreign oil is selling below that. North Sea Brent crude sold at $8.65 per barrel, for example, the lowest prices ever for those fields. And Middle East oil from Dubai traded on July 14 at $6.75 per barrel for August delivery.

Continuing weakness in oil prices translates into a slow recovery for Texas and the oil industry across the country. And it translates into a slow rebuilding of the national economy, as well. The United States may not show much strength until what the Christian Science Monitor terms "an open price war" in world oil markets comes to an end. There were signs in April that OPEC had agreed to limit production to 16.3 million barrels per day beginning this month. Yet, the OPEC meeting to set oil production quotas fell apart at Brioni, Yugoslavia 3 weeks ago. And OPEC production is up to 19 million barrels now, with no end to price weakness in sight. That means that the layoffs, dismantling of companies, panic mergers, and bankruptcies in the energy business will continue.

NATIONAL ENERGY INSECURITY

That's bad news for Texas and the national economy. But it is even worse news for our Nation's security. Falling oil prices in the past has meant declining domestic oil production and rising consumption. The widening gap has been filled with imports. And evidence overwhelmingly shows that the same thing is happening now.

Low oil prices are both cutting current production and hobbling anticipated growth in future U.S. production. According to the Oil and Gas Journal, oil production during the first half of 1986 was down 140,000 barrels per day compared to the same period in 1985. And we are seeing an acceleration in production loss as the depression-era oil price collapse continues. Indeed, Chevron Corp. predicted last week that U.S. production will be down a staggering 500,000 barrels this year. Hardest hit are small stripper wells, producing an average 2.9 barrels daily. Strippers account for 73 percent of all U.S. oil wells. They are typically expensive, relying extensively on high cost tertiary recovery techniques, costing an average $14.59 per barrel. Consequently, they are the most price sensitive and the first to be closed down. Phillips Petroleum, for example, is closing its strippers in the Permian Basin as maintenance becomes necessary. And Texaco is now predicting that we will lose 640,000 barrels per day of stripper production in the near future due to the collapse in oil prices. Many of these wells will be plugged with concrete for environmental reasons, never to be reopened. Promising new oil fields on the North Slope and offshore are not being explored or developed either because high production costs cannot be recovered at current prices.

At the same time that oil production is dwindling across the country, demand is rising. Some substitution of oil for coal and natural gas is underway. And Americans have taken to the road in unprecedented numbers to exploit lower gasoline prices. As a result, U.S. oil demand is up a sharp 515,000 barrels per day thus far this year over the same period last year.

Falling production and rising demand means higher oil imports. Since January, foreign crude and product oil imports are running an enormous 750,000 barrels per day above 1985. And, our dependence on foreign oil has jumped to 34 percent now from 27 percent during 1985. The trend is toward even more import reliance. In June, for example, imports jumped to 6.5 million barrels per day, up nearly 40 percent from June a year ago. And our import dependence hit 39 percent.

Our rising oil dependence has been exhaustively studied in recent months by a number of experts. As presented in the attached table, their conclusions are unequivocal: oil imports will exceed the danger level of 50 percent of U.S consumption sometime during

the next 3 to 5 years. As a result of the OPEC price strategy, U.S. production will no longer be able to keep up with demand; oil imports will continue rising dramatically. And we will shortly be relying on foreign oil for one-half of all domestic oil consumption.

The Department of Energy agrees with that gloomy assessment. Deputy Secretary of Energy Danny Boggs testified in early March before the Finance Committee that U.S. oil dependence will pass 50 percent by 1990 or 1991 at the latest. All these experts indicate that foreign oil dependence as early as 1988 could equal or surpass the post-war high of 47 percent set in 1977.

Even more alarming, most of the increase in imported oil will come from the Middle East. Alternative non-OPEC oil resources are producing flat out now, and cannot be increased to supply surging U.S. oil demand. North Sea production and Alaskan North Slope will peak next year, for example. Canadian production will peak this year. Latin American production in countries like Mexico and Venezuela has plateaued. The only major oil reserves available to meet rising U.S. demand are in the Middle East under OPEC control.

Indeed, rising U.S. oil demand has already created rising dependence here on OPEC; OPEC has increasingly come to dominate U.S. oil imports at current prices. Saudi Arabia, for example, was only the 15th largest source of oil imports last year before the oil price plunge. The swing in United States oil consumption since then toward Saudi Arabia has been dramatic. Last June, for example, United States imports of Saudi oil were a bare 26,000 barrels per day. By January, they had soared to 664,000. In February, Saudi Arabia jumped to second place, and has not joined Mexico, Canada, and Venezuela as major suppliers of United States oil imports. This thirty-fold surge in Saudi oil sales has paced the dramatic jump in United States oil imports since January from OPEC. OPEC now accounts for 43 percent of total U.S. imports compared to 36 percent in 1985. At present trends, OPEC will be supplying over one-half of all U.S. oil imports by 1988.

I share with a number of colleagues here a great deal of concern for that day. We are the leader of the free world, the world's major free-market economy. We are the shining beacon of individual freedom held aloft by example and by national policy as a guide for other nations around the world. There are a number of authoritarian nations who are threatened by the principles of free speech and free open elections that we espouse. And we have a responsibility to remain vigilant and forceful in defending the freedoms we and our allies enjoy. We cannot meet that responsibility hobbled by the dangers of energy blackmail. We already know that some nations are willing to use that weapon to influence foreign policy. The only way we can remain able to pursue foreign policies that are in our interests free of undue influence from OPEC is to limit our dependence on foreign oil.

A NATIONAL ENERGY POLICY

That will not be easy. As oil expert Theodore R. Eck, chief economist with Amoco observed recently, in noting that U.S. production will fall by 50 percent over the next decade as demand climbs, "Imports are going to be horrendous. Canada faces the prospects of becoming a net importer of energy, while North Sea exploration and production expenditures are off by more than a third and continuing downward."

It will especially not be easy because of the administration's wooly-headed energy policies. It has proposed to roll back auto fuel efficiency standards implemented in the seventies. It has abandoned energy reduction steps involving Federal office buildings. It has even frozen the strategic petroleum reserve at barely one-half its initial planned level and at 250 million barrels shy of the congressional target—even as it overproduces from the naval petroleum reserve to sell at bargain-basement prices ranging as much as $4.40 below market prices.

Its tax policy has targeted the oil industry despite its 43-percent effective rate, nearly double the 23-percent rate paid by all other industries. It has endorsed the windfall profits tax. It has proposed to sharply reduce tax incentives needed to ensure that our oil industry remains robust and able to aggressively explore for new oil reserves. The oil industry bears extraordinary risks. Only one exploratory well in four is brought in, and barely one in seven wildcat wells hit oil or gas. The tax increases proposed by the administration last year, and those in the House tax bill will dramatically cut U.S. oil exploration and send us careening even faster toward the day when OPEC blackmail will occur.

In short, the administration has a short-sighted, nonsensical energy policy. It lacks understanding of the energy future we face. It has not pursued consistent and realistic policies. And it has not acted to minimize our sharply rising dependence on foreign oil. The administration has no oil policy worthy of the name.

EXPLANATION OF LEGISLATION

The Energy Policy and Security Act is straightforward.

First, it declares that U.S. energy security requires a national energy policy in which foreign oil dependence will not exceed 50 percent of consumption. That dependence was 27 percent last year. And, it has already risen to 39 percent in June.

Second, the President is required to annually submit projections to Congress on anticipated U.S. oil production, demand, and imports for the subsequent 3 years. He must certify whether imports of crude oil and oil products will exceed domestic production.

Third, the Congress has 10 session days to review oil demand, supply, and imports and to modify the Presidential certification if appropriate by joint resolution.

Fourth, for any year in which foreign oil imports are projected to exceed 50 percent, the President must submit an energy plan to Congress within 90 days containing steps sufficient to prevent oil dependence exceeding 50 percent. My legislation notes a number of steps which the President may include in that energy plan, including an oil import fee and energy conservation. And he may certainly include other steps as well.

Fifth, Congress may modify the President's energy plan within 90 days, and it must be approved by joint resolution.

I ask unanimous consent, Mr. President, that the Energy Policy and Security Act of 1986 be printed in the RECORD along with a table labeled, "United States Oil Position."

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

S. 2678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTON 1. SHORT TITLE.

This Act may be cited as the "National Energy Policy and Security Act of 1986".

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 ensure that adequate supplies of oil shall be available at all times free of the threat of embargo or other foreign hostile acts; and

(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.

(b) PURPOSE.—The purpose of this Act is to establish a national energy security policy designed to limit United States dependence on foreign oil supplies.

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 shall not rise.

(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 annual period.

(c) REPORT.—(1) The President shall prepare and submit an annual report to Congress containing a national oil security projection (in this Act referred to as the "projection"), which shall contain a forecast of domestic oil and NGL demand and production, and imports of crude and oil product for the subsequent three years. The projection shall contain appropriate adjustments for expected price and production changes.

(2) The projection prepared pursuant to paragraph (1) shall be presented to Congress with the Budget. The President shall certify whether foreign crude and oil product imports will exceed the ceiling level during the next three years.

SEC. 4. CONGRESSIONAL REVIEW.

The Congress shall have 10 continous session days after submission of each projection to review the projection and make a determination whether the ceiling level will be violated within three years. Unless disapproved or modified by joint resolution, the Presidential certification shall be binding 10 session days after submitted to Congress.

SEC. 5. ENERGY PRODUCTION AND OIL SECURITY ACTIONS.

(a) ENERGY PRODUCTION AND OIL SECURITY POLICY.—(1) Upon certification that the ceiling level will be exceeded, the President is required within 90 days to submit an Energy Production and Oil Security Policy (in this Act referred to as the "policy") to Congress. The policy shall prevent crude and product imports exceeding the National Oil Import Ceiling. Unless disapproved or modified by joint resolution, the policy shall be effective 90 session days after submitted to Congress.

(2) The Energy Production and Oil Security Policy may include—

(A) oil import fee;

(B) energy conservation actions including improved fuel efficiency for automobiles;

(C) expansion of the Strategic Petroleum Reserves to maintain a 90-day cushion against projected oil import blockages; and

(D) production incentives for domestic oil and gas including tax and other incentives for stripper well production, offshore, frontier, and other oil produced with tertiary recovery techniques.

TABLE I.—U.S. OIL POSITION [1] 1986–88

[In million of barrels/day]

Year	Domestic oil demand	Domestic oil production	Imports	Foreign oil dependence (percent)
1986:				
DRI [2]	16.1	10.5	5.6	35
Library of Congress [3]	16.8	9.8	7.0	41
1987:				
Congressional Budget Office [4]	17.9	10.6	7.3	41
Library of Congress	17.5	9.4	8.0	45
1988: Library of Congress	18.1	9.0	9.0	50

[1] Projections.

Sources:

[2] Data Resources, Inc.

[3] "Oil Price Decreases: Illustrative Effects on U.S. Oil Use, Production and Imports," Library of Congress, Congressional Research Service, March 24, 1986.

[4] "The Budgetary and Economic Effects of Oil Taxes," Congressional Budget Office, April, 1986.●

By Mr. ROTH (for himself, Mr. MATHIAS, Mr. BIDEN, and Mr. SARBANES):

S. 2679. A bill to grant the consent of Congress to the Appalachian States low-level radioactive waste compact; to the Committee on the Judiciary.

CONSENT OF THE CONGRESS TO THE APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMPACT

● Mr. ROTH. Mr. President, it is with great pleasure that I send the following bill to the desk on behalf of myself and the distinguished Senators from Delaware and Maryland. The purpose of the legislation is to allow the formation of an Appalachian interstate low-level radioactive waste management compact.

Mr. President, the Low-Level Radioactive Waste Policy Act of 1980 required States to establish regional compacts for the disposal of low-level radioactive waste produced by States within the compact. This act takes the responsibility for the disposal of this waste from sites in the States of South Carolina, Nevada, and Washington and places it with the States that produce it. Earlier this year the Low-Level Radioactive Waste Policy Act amendments were passed into law. Title I of these amendments set forth the means by which the 1980 act could be enacted by defining responsibilities for the disposal of low-level radioactive waste, providing incentives for States to move forward in developing regional disposal sites, and setting policies that will govern the transition to the regional disposal sites. Title II of the amendments established the Omnibus Low-Level Radioactive Waste Interstate Compact Consent Act. This gave consent to the Northwest, Central, Southeast, Central Midwest, Midwest, Rocky Mountain, and Northeast interstate low-level radioactive waste management compacts.

Mr. President, as you are well aware, issues which deal with nuclear and radioactive material, especially their disposal, are not easy issues. The problems are complex, the solutions are usually equally complex and always controversial. Timely and proper disposal of low-level radioactive waste is not always possible. Moreover, the activities that produce them play vital roles in the economy, as a source of employment and in making contributions to our quality of life. Producers include hospitals, research facilities, and industry. The wastes produced include rags, protective clothing, radiopharmaceuticals, and lab equipment. Although these wastes do not pose the same threat to health and safety as high-level radioactive waste produced by nuclear powerplants, we must dispose of them in a responsible and timely manner.

Mr. President, the Appalachian compact legislation I am introducing today establishes an organization and describes the procedures under which Delaware, Pennsylvania, Maryland, and West Virginia can, in a responsible and timely manner, develop new disposal capacity for low-level radioactive waste generated within the region. The compact has been ratified in an identical form by the State legislatures of Delaware, Pennsylvania and Maryland; West Virginia is also expected to act soon. It is imperative that we act quickly so that we can begin to meet the goals established by the Congress for low-level radioactive waste disposal, and meet the safety and health needs of the people in this region.●

By Mr. ABDNOR:

S. 2681. A bill to amend the Small Business Act to increase the authorized level of surety bond guarantees; to the Committee on Small Business.

SURETY BOND GUARANTEE PROGRAM

● Mr. ABDNOR. Mr. President, today I rise to address a crisis which has arisen in my State of South Dakota and which will soon be a problem for many Members of this body. The problem has to do with the SBA Surety Bond Guarantee Program. SBA has already run up against its statutory limit on guarantee authority.

Mr. President, through its Surety Bond Guarantee Program, the SBA assists qualified small business contractors by extending a guarantee to a surety of up to 90 percent against loss in order to make bonding more easily obtainable. Bid bonds, as well as payment and performance bonds, may be guaranteed on contracts of up to $1 million.

Since its inception in 1971, this program has guaranteed over 166,000 surety bonds, permitting the award of over $12 billion in contracts to small businesses. Prior to its enactment small and minority small business contractors, with limited track records and resources, found it difficult, if not impossible, to bid on construction contracts requiring surety bonds. With the assistance of the SBA Surety Bond Program, small businesses are now able to obtain the surety bonding required to bid on almost all federally funded and private construction contracts.

A crisis has arisen for many small contractors who are bidding on projects. With SBA's guarantee authority near expiration, these contractors will not be able to secure a bond and hence will be precluded from participating in the bidding on projects for which they are qualified.

My legislation calls for a $150 million increase in guarantee authority for fiscal year 1986. I'm told an increase of this amount will allow continuation of the program through the end of the fiscal year. I encourage my

colleagues to address this problem before the guarantee authority is completely exhausted and many small businesses are left with no alternative but to forego viable business opportunities.●

ADDITIONAL COSPONSORS

S. 230

At the request of Mr. BURDICK, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 230, a bill for the relief of the city of Dickinson, ND.

S. 1479

At the request of Mr. SASSER, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1479, a bill to amend the Public Safety Officer's Death Benefits Act.

S. 1900

At the request of Mr. ROTH, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1900, a bill to amend the Foreign Agents Registration Act of 1938 by providing for the 5-year suspension of exemptions provided to an agent of a foreign principal convicted of espionage offenses.

S. 1901

At the request of Mr. ROTH, the names of the Senator from Utah [Mr. HATCH], and the Senator from Alabama [Mr. DENTON] were added as cosponsors of S. 1901, a bill to amend the Foreign Missions Act regarding the treatment of certain Communist countries, and for other purposes.

S. 2325

At the request of Mr. EXON, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 2325, a bill to permit a maximum speed limit of 70 miles per hour on any route within the National System of Interstate and Defense Highways.

S. 2331

At the request of Mr. HEINZ, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 2331, a bill to amend title XVIII of the Social Security Act to assure the quality of inpatient hospital services and post-hospital services furnished under the Medicare Program, and for other purposes.

S. 2333

At the request of Mr. DURENBERGER, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 2333, a bill to amend title XIX of the Social Security Act to strengthen and improve Medicaid services to low-income pregnant women and children.

S. 2479

At the request of Mr. TRIBLE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2479, a bill to amend chapter 39 of title 31, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes.

S. 2498

At the request of Mr. KENNEDY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 2498, a bill to prohibit loans to, other investments in, and certain activities with respect to, South Africa, and for other purposes.

S. 2528

At the request of Mr. SPECTER, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 2528, a bill to establish clearly a Federal right of action by aliens and U.S. citizens against persons engaging in torture or extrajudicial killing, and for other purposes.

S. 2570

At the request of Mr. CRANSTON, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 2570, a bill entitled the Anti-Apartheid Action Act of 1986.

S. 2611

At the request of Mr. STEVENS, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2611, a bill to improve efforts to monitor, assess, and reduce the adverse impacts of driftnets.

S. 2660

At the request of Mr. BENTSEN, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 2660, a bill to prevent burdens or restrictions upon the international trade of the United States by reason of the activities of State trading enterprises.

S. 2665

At the request of Mr. SYMMS, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 2665, a bill to amend the national maximum speed limit law.

SENATE JOINT RESOLUTION 64

At the request of Mr. RIEGLE, the names of the Senator from South Dakota [Mr. ABDNOR], the Senator from Georgia [Mr. NUNN], the Senator from Nebraska [Mr. ZORINSKY], the Senator from South Carolina [Mr. THURMOND], the Senator from North Dakota [Mr. BURDICK], the Senator from Louisiana [Mr. LONG], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 64, joint resolution to designate the week beginning May 5, 1985, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 338

At the request of Mr. RIEGLE, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Nebraska [Mr. EXON], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 338, joint resolution to designate November 18, 1986, as "National Community Education Day."

SENATE JOINT RESOLUTION 343

At the request of Mr. D'AMATO, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 343, joint resolution designating the week of September 21, 1986, through September 27, 1986, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 367

At the request of Mr. HEINZ, the name of the Senator from Nevada [Mr. LAXALT] was added as a cosponsor of Senate Joint Resolution 367, joint resolution to designate July 31, 1986, as "National Kidney Program Day."

SENATE RESOLUTION 451—RELATING TO ASSISTANCE EXTENDED TO SOUTHEAST FARMERS BY OTHER AMERICANS

Mr. THURMOND (for himself, Mr. BIDEN, Mr. HOLLINGS, Mr. HELMS, Mr. TRIBLE, Mr. DANFORTH, Mrs. KASSEBAUM, Mr. GRAMM, Mr. BOSCHWITZ, Mr. BROYHILL, Mr. NUNN, Mr. FORD, Mr. LEVIN, Mr. ABDNOR, Mr. COHEN, Mr. DURENBERGER, Mr. BOREN, Mr. BIDEN, Mr. DENTON, Mr. LONG, Mr. KASTEN, Mrs. HAWKINS, Mr. HARKIN, Mr. COCHRAN, Mr. SARBANES, Mr. NICKLES, Mr. METZENBAUM, Mr. QUAYLE, Mr. ROCKEFELLER, Mr. EXON, Mr. MCCLURE, Mr. STAFFORD, Mr. DIXON, and Mr. CHILES) submitted the following resolution; which was considered and agreed to:

S. RES. 451

Whereas the drought in the Southeast has been the worst in over one hundred years;

Whereas the Southeast is suffering from record heat;

Whereas damage to crops in the Southeast has been estimated at nearly $700,000,000;

Whereas the livestock are starving due to a lack of feed;

Whereas farmers in other areas of the Nation have offered assistance in the form of feed grains and hay for the livestock;

Whereas leaders across the Nation have worked together to transport the goods to the Southeast; and

Whereas these goods are helping to alleviate the suffering of the farmers in the Southeast: Now, therefore, be it

Resolved, That it is the sense of the Senate that the farmers and government leaders that have been a part of this effort are to be commended for their public-spirited actions in helping to alleviate the suffering of the farmers in the Southeast.

SENATE RESOLUTION 452—RELATIVE TO VOTES ON AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT

Mr. MOYNIHAN submitted the following resolution; which was ordered held at the desk by unanimous consent until the close of business on July 24, 1986:

S. RES. 452

Resolved, It is the sense of the Senate that no vote occur on any amendment to the balanced budget and emergency deficit control act of 1985 until there has been made available to the membership of the Senate a transcript of the hearings on that topic which were held on July 23, 1986 by the Committee on Governmental Affairs.

AMENDMENT SUBMITTED

INCREASE IN STATUTORY LIMIT ON THE PUBLIC DEBT

GRAMM (AND HOLLINGS) AMENDMENT NO. 2223

Mr. GRAMM (for himself and Mr. HOLLINGS) proposed an amendment to the joint resolution (H.J. Res. 668) increasing the statutory limit on the public debt; as follows:

On page 1, line 6 strike "'$2,322,800,000,000'." and insert in lieu thereof the following: "$2,322,800,000,000".

TITLE II—BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL

That this title be cited as the "Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1986"."

RUDMAN (AND OTHERS) AMENDMENT NO. 2224

Mr. RUDMAN (for himself, Mr. GRAMM, Mr. HOLLINGS, and Mr. COHEN) proposed an amendment to amendment No. 2223 proposed by Mr. GRAMM (and Mr. HOLLINGS) to the joint resolution (H.J. Res. 668), supra; as follows:

At the end of the amendment strike "1986"." and insert in lieu thereof the following:

"1986".

SEC. 201. REVISION OF PROCEDURES.

(a) REFERENCE.—Except as otherwise specifically provided, whenever in this section an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be a reference to a section or other provision of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) REVISION OF REPORTING RESPONSIBILITIES.—(1) Section 251(b) is amended—

(A) by striking out "President" in paragraph (1) and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by redesignating subparagraphs (A) and (B) of paragraph (2) as clauses (i) and (ii), respectively;

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(D) by striking out "this subsection" in subparagraph (B) (as redesignated by subparagraph (C) of this paragraph) and inserting in lieu thereof "this paragraph";

(E) by striking out the subsection heading and inserting in lieu thereof the following:

"(b) REPORTS BY THE COMPTROLLER GENERAL AND DIRECTOR OF OMB.—

"(1) REPORT TO THE DIRECTOR OF OMB AND THE CONGRESS BY THE COMPTROLLER GENERAL.—"; and

"(F) by adding at the end thereof the following:

"(2) REPORT TO PRESIDENT AND CONGRESS BY THE DIRECTOR OF OMB.—

"(A) REPORT TO BE BASED ON GAO REPORT.—The Director of the Office of Management and Budget shall review and consider the report issued by the Comptroller General under paragraph (1) of this subsection for the fiscal year and, with due regard for the data, assumptions, and methodologies used in reaching the conclusions set forth therein, shall issue a report to the President and the Congress on September 1 of the calendar year in which such fiscal year begins, estimating the budget base levels of total revenues and total budget outlays for such fiscal year, identifying the amount of any deficit excess for such fiscal year, stating whether such deficit excess will be greater than $10,000,000,000 (zero in the case of fiscal year 1991), specifying the estimated rate of real economic growth for such fiscal year, for each quarter of such fiscal year, and for each of the last two quarters of the preceding fiscal year, indicating whether the estimate includes two or more consecutive quarters of negative economic growth, and specifying (if the excess is greater than $10,000,000,000, or zero in the case of fiscal year 1991), by account, for non-defense programs, and by account and programs, projects, and activities within each account, for defense programs, the base from which reductions are taken and the amounts and percentages by which such accounts must be reduced during such fiscal year in order to eliminate such deficit excess. Such report shall be based on the estimates, determinations, and specifications of the Comptroller General under paragraph (1) and shall utilize the budget base, criteria, and guidelines set forth in subsection (a)(6) and in sections 255, 256, and 257.

"(B) CONTENTS OF REPORT.—The report of the Director of the Office of Management and Budget under this paragraph shall—

"(i) provide for the determination of reductions in the manner specified in subsection (a)(3); and

"(ii) contain estimates, determinations, and specifications for all of the items contained in the report submitted by the Comptroller General under pararaph (1).

The report of the Director of the Office of Management and Budget under this paragraph shall explain fully any differences between the contents of such report and the report of the Comptroller General under paragraph (1).".

"(2) Section 251(c) is amended—

(A) by striking out "President" in subparagraph (A) of paragraph (2) and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "subsection (b)" each place it appears in such paragraph and inserting in lieu thereof "subsection (b)(1)";

(C) by striking out "subsection (b)(2)(B)" in subparagraph (B) of such paragraph and inserting in lieu thereof "subsection (b)(1)(B)(ii)"; and

(D) by adding at the end thereof the following new paragraph:

"(3) REPORT BY THE DIRECTOR OF OMB.—

"(A) On October 15 of the fiscal year, the Director of the Office of Management and Budget shall submit to the President, and the Congress a report revising the report submitted by the Director of the Office of Management and Budget under subsection (b)(2), adjusting the estimates, determinations, and specifications contained in that report to the extent necessary in the light of the revised report submitted to the Director of the Office of Management and Budget by the Comptroller General under paragraph (2) of this subsection.

"(B) The revised report of the Director of the Office of Management and Budget under this paragraph shall provide for the determination of reductions as specified in subsection (a)(3) and shall contain all of the estimates, determinations, and specifications required (in the case of the report submitted under subsection (b)(2)) pursuant to subsection (b)(2)(B)(ii).".

(3)(A) Section 251(e) is amended by striking out "Directors or the Comptroller General" and inserting in lieu thereof "Directors, the Comptroller General, or the Director of the Office of Management and Budget".

(B) Section 251(f) is amended by striking out "subsections (b) and (c)(2)" and inserting in lieu thereof "subsections (b)(1) and (c)(2), and the reports of the Director of the Office of Management and Budget submitted to the Congress under subsections (b)(2) and (c)(3),".

(c) PRESIDENTIAL ORDERS.—(1) Section 252(a) is amended—

(A) by striking out "Comptroller General" the first place it appears in paragraph (1) and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "section 251(b)" each place it appears in paragraphs (1) and (3) and inserting in lieu thereof "section 251(b)(2)";

(C) by striking out "September 1" in paragraph (1) and inserting in lieu thereof "September 3"; and

(D) by striking out "Comptroller General's" in the heading for paragraph (3) and inserting in lieu thereof "Director's".

(2) Section 252(b) is amended—

(A) by striking out "Comptroller General" each place it appears and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "section 251(b)" each place it appears and inserting in lieu thereof "section 251(b)(2)";

(C) by striking out "section 251(c)(2)" each place it appears and inserting in lieu thereof "section 251(c)(3)"; and

(D) by striking out "October 15" in paragraph (1) and inserting in lieu thereof "October 17".

(d) TERMINATION OR MODIFICATION PROCEDURES.—(1) Section 251(d) is amended by striking out paragraph (3).

(2) The last sentence of section 251(c)(1) is amended by striking out "and authorized under subsection (d)(3)(D)(i)".

(3) Section 256(1)(2) is amended by striking out ", in accordance with section 251(d)(3),".

(e) TECHNICAL AMENDMENTS.—(1) Section 254(b)(1)(A) is amended by striking out "Comptroller General under section 251(c)(2)" and inserting in lieu thereof "Director of the Office of Management and Budget under section 251(c)(3)".

(2) Section 274(f)(5) is amended by striking out "section 251(b) or (c)(2)" and inserting in lieu thereof "section 251(b)(2) or (c)(3)".

(3) Section 274(h) is amended—

(A) by striking out "Comptroller General" the first place it appears and inserting in lieu thereof "Director of the Office of Management and Budget"; and

(B) by striking out "Comptroller General under section 251(b) or (c)(2)" and inserting in lieu thereof "Director of the Office of

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Management and Budget under section 251(b)(2) or (c)(3)".

(f) APPLICABILITY.—The amendments made by this section shall apply with respect to any report required to be submitted, and any order issued, after the date of enactment of this Act under part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

EXON AMENDMENT NO. 2225

Mr. EXON proposed an amendment to the language proposed to be stricken by the committee amendment to the joint resolution (H.J. Res. 668), supra; as follows:

At the end of the matter proposed to be stricken add the following:

SEC. (a) the Senate finds and declares that:

(1) annual deficits which exceed $200 billion and an accumulated national debt which exceeds $2 Trillion threaten the economic health of the nation;

(2) The Constitution provides that "The Congress shall have the Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States . . .;"

(3) The Congressional Budget and Impoundment Act of 1974 was intended to establish effective Congressional Control over the budget process;

(4) The Emergency Deficit Control Act of 1985, popularly referred to as the Gramm-Rudman-Hollings law, attempted to implement an automatic spending reduction mechanism which could be activated without a Congressional vote;

(5) the United States Supreme Court invalidated the automatic sequester mechanism of the Emergency Deficit Control Act of 1985;

(6) other provisions of the Emergency Deficit Control Act of 1985 remain in effect, including the declining deficit targets and the requirement that legislation be consistent with the declining deficit targets;

(7) the Emergency Deficit Control Act of 1985 further provided for alternative procedures, popularly known as "fallback" provisions, which became effective upon the invalidation of the automatic sequester mechanism by the United States Supreme Court;

(7) the Congress successfully used the alternative procedures on Thursday, July 17, 1986 to implement $11.7 billion in spending reduction for fiscal year 1986;

(8) the American people expect their Representatives in Congress to set budgetary priorities and make difficult decisions necessary to reduce the federal deficit;

(b) it is therefore the sense of the Senate that the Congress utilize the existing "fallback" provisions of the Emergency Deficit Control Act to require a Congressional vote on specific measures to reduce the federal budget deficit.

RUDMAN (AND OTHERS) AMENDMENT NO. 2226

Mr. RUDMAN (for himself, Mr. GRAMM, Mr. HOLLINGS, Mr. COHEN, and Mr. EVANS) proposed an amendment which was subsequently modified, to the committee amendment, as modified, to the joint resolution (H.J. Res. 668), supra; as follows:

On page 9, line 18, strike out "this Act." and insert in lieu thereof the following: "this Act."

TITLE III—BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL

That this title be cited as the "Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1986."

SEC. 301. REVISION OF PROCEDURES.

(a) REFERENCE.—Except as otherwise specifically provided, whenever in this section an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be a reference to a section or other provision of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) REVISION OF REPORTING RESPONSIBILITIES.—(1) Section 251(b) is amended—

(A) by striking out "President" in paragraph (1) and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by redesignating subparagraphs (A) and (B) of paragraph (2) as clauses (i) and (ii), respectively;

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(D) by striking out "this subsection" in subparagraph (B) (as redesignated by subparagraph (C) of this paragraph) and inserting in lieu thereof "this paragraph";

(E) by striking out the subsection heading and inserting in lieu thereof the following:

"(b) REPORTS BY THE COMPTROLLER GENERAL AND DIRECTOR OF OMB.—

"(1) REPORT TO THE DIRECTOR OF OMB AND THE CONGRESS BY THE COMPTROLLER GENERAL.—"; and

(F) by adding at the end thereof the following:

"(2) REPORT TO PRESIDENT AND CONGRESS BY THE DIRECTOR OF OMB.—

"(A) REPORT TO BE BASED ON GAO REPORT.—The Director of the Office of Management and Budget shall review and consider the report issued by the Comptroller General under paragraph (1) of this subsection for the fiscal year and, with due regard for the data, assumptions, and methodologies used in reaching the conclusions set forth therein, shall issue a report to the President and the Congress on September 1 of the calendar year in which such fiscal year begins, estimating the budget base levels of total revenues and total budget outlays for such fiscal year, identifying the amount of any deficit excess for such fiscal year, stating whether such deficit excess will be greater than $10,000,000,000 (zero in the case of fiscal year 1991), specifying the estimated rate of real economic growth for such fiscal year, for each quarter of such fiscal year, and for each of the last two quarters of the preceding fiscal year, indicating whether the estimate includes two or more consecutive quarters of negative economic growth, and specifying (if the excess is greater than $10,000,000,000, or zero in the case of fiscal year 1991), by account, for nondefense programs, and by account and programs, projects, and activities within each account, for defense programs, the base from which reductions are taken and the amounts and percentages by which such accounts must be reduced during such fiscal year in order to eliminate such deficit excess. Such report shall be based on the estimates, determinations, and specifications of the Comptroller General under paragraph (1) and shall utilize the budget base, criteria, and guidelines set forth in subsection (a)(6) and in sections 255, 256, and 257.

"(B) CONTENTS OF REPORT.—The report of the Director of the Office of Management and Budget under this paragraph shall—

"(i) provide for the determination of reductions in the manner specified in subsection (a)(3); and

"(ii) contain estimates, determinations, and specifications for all of the items contained in the report submitted by the Comptroller General under paragraph (1).

The report of the Director of the Office of Management and Budget under this paragraph shall explain fully any differences between the contents of such report and the report of the Comptroller General under paragraph (1).".

(2) Section 251(c) is amended—

(A) by striking out "President" in subparagraph (A) of paragraph (2) and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "subsection (b)" each place it appears in such paragraph and inserting in lieu thereof "subsection (b)(1)";

(C) by striking out "subsection (b)(2)(B)" in subparagraph (B) of such paragraph and inserting in lieu thereof "subsection (b)(1)(B)(ii)"; and

(D) by adding at the end thereof the following new paragraph:

"(3) REPORT BY THE DIRECTOR OF OMB.—

"(A) On October 15 of the fiscal year, the Director of the Office of Management and Budget shall submit to the President and the Congress a report revising the report submitted by the Director of the Office of Management and Budget under subsection (b)(2), adjusting the estimates, determinations, and specifications contained in that report to the extent necessary in the light of the revised report submitted to the Director of the Office of Management and Budget by the Comptroller General under paragraph (2) of this subsection.

"(B) The revised report of the Director of the Office of Management and Budget under this paragraph shall provide for the determination of reductions as specified in subsection (a)(3) and shall contain all of the estimates, determinations, and specifications required (in the case of the report submitted under subsection (b)(2)) pursuant to subsection (b)(2)(B)(ii).".

(3)(A) Section 251(e) is amended by striking out "Directors or the Comptroller General" and inserting in lieu thereof "Directors, the Comptroller General, or the Director of the Office of Management and Budget".

(B) Section 251(f) is amended by striking out "subsections (b) and (c)(2)" and inserting in lieu thereof "subsections (b)(1) and (c)(2), and the reports of the Director of the Office of Management and Budget submitted to the Congress under subsections (b)(2) and (c)(3),".

(c) PRESIDENTIAL ORDERS.—(1) Section 252(a) is amended—

(A) by striking out "Comptroller General" the first place it appears in paragraph (1) and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "section 251(b)" each place it appears in paragraphs (1) and (3) and inserting in lieu thereof "section 251(b)(2)";

(C) by striking out "September 1" in paragraph (1) and inserting in lieu thereof "September 3"; and

(D) by striking out "Comptroller General's" in the heading for paragraph (3) and inserting in lieu thereof "Director's".

(2) Section 252(b) is amended—

(A) by striking out "Comptroller General" each place it appears and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "section 251(b)" each place it appears and inserting in lieu thereof "section 251(b)(2)";

(C) by striking out "section 251(c)(2)" each place it appears and inserting in lieu thereof "section 251(c)(3)"; and

(D) by striking out "October 15" in paragraph (1) and inserting in lieu thereof "October 17".

(d) TERMINATION OR MODIFICATION PROCEDURES.—(1) Section 251(d) is amended by striking out paragraph (3).

(2) The last sentence of section 251(c)(1) is amended by striking out "and authorized under subsection (d)(3)(D)(i)".

(3) Section 256(1)(2) is amended by striking out ", in accordance with section 251(d)(3),".

(e) TECHNICAL AMENDMENTS.—(1) Section 254(b)(1)(A) is amended by striking out "Comptroller General under section 251(c)(2)" and inserting in lieu thereof "Director of the Office of Management and Budget under section 251(c)(3)".

(2) Section 274(f)(5) is amended by striking out "section 251(b) or (c)(2)" and inserting in lieu thereof "section 251(b)(2) or (c)(3)".

(3) Section 274(h) is amended—

(A) by striking out "Comptroller General" the first place it appears and inserting in lieu thereof "Director of the Office of Management and Budget"; and

(B) by striking out "Comptroller General under section 251(b) or (c)(2)" and inserting in lieu thereof "Director of the Office of Management and Budget under section 251(b)(2) or (c)(3)".

(f) APPLICABILITY.—The amendments made by this section shall apply with respect to any report required to be submitted, and any order issued, after the date of enactment of this Act under part C of the Balanced and Emergency Deficit Control Act of 1985.

D'AMATO (AND OTHERS) AMENDMENT NO. 2227

(Ordered to lie on the table.)

Mr. D'AMATO (for himself, Mr. DECONCINI, Mrs. HAWKINS, and Mr. CHILES) submitted an amendment intended to be proposed by them to the joint resolution (H.J. Res. 668), supra; as follows:

At the appropriate place in the joint resolution, insert the following:

SEC. . DENIAL OF CERTAIN TAX BENEFITS WITH RESPECT TO ACTIVITIES IN CERTAIN FOREIGN COUNTRIES.

(a) DENIAL OF FOREIGN TAX CREDIT.—Section 901 (relating to taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) DENIAL OF FOREIGN TAX CREDIT, ETC. WITH RESPECT TO CERTAIN FOREIGN COUNTRIES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this part—

"(A) no credit shall be allowed under subsection (a) for any income, war profits, or excess profits taxes paid or accrued (or deemed paid under section 902 or 960) during the taxable year to any country to which this subsection applies, and

"(B) subsections (a), (b), and (c) of section 904 and sections 902 and 960 shall be applied separately with respect to income for such taxable year from sources within any country so identified.

"(2) COUNTRIES TO WHICH SUBSECTION APPLIES.—

"(A) IN GENERAL.—This subsection shall apply to any foreign country—

"(i) the government of which the United States does not recognize, unless such government is otherwise eligible to purchase defense articles or services under the Arms Export Control Act,

"(ii) with respect to which the United States has severed diplomatic relations,

"(iii) with respect to which the United States has not severed diplomatic relations but does not conduct such relations, or

"(iv) which the Secretary of State has, pursuant to section 6(j) of the Export Administration Act of 1979, as amended, designated as a foreign country which repeatedly provides support for acts of international terrorism.

"(B) PERIOD FOR WHICH SUBSECTION APPLIES.—This subsection shall apply to any foreign country described in subparagraph (A) during the period—

"(i) beginning on the later of—

"(I) January 1, 1987, or

"(II) 6 months after such country becomes a country described in subparagraph (A), and

"(ii) ending on the date the Secretary of State certifies to the Secretary of the Treasury that such country is no longer described in subparagraph (A).

"(3) PART-YEAR RULE.—If this subsection applies to any foreign country for any period less than an entire taxable year, paragraph (1) shall be applied by taking into account only that proportion of the taxes and income described in paragraph (1) for the taxable year as the portion of the taxable year which includes such period bears to the entire taxable year."

(b) DENIAL OF DEFERRAL OF INCOME.—

(1) GENERAL RULE.—Section 952(a) (defining subpart F income) is amended by striking out "and" at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof ", and", and by inserting immediately after paragraph (4) the following new paragraph:

"(5) the income of such corporation derived from any foreign country during any period during which section 904(i) applies to such foreign country."

(2) INCOME DERIVED FROM FOREIGN COUNTRY.—Section 952 (defining subpart F income) is amended by adding at the end thereof the following new subsection:

"(e) INCOME DERIVED FROM FOREIGN COUNTRY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of subsection (a)(5), including regulations which treat income paid through 1 or more entities as derived from a foreign country to which section 904(i) applies if such income was, without regard to such entities, derived from such country."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1987.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Subcommittee on Foreign Agricultural Policy, of the Committee on Agriculture, Nutrition, and Forestry, has scheduled its fourth in a series of hearings entitled: "Preparing for the GATT: A Review of Agricultural Trade Issues."

The subcommittee, chaired by Senator BOSCHWITZ, will focus on the impact of the Food Security Act of 1985 on agricultural trade.

The hearing will take place on Tuesday, July 29, 1986, at 9:30 a.m., in room 332 Russell Senate Office Building.

For futher information, please contact the committee staff at 224-2035.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's full committee markup, scheduled to be held on Thursday, July 24, 1986 at 10 a.m. has been rescheduled for 4 p.m. In addition, the location has been changed from room 428A of the Russell Senate Office Building to S-146 in the Capitol. This markup is being held to consider legislation authorizing the sale of certain Small Business Administration loans in order to meet the reconciliation instruction as imposed by Senate Concurrent Resolution 120, the concurrent resolution of the budget for fiscal year 1987.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 23, 1986, in closed executive session in order to hold a briefing on intelligence matters, and to conduct a business meeting.

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

COMMITTEE ON FINANCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Finance Committee be authorized to meet during the session of the Senate on Wednesday, July 23, 1986, in order to hold a markup, in executive session, on the reconciliation instructions.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 23, 1986, in order to conduct a hearing on the legal responses to Bowsher against Synar.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOLE. Mr. President, I ask unanimous consent that the Commit-

tee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 23, to mark up S. 2405, the Federal Aid Highway Act of 1986.

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

COMMITTEE ON ARMED SERVICES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 23, in open, later to become closed session, in order to discuss possible committee modifications to S. 2638, National Defense Authorization Act of Fiscal Year 1987; and to consider the nomination of George Woloshyn, to be Associate Director of FEMA for emergency operations; and other routine military nominations.

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

TASK FORCE ON INVENTORY MANAGEMENT

Mr. DOLE. Mr. President, I ask unanimous consent that the Task Force on Inventory Management of the Committee on Armed Services, be authorized to meet during the session of the Senate on Wednesday, July 23, in order to receive testimony on Inventory Management Control, in the Department of Defense.

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

ADDITIONAL STATEMENTS

BOYS NATION, GIRLS NATION: EXCELLENCE IN CITIZENSHIP

● Mr. KASTEN. Mr. President, last week, Washington played host to 100 high school girls from throughout America who came to our Nation's Capitol to participate in a unique citizenship program. This week, 100 high school boys are here for the same program.

The programs are Girls Nation and Boys Nation, an exercise in citizenship designed and implemented by the American Legion and the Legion Auxiliary.

Mr. President, I wish to take a moment to thank the legion for this stellar annual program. I also applaud the achievements of Wisconsin's participants in this year's Girls Nation—Thayer Reed of Milwaukee, and Angie Wilson of Delavan; and Boys Nation—James Vyvyan of Union Grove and Randall Wickman of Ripon.

Thayer, a student at Shorewood High School, is the daughter of David and Kate Reed of 2717 East Belleview in Milwaukee. Angie, a student at Delavan-Darien High School, is the daughter of Ron and Betty Wilson of 401 South Third Street in Delavan.

James is the son of Karen and James Vyvyan, 17214 Old Yorkville Road in Union Grove. He will be a senior at Union High School. Randall, the son of Dean Wickman and Susan Plueddeman, lives at Route 2, Ripon. He will be a senior at Ripon High School.

These four young people were selected to represent Wisconsin at Girls Nation and Boys Nation because of their superb leadership qualities. The program in which they participate brings together the brightest of America's youth in an atmosphere that encourages their development as informed citizens.

Boys and Girls Nation is an outgrowth of a State citizenship program developed by the American Legion in the depression years of the 1930's. Designed to focus the attention of America's youth on the unique strengths of our local and State government systems, Boys State and Girls State brings together students who have just completed their junior year in high school to form their own local and State governments according to the laws of the States in which they live.

During the "State" program, which in Wisconsin had more than 2,000 boys and girls participating, local, county, and State governments are formed, officials are elected—just as voting-age adults select town councilmen, State auditors, county commissioners, and political chairmen—and these young people "run" their towns and State.

Part of the governing exercise is to elect two "senators" to represent the State at the "Nation" program, held annually in July in Washington, DC.

During the "Nation" program, the 100 senators organize Nationalist and Federalist political parties, hold national conventions for the nomination of candidates and then stage a national election.

These young people then perform a dual role, as a senate, which enacts legislation, and as a Federal Government, which administers the laws. They create budgets, appropriate moneys to the myriad Federal agencies that serve the American people. They run for higher office.

In essence, for a week they "become" the Federal Government.

And during this week they learn about the realities of the Federal Government by meeting with elected representatives and by witnessing sessions of the House and Senate.

Mr. President, a well informed public is the source of the strength of our democracy. Through this program, American youth gain an insight into the workings of our Government that will enable them to exercise the rights and responsibilities of citizenship with enhanced understanding.

The American Legion and the Legion Auxiliary deserve the highest praise for their continued dedication to this program. I personally applaud Thayer and Angie, James and Randall for their individual talent and initiative that has brought them to Washington to be part of this fine program.

Thousands of young Americans have been prepared for responsible citizenship through this program, Mr. President. And that preparation has made our 50 States and our Nation strong, vital, and productive.●

MANAGER DICK HOWSER OF THE KANSAS CITY ROYALS

● Mr. DANFORTH. Mr. President, last year, Kansas City Royals Manager Dick Howser led his team to a spectacular come-from-behind victory in the World Series. Today, Dick is in the middle of a much more serious battle. Less than a week after leading the American League to its second All-Star Game win in 15 years, Dick Howser was hospitalized for treatment of a brain tumor. My prayers and those of baseball fans across the country are with Dick and his family. We wish him a speedy and complete recovery.

I ask the following articles from the Kansas City Star, Kansas City Times, New York Times, and the Washington Post be included in the RECORD.

The material follows:

HOWSER'S TUMOR MALIGNANT; SURGEONS REMOVE PART OF IT

(By Sean Hillen)

Doctors removed part of a tumor from the brain of Dick Howser, manager of the Kansas City Royals, during a three-hour operation Tuesday at St. Luke's Hospital. Tests on the tumor showed it to be malignant.

The operation began at noon and was completed at 3 p.m. Dr. Charles Clough, the neurosurgeon who performed the operation, appeared briefly at a news conference afterward to make a prepared statement, saying in part that his previous diagnosis was confirmed.

Dr. Clough, who was assisted by Dr. Ed MacGee, another neurosurgeon at St. Luke's, said the operation was "standard," with no complications and "went well from the start." He would not comment on the chances for Mr. Howser's recovery.

Dr. Paul Meyer, physician for the Royals, said the surgeons were not able to remove all of the tumor because part of it lay in the area of the brain that controls speech.

Surgeons "removed all (of the tumor) they could remove," he said, adding that Mr. Howser, 50, was "in serious condition but stable and will most likely undergo radiation therapy."

Surgeons reached the tumor by cutting out flaps in Mr. Howser's scalp and skull through a procedure known as a craniotomy. Part of tumor was immediately tested for malignancy. More comprehensive tests will be conducted on the tumor over the next few days to help surgeons establish levels of radiation therapy.

In an interview Tuesday night, Dr. Clough said that he was able to see all of the tumor without the use of ultrasound imaging devices often used to detect the exact location of tumors.

"I removed all I could, using a suction and cauterizing device," Dr. Clough said. "The operation went well."

Doctors found the tumor in the brain's left frontal lobe, which controls thought, reasoning, behavior and memory.

Dr. Clough said that the tumor is known as an astrocytoma, a subgroup of tumors called gliomas.

Gliomas are the most common type of brain tumor, accounting for 43 percent of all brain cancers. They affect glial cells, special cells that help support the neurons, or main cells, of the brain.

Gliomas can be separated into five main categories depending on the type of glial cell they contain. The most common malignant tumor is a glioma known as the glioblastoma multiforme.

Astrocytomas consist of star-shaped cells called astrocytes. Such tumors, which can be benign or malignant, are graded for malignancy according to their cellular content.

With today's tools and techniques, benign astrocytomas are often completely removed surgically. But a grade four malignant astrocytoma, for example, grows aggressively and is usually fatal in a year or so, according to the National Institute of Neurological and Communicative Disorders and Stroke.

Dr. Clough said he would not know the grade of the astrocytoma in Mr. Howser's brain until pathology tests are complete. He said a second opinion may be requested from Dr. John Kepes, a neuropathologist at the University of Kansas Medical Center.

Within two hours of the operation, Mr. Howser was awake and alert in the recovery room and speaking with his wife, Nancy, according to hospital authorities. He was also able to move his arms and legs.

Joe Burke, president of the Royals, said Mr. Howser talked with his wife, describing her as a "real trooper."

Mr. Clough added, "We will be watching closely over the next two or three days to see if everything went well."

Usually, brain tumor patients receive radiation treatment for about six weeks, beginning one week after surgery. Special drugs are sometimes used to make tumor tissue more sensitive to radioactive bombardment. More powerful rays or charged particles that can be sharply focused on the tumor can also be used.

PLACID MANNER MASKS FIGHTER INSIDE ROYALS' MANAGER—BATTLING HIS ILLNESS WILL COME NATURALLY TO DICK HOWSER

At this moment about all we can do is offer Dick Howser our hearts, thoughts and prayers.

This we gladly do.

Otherwise, as the days pass before Howser's surgery this week for brain tumor, no one can say what will happen next in the life of the Royals' manager.

Except for one thing.

Howser will fight this illness.

For more than anything else, that is what Howser is.

A fighter.

Granted, he doesn't look like much of one. You see him standing there so tranquilly in the dugout during Royals games, arms folded, face barely betraying emotion, it is not pugnacity, but placidness which comes to mind. Howser never has been much for chair throwing in the clubhouse or singeing umpires' ears with invective. Like most good fighters, Howser rarely talks much about fighting. He just fights when he has to.

Nor does Howser have a fighter's physique. In some old ballplayers you still can see—in the gnarled oak of the forearms or the thickness of chest, however much it may sag beneath the weight of years—the power which once generated home runs or tackle-busting runs. Howser's frame is still compact, athletic, but unimposing. At 5 feet, 9 inches, 155 pounds, he is more mindful of the skinny guy from the accounting office who does surprisingly well in the office softball game, than a former big-leaguer.

The thing is, that's just the outer Howser.

It's the guy inside who always has been the fighter.

That's where you find the best kind of strength, anyway, that quiet, inner toughness that needs no boasting to bolster it. Needs no preening of power to fuel its existence. It just is. And it isn't going to be shaken by too much. And you know it and don't need to tell the other guy about it too often.

Look in Howser's eyes and you see the scrawny, pint-sized kid who fought Golden Gloves growing up in West Palm Beach, Fla., with a look that said, "I don't care how big you are, I'll take you on."

Look in Howser's heart and you see the guy who couldn't be bullied by a world class bully, George Steinbrenner. When Howser led the Yankees to a 103-59 record in 1980 but lost to the Royals 3-0 in the American League Championship Series, Steinbrenner went into one of his favorite routines. The one where he lets the employee twist slowly in the wind while pompously announcing he will decide the poor fellow's fate. Howser, seeing through the bluster, just kind of shouldered past Steinbrenner like one of those showdown scenes in the Old West, more or less said, "Shoot me in the back if you're going to," and walked calmly out of town. Howser went back to Florida, where his phone soon began ringing off the wall with other clubs wanting his services.

I've always thought perhaps the best tipoff to Howser's toughness was that Billy Martin never messed with him. Martin is the kind of guy who specializes in picking on vulnerable people. He has an extra sense, like hyenas, which tells him if he can intimidate you or not. If he can, he'll do his whole I-am-the-gunslinger, Billy the Kid number on you.

With Howser, uh-uh. There were a couple of moments which Martin was the Yankee manager and Howser was the third-base coach, when, as with everybody, Martin tried. But he took a good look into Howser's eyes, the kind that tell what a guy really has inside there and decided, nope, the man can't be buffaloed. Better steer clear.

I remember people talking about the game in 1962 when Howser was with the A's and Luis Aparicio slid hard into second base, which Little Looie was especially good at doing, and kicked Howser in the glove hand. It broke Howser's thumb so badly they later had to put a pin in it, but he took the strap off the back of his glove to make room for the swelling and finished the game, going two for two the rest of the way and helping to win a ballgame. When Nellie Fox made fun of Howser for bunting for one of the base hits, Howser went after Fox, broken hand and all, before Fox backed down. Howser always was a tough little guy.

It's the kind of thing that made Howser an All-Star shortstop for Kansas City in 1961. It had something to do with his swiftness afoot, his fielding and his clutch hitting. But it had more to do with his ability to battle.

Occasionally, since Howser became the Royals' manager in 1981, his fighting spirit went public. If, after endless patience, it took a physical confrontation to put a player in his place, Howser did it, such as the time he took on a bellyaching Don Hood on the team bus. Or, after interminable times of swallowing umpires calls with a stiff upper lip it was a nose-to-nose job on the crew of Joe Brinkman. Then there was the day Howser and his coach and buddy, Rocky Colavito, were involved in a traffic accident outside Royals Stadium and, after some words with police, to Howser's horror, suddenly several officers were wrestling Colavito to the ground. It was an unjust situation in Howser's mind, so he leaped on the back of one of the several officers whom he felt unfairly had ganged up on his friend.

In each instance, Howser was not a guy trying to impress anybody with being a big man. "I don't look for trouble, because if you do, you'll find it," Howser once said. "But I don't think anyone should ever back me in a corner and think I won't come out fighting because I will."

Maybe it's no accident that when the Royals came from behind 3-1 against Toronto and St. Louis last year in the AL Championship Series and World Series, the manager was Dick Howser. People talked about Howser's patience and his faculty for not panicking. Maybe as big a factor was Howser's scrappiness. As usual, it wasn't the showy kind. It was just a look that said, "We won't quit."

Throughout the 1985 season, Howser spoke of his team facing extinction with "the eye of fighter pilots." To me, he saw his own face mirrored in their eyes. It helps when your head pilot is a born fighter.

The medical people say that it matters a lot, this fight, when you take on any disease. How willing are you to take on the illness, to stay positive, to know you can win?

If this is so, we can view the coming days with hope.

He will need our prayers.

He will need his fighting spirit.

God willing, he will have a good chance to lick this thing.

HOWSER'S SURGERY

(By Dave Anderson)

At the time, they seemed to be slips of the tongue. Nothing more, nothing less. Nothing to be alarmed about. Up at the microphone at the All-Star Game news conference in Houston last week, Dick Howser was announcing his American League batting order. One by one, the manager of the World Series champion Kansas City Royals was naming each player and his position. And now he said, "Lou Whitaker, left field." Slip of the tongue. Lou Whitaker is the Detroit Tigers' second baseman.

Minutes later, Howser talked about how "we needed extra bats off the bench" in explaining why he hadn't chosen Dennis (Oil Can) Boyd, the Boston Red Sox righthander with an 11-6 record, for the All-Star staff.

"I do feel sorry," Howser said, "for Bob Boyd."

Slip of the tongue. Bob Boyd, a first baseman-outfielder mostly with the Baltimore Orioles and the Chicago White Sox three decades ago, had briefly been on the 1961 Kansas City Athletics when Howser was a rookie shortstop.

But now, as Dick Howser, one of baseball's gracious gentlemen awaits brain-tumor surgery, it's obvious that his memory had slipped, not his tongue.

"I can look back four or five weeks and I can remember little things like that," Mike Ferraro, the Royals' interim manager, was saying. "But Dick's wife, Nancy, can look

back four or five months to the day Dick left his baggage at the airport."

"It's so clear now to understand how a brain tumor affects somebody.

"Before our Saturday night game before the All-Star break," Ferraro recalled, "Dick told our batting coach, Lee May, to tell the players that we wouldn't be taking batting practice before our Sunday afternoon game. But after the Saturday night game Dick told the players that anybody who was taking batting practice had to be in uniform at 11:30 and everybody else had to be in uniform at noon. Lee didn't know what to think.

Usually peppy and personable, Howser occasionally had retreated into a shell in recent weeks.

"I thought it was because of our 11-game losing streak," Ferraro said. "No matter how early I get to the ball park, Dick's always there before I am, sitting in his office with the door open. But the last few weeks his door was closed. I have to think he was resting. Looking back, I think he knew he had a problem. But he kept it inside him like he does everything else."

The bond between Dick Howser and Mike Ferraro goes back to when they were Yankee coaches for two seasons together, before Howser took over as manager in 1980 with Ferraro as his third-base coach.

The Yankees won the American League East with 103 victories that season, but then were swept by the Royals in the championship series. In the second game, Willie Randolph, representing the tying run, was thrown out at the plate in the eighth inning of a 3-2 loss after Ferraro had waved him in. George Steinbrenner, the Yankees' principal owner, loudly blamed Ferraro, but Howser didn't.

"George never said anything to me in the clubhouse that night," Ferraro once said. "He just stared at me."

Steinbrenner also stared at Howser, demanding that Ferraro be released as a coach. Howser refused to dismiss his friend. Instead, he was dismissed as manager, although Steinbrenner tried to camouflage the dismissal by pretending that Howser had a Florida "real-estate opportunity" too good to ignore.

Midway through the 1981 season the Royals hired Howser as manager, and in 1984 he hired Ferraro as his third-base coach. Two weeks ago Howser named Ferraro his third-base coach for the All-Star Game.

"After the workout on Monday, all the coaches sat around telling stories, but Dick just sat there listening," Ferraro recalled. "That wasn't like him. He loved to bust chops. And that's when he told us, 'I've got this kink in my neck, I've had it for two weeks.' I told him, 'I get those kinks sometimes when I pitch batting practice, but they only last three or four days. If you've had yours for two weeks, you better get it checked out.'"

With the National League threatening the American League's 3-2 lead in the ninth inning last Tuesday night, Howser emerged from the dugout to remove Dave Righetti.

"Dick had Don Aase, a right-hander, and Willie Hernández, a left-hander, warming up," Ferraro said. "He wanted Aase, but he waved his left arm. The umpire thought he wanted Hernández, so he had to get that straightened out."

Aase preserved the American League victory, and Howser later moved around the American League clubhouse, shaking hands with each player. Wednesday he sat with John Schuerholz, the Royals' general manager, on their flight to Kansas City.

"Frank White had hit the home run that won the game for us," Ferraro said. "But when Dick was talking to John, he kept referring to Willie Wilson as the guy who hit it."

On the flight, Howser complained of his stiff neck. Schuerholz suggested that he go home rather than attend the Royals' workout. When the 50-year-old manager felt worse Thursday, he was hospitalized.

"One of the doctors pointed to John Schuerholz and asked Dick who it was, but Dick didn't know," Ferraro said, "He was asked about the All-Star Game and he knew we won, but he didn't know the score."

By Friday morning, tests had confirmed a tumor in the frontal area of the brain where, according to Dr. Paul Meyer, "emotions and personality" are centered.

Until surgery is performed, the doctors won't know if the tumor is malignant or benign. If it's benign, it can be removed. If it's malignant, it will be treated with radiation or chemotherapy. Ferraro understands all that. Not long after he was hired as the Cleveland Indians' manager for what turned out to be half of the 1983 season, he was discovered to have a malignant tumor in his left kidney.

"But the tumor was confined to a small area," he said after his surgery. "The doctors think they got it all out."

Mike Ferraro hasn't had a recurrence. And now he's praying that his friend Dick Howser will be that fortunate.

BASEBALL MAKES A WISH: A HEALTHY DICK HOWSER

(By Thomas Boswell)

BALTIMORE.—Last Tuesday, by the batting cage at the all-star game, I felt somebody poke me in the ribs with a bat handle.

"Sorry, Dick, am I in your way?" I asked all-star manager Dick Howser.

"Just wanna talk for a second."

I thought, "What's he mad about? Have I criticized his team?"

"What's the problem?" I asked.

"No problem," Howser said, "Just wanted to say hello. How's it going'?"

We talked a couple of minutes about the pitchers on his World Series champion Kansas City Royals who had gone sour, and his team's recent 11-game losing streak, which had given him what he thought were weeks of tension headaches.

"See ya next week in Baltimore," said Howser.

Howser has always been full of surprises. Nobody thought a little .248-hitting utility man who looked like a cheerful mouse could be a major league manager, a leader of hard men. But Howser won 103 games his first year.

Nobody thought a rookie manager would ever stand up to George Steinbrenner and throw away a job he had worked toward for 22 years just so he could do the right thing by a friend. But Howser did. When Steinbrenner wanted to fire coach Mike Ferraro as a scapegoat, Howser said, "If he goes, we both go." They both went. But with their dignity.

Nobody thought Howser could win a division flag with a team as bad as the '84 Royals, or a world title with a club as full of holes as the '85 Royals—but he did both. What manager ever did more with less in consecutive seasons?

Nobody ever thought the quiet, modest, serious, inconspicuous Howser would become one of the most popular and respected men within the game—although he still ducked the public spotlight almost completely.

And, most of all, nobody ever thought that Howser would wake up one day at age 49 with a brain tumor as big as a golf ball.

On the evening of the all-star game, people started noticing that Howser was forgetting the name of players and seemed confused.

"Guys were asking me, 'What's wrong with your manager? He looks awful,'" said George Brett. "I'd say, 'The way we're playing, with that 11-game losing streak, I think he's holding up pretty well.'"

By Thursday, Howser was in the hospital. Friday the diagnosis was in.

Dick Howser didn't make the trip to Baltimore this week.

On Tuesday in Kansas City at 11 a.m., he will begin four hours of surgery to remove a five-centimeter tumor from the left front of his brain. Doctors say he has a 90 percent chance of surviving the surgery. They will not know for another day whether the tumor is benign or malignant.

Seldom has the sport been more saddened or more united in one emotion than it has been the last four days. One of our worst habits is that we often take the best for granted while seldom overlooking the worst. Suddenly, it's as if everbody has realized how special and unique Hoswer is.

"It's going to be a long 24 hours for a lot of us tomorrow," said Brett on Monday night. "Dick wasn't popular because he tried to be. He didn't try. He was popular because he was a nice guy. He always laid all his cards on the table. . . . Everybody knows he'll accept this battle. He needs more courage now than he's ever had before."

As irony would have it, the coach whom Hawser defended against Steinbrenner in 1980—Mike Ferraro—is the interim Royals manager. As a further twist, Ferraro is not only one of Howser's closest friends, but almost the only man in the game who might understand what Howser is enduring. Ferraro overcame kidney cancer in 1983.

"Dick has always been a great inspiration to me. We were utility men sitting on the end of the Yankee bench in 1968. Throughout the '70s, he helped me when I was managing in the minors. He was my example of how it should be done," said Ferraro Monday. "Now I hope I can be an inspiration to him when he thinks about how I licked cancer."

As a team, the Royals have had an almost uniform reaction to Howser's misfortune. First, of course, they are rooting and praying for him.

"Here I thought I had a problem with being out of the lineup [with a shoulder injury]. How trivial does that sound right now?" Brett asked. "All the little problems that you let eat at you in this game or in your life are back in perspective for a while now.

"Here we have a man who's a friend to all of us and nobody knows his fate. It makes me think about the ridiculous things that I let upset me sometimes. You're so mad and frustrated if you go one for 20, you can feel suicidal. Or I can. You ask yourself, 'Am I washed up? Am I too old to play this game?'

"At a time like this, you say, 'What does all that mean?'

"We just want Dick to come back so that when people look at him they think nothing ever happened. Just so he has a normal life. Whether he comes back to managing, that's another slice of cake. We hope so, but that's not what we're thinking about now."

General Manager John Schuerholz, who insisted that Howser go to the hospital after the manager couldn't remember familiar names, is fiercely optimistic.

"We've gotten so many calls from people who have had brain tumors removed and resumed normal life," he said. "A Kansas City doctor who's back practicing medicine. A Seattle Seahawk assistant coach who's back coaching. Even the official scorer here in Baltimore, Neal Eskridge, who just went through the same thing and may be back out here this week at the park for the first time . . .

"This is another very stark, straightforward reminder that life is precious. The things we take for granted we should enjoy and appreciate."

Since 1958, baseball has always tended to take Dick Howser a bit for granted. That won't happen again. For now, as a long and worrisome couple of days begin, let's just leave it with what people all around the game are thinking and hoping.

Dick, see you next trip in.●

SUPPLEMENTARY EXTRADITION TREATY WITH THE UNITED KINGDOM

● Mr. LAUTENBERG. Mr. President, it is with great reluctance that I support the Supplementary Extradition Treaty.

This was an extremely difficult decision for me. Many who live in Northern Ireland have age old grievances that explode periodically into violence. I am well aware that some who oppose this treaty believe it would affirm the status quo in Northern Ireland. That is not the intent of those who negotiated the treaty, nor was it my intent in supporting it.

The treaty, as revised in the Senate Foreign Relations Committee, is a way of making sure that terrorists who commit violent acts cannot escape prosecution by seeking refuge in the United States.

I had serious concerns about the original Supplementary Treaty as submitted to the Senate for ratification, and would have opposed it if it had come before the Senate. However, most of my reservations were taken care of by the revisions made in the Senate Foreign Relations Committee. This compromise is an attempt to reconcile two important factors—our steadfast opposition to terrorism, and the long-cherished political exception to extradition.

Article 1 of the treaty as revised, sets forth a list of violent crimes, including murder, voluntary manslaughter, kidnaping, abduction, and hostage-taking for which the political offense exception can no longer be claimed. People who commit any of those crimes in Great Britain or Northern Ireland and then seek safe haven in the United States would be subject to extradition.

However, notwithstanding article 1 of the treaty, article 3(a) provides that a U.S. court may deny extradition based on a persuasive factual showing that the country seeking extradition has trumped-up charges against a dissident in order to obtain his extradition for trial or punishment.

The court may also deny extradition if the person sought shows by a preponderance of the evidence that he could not get a fair trial because of his race, religion, nationality or political opinions. This provision establishes an affirmative right of inquiry into the justice system of Northern Ireland. And, as the Senate Foreign Relations Committee report makes clear, extradition can be denied if it is found that the court system does not permit the accused to receive a fair trial.

Article 3(a) resolves one of my major concerns—that people extradited back to Northern Ireland to stand trial would not be afforded a fair trial in the "Diplock" courts. Created in 1973, those courts do not provide a defendant with the right to a jury trial. They place the burden of proof on the accused. And they permit the use of coerced confessions in the investigatory process and the detention of defendants without trial or bail.

I also have concerns about article 5 of the treaty, which provides that the treaty will apply to offenses committed before the treaty becomes effective. This makes the treaty's effect retroactive. I voted for an amendment to modify that provision to except individuals whose extradition was sought prior to the entry into force of this supplementary treaty. Providing that individuals who have already been found by our courts to be exempt from extradition can be retried and extradited under the revised terms of this treaty is unfair. It would let us overrule the carefully considered judgments of our courts, judgments which have already been made. Unfortunately, that amendment was defeated in the Senate.

Despite my reservations on this score, Mr. President, I supported the treaty because it affirms that the United States is against terrorism, no matter where it occurs. If we condemn the brutal killing of Robert Stethem on TWA flight 784, if we speak out against the murder of an American soldier in a West Berlin discotheque, we must speak out against murders, whenever they occur. These are facts of terror we cannot condone.

To refuse to extradite even a few terrorists undermines U.S. antiterrorism policy. If we are to truly wage serious war against terrorists, the terrorists of one country or nationality can no more be exempt than those from another.●

S. 2576: THE MEDICARE TIMELY PAYMENT AMENDMENTS OF 1986

● Mr. BINGAMAN. Mr. President, I am pleased to join with Senator DURENBERGER and the bipartisan group of my distinguished colleagues in cosponsoring S. 2576, the Medicare Timely Payment Amendments of 1986, which would require Medicare bills to be paid in a timely fashion. I also support the efforts of Senator DURENBERGER as chairman of the Senate Finance Subcommittee on Health to incorporate the substance of this bill into the committee's reconciliation package. This issue of prompt Medicare payments requires prompt attention from the Senate. Earlier I joined Senator CHILES in cosponsoring Senate Resolution 420, which put Health Care Financing Administration [HCFA] on notice of the Senate's concern for this issue. I feel it's necessary now to address this matter with legislation.

In part, in an effort to respond to funding cutbacks, HCFA has instructed Medicare carriers and intermediaries to slow down their claims processing. The administration has admitted that the longer a Medicare claim is held before it is processed, the longer the money stays in the Medicare trust fund. The interest earned as a result of this slowdown is estimated by the administration to be about $130 million this year. That is not a legitimate reason to deny people prompt action on benefits that are rightfully theirs.

In 1983 it took an average of 9.3 days to process part A hospital bills and 12.6 days to process a part B claim for physician's services. Currently, the average turnaround time for Medicare claims is 19.1 days for hospitals claims and 25.9 days for doctors claims. Most recently, HCFA has told the carriers and intermediaries that the standard processing time for claims will be 27 days.

In my State, according to HCFA, the average processing time for a part B claim was 26.2 days as of May 1986. While this figure is under HCFA's proposed 27-day standard, it is still over twice as long as it took to process a claim in 1983. And the situation does not look like it will improve. Most recently New Mexico changed its part B carrier which has only further delayed the processing of claims. Part A claims are processed in 16.3 days—a week longer than they were in 1983. And this does not include the extra 4 to 9 days it takes for a check to be written and mailed. Nor does it include those cases that have been "lost" and have to be resubmitted two and three times.

To understand the hardship this inefficient system creates just take the case of one elderly New Mexican who filed a claim in April 1985. After not hearing whether the claim had been approved or denied, he called the contractor in September and was told the claim had been lost. So he resubmitted it. In December, 3 months later, he still had not heard whether his claim had been approved or disapproved. Again he called the contractor and

again he was told the claim had never been received. That is when he came to me for assistance. The only way my State staff has been able to handle these "lost" claims has been to write a cover letter from my office for each questionable claim in order for it to receive the attention it deserves. This is a typical example, and many more come to mind, especially after the town meetings I held during the July recess.

This legislation I am cosponsoring today requires that proper claims be issued and mailed within 22 calendar days or interest must be paid by the Government in addition to the payment for service. For those claims with inadequate information, the carrier or intermediary must notify the provider within 22 calendar days or suffer an interest penalty. At this point I feel that this bill reaches a compromise that balances the rights of beneficiaries and reinforces accountability from our carriers.

I look forward to working with my colleagues in a cooperative effort with the administration to correct this problem of delayed reimbursement to Medicare beneficiaries, and restoring the confidence of beneficiaries and providers in the Medicare Program.●

THE 50TH BIRTHDAY OF CIRCUS MODEL BUILDERS INTERNATIONAL

● Mr. DIXON. Mr. President, I am pleased to call to the attention of my colleagues the 50th birthday of Circus Model Builders International, born in Illinois in 1936, and now encompassing the entire world.

On July 23, 1986 Circus Model Builders International will observe its 50th anniversary.

The organization is devoted to the perpetuation of the art forms of the circus world, principally the elaborately carved wagons which served as the TV commericals of the turn of the century to encourage the local gentry to attend the "big show."

In Decatur, IL, in the spring of 1936 four men—George Graf of Peru, IN, Charles Bennett, Sr., of Norridge, IL, Bert Backstein of Decatur, IL, and Ralph Miller of Memphis, TN, met and decided to form an organization whose members would reproduce, in various miniature scales, famous circus wagons of the past.

From this basic program the organization grew. Although miniature in size, the wagons, drawn by teams of finely carved draft horses, are accurately reproduced down to the last screw and bolt, intricately carved and containing carved animals. They have been judged by art critics as invaluable works of Americana.

The membership presents a continuous series of exhibits in galleries, malls, nursing, and retirement homes and orphanages, which enable the children of our Nation to have a glimpse of a part of the American way of life which is rapidly disappearing and which recall fond memories to those who remember the circus parades and performances of their youth.

The last great circus parade is history. Due, in part, to the members of Circus Model Builders, much of this beautiful art form of the early days of our Nation has been preserved for generations who will never experience the thrill of the colorful pageantry of a circus parade, or have an opportunity of carrying water to the elephants in exchange for a pass to the fascinating world called the circus.●

ADMIRAL WATKINS' RETIREMENT SPEECH

● Mr. WARNER. Mr. President, it was my privilege to be present at the U.S. Naval Academy in Annapolis, MD, when, on June 30, Adm. James D. Watkins closed a brilliant naval career of more than 40 years and retired as the Chief of Naval Operations.

Few men have done more credit to that post than Admiral Watkins who, during his tenure, not only presided over the resurgence of the American Navy, but saw it deployed in harm's way—to the waters of the Persian Gulf, to the beaches of Grenada, and, most recently, to the shores of Tripoli. It is entirely typical of the dedication of this great sailor and patriot that his last public act should have been a moving tribute to the naval service which he led with so much distinction.

I commend his remarks to the attention of the Senate, and, for that reason, Mr. President, I request Admiral Watkins' speech, "I Served in the United States Navy," to be printed in the RECORD.

The remarks follow:

REMARKS BY ADMIRAL JAMES D. WATKINS

I SERVED IN THE UNITED STATES NAVY

In 1896, a naval historian wrote: "it is not astonishing that some admirals, after long experience of the powers of command, become insufferable when, as private individuals, they settle down ashore."

While I've sworn this will never be said of me, it is difficult—after so many years in the Navy not to look back before I "settle down ashore," and recall bits and pieces of a career that has spanned the full post-World War II period.

Forty-one years ago—that sounds so terribly long, but feels so amazingly short—I embarked upon a "life-voyage" that has taken me and my loved ones to exciting places where we discovered new things, met fascinating people and enjoyed incredible experiences. But, of all the places people and experiences, a notable few stand out, which I feel should be mentioned here today . . . before I go off and become insufferable.

About people and places . . . as the war was ending in 1945, I stood here on one of those uniquely Annapolis sun-soaked, hot and muggy July days . . . head shaven; perspiring a great deal in my ill-fitting new sailor's uniform; apprehensive about the future; certainly not yet completely sure of myself; but dead-set on the belief that I wanted to be a naval officer like my brother.

So, on that day, along with my classmates, I took an oath to support and defend the Constitution of the United States against all enemies, and to follow orders given by the President and all officers appointed over us.

At that time, we joined a very special fraternity of navy professionals. Yes, we had even given up some of the freedoms we were now sworn to protect. Over 400 classmates who were with me in Tecumseh Court in 1945, and their wives, are here today again with me. So, I would ask them all to rise and be recognized . . . the Class of 1949!

About experiences . . . traditionally in the Navy, we have taken pride in being diplomats for freedom around an always troubled world. And, as this world continues to shrink in time and space, good communications between all nations become even more critical to global stability. In this connection, our ships and sailors visited 108 different foreign nations last year to extend the hand of American friendship. Because some of these nations do not share our ideological beliefs, grass-roots communications with them are made all the more important to the elimination of unwanted and unfounded fear and apprehension. Today, we have with U.S. naval attaches from many of these special nations. They too are diplomats, working with us to build a better world. I would ask the naval attaches and their wives to stand now and be recognized.

Just a handful of days ago, when we dedicated the new Chief of Naval Operations corridor at the Pentagon, I stood with eight, *special* men. Each of them had made a difference in the profession I had now, too, just about completed. These men—all former Chiefs of Naval Operations—represented a continuum of more than three decades of navy's top uniformed leadership.

When I reflected upon their deeds and their courageous leadership which guided our Navy—in times of peace and conflict, in periods of defense buildup as well as defense neglect—I thought of an unbroken line of naval professionalism, a long-blue line that links our heritage from earliest sail and frigate to super nuclear-powered carriers and magnificent flying machines.

And, I thought of more, for the Navy never was just about guns or ships or planes . . . No, for while the tools of the profession have changed remarkably in two-hundred plus years, there is one facet of the Navy which has remained unchanged . . . our sailors—great Americans all—who have faithfully put to sea in selfless defense of cherished ideals of liberty and freedom.

Unfettered by the shorebound calendar of workday and holiday, it is pride and professionalism that keeps sailors at sea for months on end . . . no matter whether in the steamy world of forward fire room or on star-washed bridges of warships . . . this pride and professionalism is what lands fragile flying machines on steel-hard tossing decks in the black pitch of night. Professionalism is what takes many to the depths of the oceans, and allows them to operate with the freedom others know ashore . . . professionalism unites all who serve in Navy blue.

These warriors, which they truly are, have gone through the tempering flames. They stood tall by Nation while Nation turned her back on them in those difficult confusing, post Vietnam years. But, *never* did they

falter or stumble. These professional sailors stood true to their oath.

And, at the beginning of this decade, thank God the Nation showed its support once again for those who served in uniform. And, that's all it took to ignite the spark which has since lighted the way to a "golden age" of naval development . . . a modern naval renaissance . . . and, all in only six short years.

The personal excellence of sailors, living the challenge to be the best, caught fire. Sailors inspired the Nation when *they* beat drug abuse; when *they* conducted flawless operations in Grenada, the Persian Gulf, and more recently near the shores of Tripoli. Yes, the heart and spirit are back. Self-confidence and pride abound. We're number one again. Deterrence is healthy. I only hope we have learned another lesson about the terrible threat to freedom engendered by defense neglect. Alas, however, the storm clouds now over our legislators appear ominous.

In this short forty-one year voyage, I never ceased to marvel at the dedication, self-sacrifice, and quality of sailors who served beside me. So, I thought it fitting today: to ask our fleet and shore commanders to send us a cross-section of super sailors to represent the finest navy in the world. Will the master chief petty officer of the Navy, his fleet and force master chiefs, and all representative fleet and shore sailors with us today please stand now and be recognized. . .

Finally I would be remiss were I not to express my deepest gratitude to others here today who have played such an important part in our lives over the years—Cabinet members, defense-conscious members of Congress and their staffs, Ambassadors from so many nations; American and foreign friends who have come from as far as Japan in the West to Pakistan in the East; my faithful colleagues in arms; and finally my own dear family who have *always* encouraged me over the years in times of both hardship and joy.

So, now I have completed the turnover of this wonderful Navy command to a sailor uniquely qualified to face the journey ahead, Admiral Carl Trost. I know, with Carl at the helm, Nation and Navy will be well and faithfully served. Carl, this Navy will never let you or Nation down. Take good care of her. Protect her sailors with all your strength. Sheila and I wish all the best to you and Pauline.

As my forty-one years in this great Navy draw to a close, I take some pride in seeing how superb, ready and capable our Navy is today. *No man* has spoken more succinctly and eloquently about our wonderful Navy professionals than John Kennedy, when he said, right here at the Naval Academy some three decades ago . . . "Any man who may be asked what he did to make his life worthwhile, I think he can respond with a good deal of pride and satisfaction, 'I served in the United States Navy.' "

Thank you all for coming; may God bless and keep you.

NATIONAL KIDNEY PROGRAM DAY

● Mr. D'AMATO. Mr. President, I rise today in support of legislation, Senate Joint Resolution 367, recently introduced by my distinguished colleague, Senator HEINZ, designating July 30, 1986, as "National Kidney Program Day." This resolution seeks to recognize the invaluable lifesaving contributions of Medicare's End Stage Renal Disease (ESRD) Program.

This program serves people suffering from kidney failure or "end-stage renal disease"—ESRD. There are only two ways to treat this disease: transplant the kidney or go through dialysis using an artificial kidney machine three to four times every week. Most patients are unable to undergo a transplant and, therefore, must rely on dialysis.

However, before the ESRD Program was established in 1972, many individuals with irreversible kidney disease lacked the financial ability to afford an artificial kidney machine. As a result, more than 8,000 Americans individuals needlessly died each year.

In 1972, Congress responded. Medicare coverage of the disabled was expanded to include all patients suffering from chronic kidney failure. Because of Medicare's End Stage Renal Disease Program, every American suffering from this otherwise fatal disease is guaranteeed lifesaving treatment.

Today, over 80,000 Americans are receiving treatment under this program, a program hailed in 1978 by the then-private citizen, Ronald Reagan, as "* * * probably the only example of cost containment in Government-financed health care." Compared to many other health care programs we have today, the cost per dialysis treatment is less than it was in 1973.

In light of the many successes of the ESRD Program, I urge my colleagues to help us set aside a single day this month as "National Kidney Program Day." I note, Mr. President, that time is short; July 30 is next week. Therefore, I urge, swift and favorable consideration of this legislation.●

BOB LEE RETIRES

● Mr. ABDNOR. Mr. President, one of South Dakota's premier journalists is changing careers.

Bob Lee is retiring from active newspapering—a vocation he has pursued for some 47 years, to devote full time to a career as historian, an avocation he has followed for nearly as long.

With both vocation an avocation he has been a leader—and a teacher. And in both he has achieved and maintained the highest standards of excellence.

I first came to know Bob Lee when he was a reporter with the Rapid City Journal and became better acquainted when he was press secretary and administrative assistant to South Dakota Gov. Joe Foss when I was a fledgling State senator.

His avocation has placed him at the helm of the South Dakota Historical Society and as a mainstay for the Westerners.

It is a pleasure to salute the change of careers of this good friend—to thank him for being a fine reporter through the years, and I commend to the attention of my colleagues the appreciation of his work as expressed in both the Rapid City Journal and the Guide, and ask these articles be printed in the RECORD.

The articles follow:

JOURNALIST BOB LEE RETIRES TO WRITE HIS BOOKS

(By Ann Connery Frantz)

As a soldier-journalist during World War II, Bob Lee saw the assassinated Itialian leader Benito Mussolini's body hanged in Milan.

As a reporter at the Rapid City Jounal, he was adopted by the Sioux at Pine Ridge and given an Indian name meaning "Writer with a Straight Pen." Dewey Beard, a survivor of both the Wounded Knee Massacre and the Battle of Little Big Horn gave him his peace pipe, which Lee mounted among other memorabilia in his study.

As a historian specializing in Western and Indian occurrences, Lee views emerging theories over who did what to whom on the Custer battlefield as too much conjecture. Indian participants long ago told the tale, he said: "Simply, there were too many Indians."

And last week, as the just-retired editor of the Tri-State Livestock News, a trade newspaper published in Sturgis, Lee said, "I was tired of reporting on the scrotal circumfence of high bred bulls. It isn't very challenging.

He ended a 47-year career in newspapers this month, writing a farewell column on June 28 and attending a July 7 reception for him at the Tri-State office on Main Street.

At home now, he fights The Battle of Fort Lee—shoveling a cup or two of sunflower seeds at a time onto feeding platforms for two pesky squirrels, who otherwise cascade gnawed-up pine cones onto Lee's deck when they get hungry. Last year, he trapped them and released them over a mile away. "They came back. They drive me nuts," he said. It may be to his regret that he built the spacious deck around six or eight pine trees the Lees did not want to cut down.

Bob and his wife, Dode (who still works at the Tri-State Livestock News), share a red log home in Boulder Canyon. A Norwegian flag sails at the entry to the enclosed deck. "He is a rabid Son of Norway," said former Rapid City Guide editor David Super, one of Lee's former proteges.

Closets throughout the house are filled with file cabinets containing many years' collections of notes he will use now in the books he has planned. He has not revealed most of his topics, though, because he wants to get at them first.

Lee's study is filled by a desk, more file cabinets shelves of books, a stereo and cassettes (Lee likes musical backgrounds), a new word processor and a woodstove. There, Lee will concentrate on projects he has put off since working all day and writing at night became too much to handle.

Two heart attacks have changed Lee's approach to work and living, he said.

At 66 he decided to get on with other interests. "I thought, if I'm ever going to do this writing that I want to do, I'd better get to it."

He has been writing all along, however.

His play, "The Court Marshall of Major Reno," was produced for the Sturgis Cen-

tennial in 1978. In the 1960s, he co-wrote with R.B. Williams "The Last Grass Frontier." One of his peers said the book stands as "the definitive blow-by-blow history of how the livestock industry developed in South Dakota." He also had written several Indian and Western-oriented histories.

Starting off his retirement, Lee will produce an 80-page brochure on Fort Meade, promised to the museum there as a revenue producing publication. After that, he said he will put together a more comprehensive book on the fort, using notes and clippings saved from his long career. "I'll miss those exchange papers," he said, referring to the magazines and newspapers which flow into newspaper offices daily.

Clipping is a long-standing practice with researchers and Lee has benefited from it more than once.

He recalled the time, as a military journalist, when he received a one line newsflash from the Stars and Stripes' Rome office as he was going to press with the paper's duplicated front lines edition in Leghorn, Italy.

"One day the linotype starts out, Hitler has committed suicide . . . and then breaks down," Lee said. Despite attempts to repair the machine, the day got later and later, with no hope in sight.

So, said Lee, "I rummaged around town and got ahold of an encyclopedia. I copied from it verbatim on the rise of Hitler and the German Reich. I had the lead, that he was dead. The rest was plagiarism," he said.

He said that the experience was unforgettably frightening for a young reporter intent on maintaining his transfer to the softer life of a journalist from one of digging foxholes, eating bad food and dodging bullets in the 30th Infantry, Third Division.

It also was with the Stars and Stripes that Lee drove into Milan accompanying the first Allied troops into that city. Hearing cries of "EL Duce!" Lee and other soldiers followed the crowd's pointing gestures to the town's center, where Italian partisans had hanged several of Mussolini's followers, Mussolini and his mistress upside down ("They pinned her skirt to her stockings so that it wouldn't hang over her head," Lee said, "after having shot her through with a machine gun.")

He said he never forgot that scene, with an old lady kicking Mussolini's body repeatedly, words of blame for her son's death streaming from her mouth.

"So I wrote the story for the Stars and Stripes and the photographer took the pictures," he said.

Lee has kept a cartoon of himself by illustrator Bill Mauldin, then a 19-year-old 'star" for his wartime cartoons. The two returned to the U.S. together after the war and knew each other from passing Stars and Stripes assignments.

Originally a Minneapolis resident, Lee worked at the Minneapolis Tribune early in his career. After the war, he left his sports slot at the Tribune, no longer interested in sports after his war work.

He worked at the Rapid City Journal, then the Rocky Mountain News in Denver, then returned to the Journal as Sunday editor when the paper started a Sunday edition in 1949. He was press secretary and administrative assistant to South Dakota Governor Joe Foss during Foss' 1955 to 1959 term. He met Morris Hallock while working with Foss and it was Hallock who coaxed Lee to remain in the Hills when the big city beckoned.

At the time, publisher Leland Case (brother to Sen. Francis Case) had offered Lee a job with a Methodist Church magazine in Chicago. "I was a Lutheran, but I figured it'd be all right," said Lee. He changed his mind, however, in the taxi cab from the Chicago airport to his meeting with Case. "You couldn't pay me enough to live in that environment," he said.

He came to Sturgis as editor of the Sturgis Tribune and six months later became editor also of Hallock's second Sturgis newspaper, the Black Hills Press. It was not until 1979 that he and Hallock discovered that the Tri-State Livestock News, begun in 1964, produced 75 percent of their revenue. The other publications were sold and Lee spent the next seven years as editor of the Tri-State. He also is a part owner now of the Tri-State and Hallock's other publication, The Rapid City Guide.

In recent years, Lee has been caught up in geneological research. He is, he said, stymied in his attempts to research both his grandmothers. However, through his research, he has met 54 members of his family in Norway so far. He won't quit, he said, until he figures out those grandmothers and he has joined geneological societies in Rapid City and Minneapolis to help him in his research.

Lee is active in several historical groups, including the Black Hills Society of Pioneers, the Black Hills Corral of the Westerners, which he co-founded, and the Crazy Horse Commission.

Crazy Horse sculptor Korczak Ziolkowski, he said, was the most fascinating character he ever met. Initially, Ziolkowski greeted Lee, then a Journal reporter, with a tirade. He had read a Journal editorial which opposed his plan to carve the mountain.

"He was stripped to the waist, cutting down trees," said Lee. "He really blew up at me." The two ended up close friends, however, a friendship which Lee said he maintained by only seeing him twice a year.

"He was really dedicated. He had such singleness of purpose. His family and everything else came second. His philosophy, he told me, was 'If I do it, I can go down in history as another Michaelangelo. If I don't, I won't be remembered.' He was betting his whole life he could do it but the physical abuse of carving the mountain in those early days was too much for him."

Lee continues to support Ziolkowski's project after his death. "I heard all those complaints (from doubters) but I discovered early on that a guy with his talent didn't have to come out here and do this. He could have made a good living in Boston.

"He had his faults. He couldn't get along with people. If they couldn't envision his dream, he just didn't like them. He alienated a lot of good people that way."

He said Ziolkowski also alienated the Borglum family, carvers of Mount Rushmore—but with his fists.

Ziolkowski assisted Gutzon Borglum some years before he returned to the Hills for the Crazy Horse project. During Borglum's absence, there was a fight between Ziolkowski and Gutzon's son, Lincoln, according to what the Borglum family housekeeper later told Lee.

"There was some jealousy there," said Lee, "apparently, Lincoln had told Korczak he received a wire from his father saying that he didn't want Korczak working on the mountain anymore. Korczak double checked and found out that wasn't so. He called him a liar. They started to fight and they took Lincoln to the hospital in Hot Springs.

"When Gutzon came back, he dismissed Korczak." Lee said Ziolkowski kept the dismissal notice. "He was very pround of it. He had it framed. So there was this angle. The invitation to come out and do Crazy Horse was an opportunity for him to do a bigger mountain.

"I always figured he'd get killed on that mountain," said Lee. "He was fearless.

"It probably won't be finished in our lifetime but someday it'll be done."

Lee wrote in his last newspaper column that he left with mixed emotions. But, he added, "I've been fortunate. I've never been out of work in those 46 years. And most of the time I liked what I was doing."

LONG-TIME LOCAL EDITOR, WRITER BOB LEE RETIRES

STURGIS.—Well known journalist and author Bob Lee this week announced his retirement as editor of the Tri-State Livestock News. Lee's association with Black Hills Publishers, Inc. (publishers of the regional livestock newspaper and the Guide) spans 27 years.

An Open House is scheduled for Monday, July 7, 2-6 p.m. at the Sturgis, S.D. offices, 1022 Main St., to mark the event.

History in the making might best describe Lee's journalistic career. From the death of Mussolini in World War II to the issues facing ranchers and agriculture today, Lee has written more stories than many journalists only dream about.

Beginning as a sports writer for the Southtowner, a weekly newspaper in South Minneapolis, in addition to serving as its circulation manager, Lee's 46-year journalistic career includes service with the Minneapolis Tribune, the Stars and Stripes during World War II (where he witnessed the hanging of Mussolini), the Rocky Mountain News in Denver, the Rapid City, S.D., Daily Journal and the editorship of the Sturgis Tribune-Black Hills Press in addition to the Tri-State Livestock News.

Also, from 1954-59, Lee was press secretary and administrative assistant to South Dakota Governor Joe Foss.

Born and raised in Minneapolis, Minn., Lee found his niche in the rural setting of the Black Hills of South Dakota.

"I was raised in the city but I'm a small town boy at heart," says Lee. With a smile he adds, "I adhere to Badger Clark's philosophy, I like my fellow man best when they're scattered some', and we're scattered some in these parts."

After coming to this area, Lee's interest in Black Hills history took hold. His historical writings, such as "Last Grass Frontier", the story of the South Dakota cattle industry; "Tragedy Ends an Empire", the life story of Sitting Bull and "Gold Gals, Guns and Guts", the centennial history of Deadwood, S.D., have brought him to the forefront as a well-versed authority on events that shaped this region's western character.

"Talking to people brought history alive for me," Lee comments. "I started studying it, researching it and writing it. It's 40 years later and I still love it."

In 1964, the concept of a regional livestock publication began to form. Lee credits the inspiration and initial support of the publication to the late Jim Madden, Black Hills area rancher who is well remembered for his many years of dedicated service in the marketing field.

"At that time, they wasn't a publication that served as a direct source to the rural areas in our region with such information as market reports, livestock events, rural activities in general," says Lee. "So we began with a free circulation paper in three states

that eventually grew to a paid publication that serves ranchers in five states."

The principles applied to community journalism were applied on a regional basis and to a specific industry—agriculture. It's this concept, acording to Lee, that has made the Tri-State a successful publication.

"We personalize," he notes. "It's the people who shape the news and we've never forgotten that. It's made us distinctive."

His life-long affiliation with the agricultural industry has formed a bond that Lee says is important to him.

"The best part is the people I've come to know; people who are self-reliant and independent."

He also noted that his long association with Tri-State Livestock News publisher Morris Hallock has been a mutually beneficial one.

"We've gotten along by keeping to our own areas of expertise," says Lee. "A mutual respect and understanding has come from that."

Lee plans to continue working, a book on the history of Ft. Meade is currently underway. His professional memberships include Sigma Delta Chi, Society of Professional Journalists, past president of the South Dakota State Historical Society, a member of Western Writers of America, (Lee is one of only two writers in South Dakota in this prestigious organization), field historian for Leland D. Case Library of Western Historical Studies, past president and current director of the Society of Black Hills Pioneers, co-founder of the Black Hills Corral of The Westerners, author of numerous articles in western historic journals, president of Sturgis Sons of Norway Lodge, retired captain of the S.D. National Guard, a member of the Minnesota and Rapid City geneology societies, a member of the Crazy Horse Commission and a VFW member.

He and his wife, Dode have three children, Mrs. Dennis (Barbara) Talich, Pine Bluffs, Wyo.; Chris Lee, Sturgis, S.D., and Mark Lee, Sioux City, Ia., and five grandchildren.

Over the years, Lee hasn't regretted his decision to live the rural life rather than the big city pace.

"You know," he muses, "I function best when I can call my own shots and you can do that in this part of the country. It's not that I'm not a team player . . . but I like doing it my way."

His way has brought him the respect and admiration of friends, business associates and professional journalists. His way is truly the Old West way.

GUIDE EDITOR RECALLS VALUABLE LESSONS LEARNED FROM LEE

(By Darrell Shoemaker)

The journalism profession bids a fond farewell this week to a man who wrote the book on integrity and ethics in this business. He has written thousands upon thousands of stories, headlines and cutlines in a 46-year career that has been blessed with much happiness and success.

On July 1, Bob Lee called it quits as the only editor of the Tri-State Livestock News in Sturgis, culminating a career that included such publications as the Minneapolis Tribune, the Stars and Stripes, the Rocky Mountain News and the Rapid City Journal. He has covered everything from the death of Mussolini in World War II and the agricultural world to Korczak Ziolkowski, the famed sculptor of Crazy Horse Monument.

The dictionary defines 'mentor' as a trusted guide or counselor; a tutor, a coach. For years, people have looked up to Bob Lee, for his expertise and knowledge as a Black Hills and South Dakota historian and for his dedication to the news business. That dedication and commitment has spanned 46 years and he has served an appreciative readership that covers all ages and backgrounds.

I have looked upon Bob Lee as a mentor for several years. In that fall of 1977, it was Lee and Morris Hallock who gave me my start in journalism. I can only imagine how Bob reacted as I penned my first few sports stories for the Sturgis Tribune and Black Hills Press. Gradually, under his guiding hand I was able to put my knowledge of sports on paper in a style adequate for readers to comprehend. Thanks to Bob Lee, my journalism career was off and running.

I'll never forget the day I walked into Bob's office and showed him some photographs of bulls and cows he was to use in an upcoming edition of the Tri-State Livestock News. I remember telling him, "Here's the pictures of the cows you wanted, Bob." He calmly looked up from his typewriter, took a gander at the proof sheet and pictures and promptly told me to sit down. For the next five minutes, I was lectured on the differences between a cow and a bull. Needless to say, the pictures I gave him were those he wanted, but they were of bulls, not cows. To this day, I can't look at a cow (I mean bull) and not recall fondly upon that moment.

Then there was the day I handed in a mess of sports stories. Everything was going well—the stories flowed well, the deadlines were met, etc. Suddenly I received a call to meet Bob in his office. I would learn over the process of the next 10 minutes that "alot" is two words and not one word. Needless to say, I've learned quite a lot from Bob Lee over these nine years.

Nothing, however, could compare to the valuable lesson I learned from Bob Lee following a tragic Memorial Day drowning incident in 1979. Two of my classmates and another young adult drowned while boating on a stock pond near Sturgis. One of my classmates survived and pulled another young adult to safety.

The deaths saddened an entire community and an entire class, which one week before had graduated from high school and had the world by the tail.

As a reporter for the community newspaper, I was accustomed to covering two or three pages of sports each week, a few community news events and an occasional city council meeting. I'll never forget the moment when Bob told me to call my classmate, who had survived the terrible tragedy, and interview him on the happenings of that infamous day.

I didn't know how to react. I was saddened by the entire incident. Two of the victims and one of the survivors were close friends of mine. I, like an entire community was in shock. Yet, Bob, who too was saddened, wanted me to get the story.

I didn't realize then, what an important lesson Bob Lee had taught me. He told me that journalism and life are full of good and bad stories and, as a journalist, one must be willing to cover the bitter with the sweet. I would learn the fine art of objectivity in a story. I would learn that every story, even those that hit close to home, must be reported without personal bias or opinion.

Many lives have been touched by Bob Lee over the years. His style of writing will be sorely missed, as well as his standards of ethics and professionalism. His dedication and commitment to himself, to his readers and his profession must be saluted.

I have hundreds more memories and stories of Bob Lee. Over the years I have looked to him for guidance and counseling. He might not know it, but just his very presence—hunting and pecking at the typewriter all those years—have been a great inspiration to me and to so many others.

To study under Bob Lee has been a true privilege and honor. To be half the journalist as Bob Lee has been over the past 46 years would be a true undertaking. Bob, you have established a foundation of journalistic excellence and ethics that many of your colleagues can only envy, but would do well to follow.

Good luck, Bob, in your retirement years. We look forward to reading your books and seeing you often. Your guidance and teachings over the years have been deeply appreciated. As a pupil to his mentor, I say thank you from the bottom of my heart.

SAVINGS OF AMERICA

● Mr. D'AMATO. Mr. President, the world witnessed a spectacular sight in 1886 as freedom-loving people from the world over gathered in New York Harbor to celebrate the dedication of the Statue of Liberty. Her torch was lit as a beacon of hope and as an expression of friendship to all people. Shortly thereafter the doors of Ellis Island were opened to millions of immigrants who passed by the Statue of Liberty on their way to settle in America.

The United States is sometimes called the nation of immigrants because it has received more immigrants than any other country in history. They have helped make the United States the huge, powerful, and wealthy Nation that it is today. They have helped build the rich heritage of our cities and communities.

Mr. President, in recognition of the immigrants who came and settled in America, especially of those who have made Long Island their home, Savings of America has launched an effort to preserve their legacy. So much of Long Island's wealth is the rich history of its residents, many of whom arrived there from distant lands and whose characters and commitment helped build the fine communities in which they live. Savings of America wishes to capture their dreams and accomplishments in the publication of the Long Island Heritage Scrapbook.

Contained in this book are precious accounts of many individuals who struggled to make a new life in America. I commend Savings of America for giving themselves to this effort. More importantly, I salute the many immigrants who made it all possible.●

HIGHER TEACHING STANDARDS

● Mr. SIMON. Mr. President, recently the Carnegie Forum on Education and the Economy issued its report "A Nation Prepared: Teachers for the Twenty-first Century" which contained several recommendations for

improving the teaching profession. Teachers, all too often, bear the brunt of criticism of what is wrong with the Nation's public schools and with education in general in America. Although I am a sincere and strong supporter of improvements in public school education in particular, and American education in general, I have been cautious in assessing blame, and extremely reluctant to simply blame teachers.

I do want to indicate my strong support for two recommendations in the Carnegie Forum report (which has received the qualified support of the two major teacher organizations—the National Education Association [NEA] and the American Federation of Teachers [AFT]). Both organizations, during their recent conventions, have indicated support for ". . . the concept of a voluntary national certification process. . . ." [NEA] or have adopted their own version of the Carnegie Forum's school reform proposals [AFT]. The real importance of their actions is that the NEA and AFT have seized the initiative and have adopted positive stances in support of these needed reforms. As AFT President Al Shanker said, "Whatever difficulties the recommendation creates don't outweigh the fact that it provides a legitimacy to teacher education it never had before. * * * The reports tell people that we are willing to make changes, that we are willng to take risks."

I hope that my colleagues will meet America's teachers at least half way! If teachers will support some form of national teacher certification and stronger course content requirements for secondary school teachers, then the Congress should help by improving teacher training programs, inservice learning opportunities, and continuing the scholarship and study programs first authorized under the Talented Teacher Act.

We have the opportunity to do this in the reauthorization of the Higher Education Act. While the Senate-passed bill, S. 1965, the Higher Education Act Amendments of 1986, continues the Carl D. Perkins Scholarships and the new Christa McAuliffe Fellowships, it is slim on support for teachers in the classroom. The Secretary of Education has made some excellent recommendations in the area of strengthening inservice and summer learning opportunities for teachers and the House has come up with a proposal which enjoys wide support among the teacher organizations and teachers colleges. We would do well to look carefully at these ideas.

Mr. President, both the Washington Post and the Los Angeles Times have done excellent editorials on the need to strengthen national standards for teachers. I ask that the July 9, 1986 Post editorial "Higher Teaching Standards" and the July 20, 1986 editorial "Teachers: True or False" from the Los Angeles Times be printed in the RECORD.

I hope the House and Senate conferees on the Higher Education Act will keep up their end of the bargain and their commitment to better teaching and better education. It's the least we can do for the leaders of the 21st century.

The editorials follow:

[From The Washington Post, July 9, 1986]

HIGHER TEACHING STANDARDS

When the State of Texas tested the reading and writing abilities of its 210,000 public school teachers last March, many instructors thought the exercise was demeaning and unnecessary. Some took the exam wearing T-shirts that said "I Are A Teacher." Both the National Education Association and its Arkansas chapter strongly opposed a similar test in that state. In the District, the Washington Teachers Union supported a board of education plan to test new teachers largely because the board agreed not to pressure teachers already aboard.

Given the country's current consensus on the need for education reform—that is, for higher standards of performance on the part of both teachers and students—these reactions of a particular group of instructors and the unions that represent them were especially shortsighted. Developing sound and fair methods to remove incompetent teachers from the classroom and to ensure that they don't get there in the first place is a difficult business. Basic skills tests alone, for example, might not assess the energy and zest some instructors bring to their classes. This is an example of why it is very important for teachers and their unions to take a more active role in determining new standards of teacher performance. The nation's two largest teachers unions and their members are now ready to do just that. It is a welcome turn.

The American Federation of Teachers last Sunday endorsed proposals to establish a national board to set standards and administer the equivalent of a "bar exam" for teachers. Another proposal is to set up a new training system intended to produce stronger beginning teachers by abolishing undergraduate education majors and requiring a master of teaching degree, along with higher pay for teachers with advanced degrees. The same ideas were part of an overhaul of the teaching profession proposed earlier by the private Carnegie Forum on Education and the Economy. On Saturday, the NEA made a much less comprehensive shift, voting to support the concept of a national teacher certification board.

Students who are expected to improve their performance can hardly do so without competent teachers to lead them. Weeding out bad teachers and strengthening those who show promise can best be done when the teachers take an active role in setting standards. The AFT is setting a responsible example by its support of this approach.

[From The Los Angeles Times, July 20, 1986]

TEACHERS: TRUE OR FALSE?

True or false: Teachers' unions favor classroom reform.

True, tardily and tentatively. It is important that in recent weeks both major teacher organizations have endorsed reforms to improve their profession. But the real test will come when state legislatures start drafting laws to improve teacher training and certification. Nobody can help those drafting sessions better than teachers who know what classrooms are really like, especially if they are willing to stop protecting weak teachers and argue for changes that will help students.

At their national meetings both the National Education Assn. and the American Federation of Teachers supported key recommendations in the recent Carnegie Forum report on teaching. Specifically, after long resistance, NEA finally accepted the idea of a teacher-certification system. NEA does, however, want it run by state boards, where its members have the most influence. The Carnegie report calls for a national board to set professional teaching standards and issue certificates to teachers who volunteer to be measured against those standards.

The American Federation of Teachers backed more of the report, agreeing especially with its call for dropping undergraduate degrees in education. Schools must attract bright graduates from a wide range of disciplines and then teach them how to teach, rather than having undergraduates focus narrowly on education methodology as a major.

Schools will need not only better-educated graduates but also a lot of them. Teachers who were hired in the 1950s to educate the baby-boom generation are retiring. Others have simply grown weary of the classroom and have left. Estimates are that over the next seven years nearly half the nation's 2.1 million teachers will retire or quit. An NEA survey of the nation's 100 largest school districts says that they will be short at least 32,300 teachers for the coming school year alone.

Turnover in the public schools in the next decade, then, will be enormous. School districts face great challenges to recruit, pay and retain new teachers, but they will have a great opportunity as well. Many new teachers will enter classrooms with no vested interest in the status quo, no resistence to the basic changes that must occur in order to improve teacher training and maintain high standards.

Blueprints for reform are crucial, as are endorsements by teachers and their unions, but they will mean nothing if state governors do not crusade for them and state legislatures do not turn them into law. Without uncompromising support from teachers, legislatures may be tempted to water down certification rules when they are written into legislation. That's when teachers and their unions must work with state and local leaders. That's when the true-or-false test will come.●

HON. GEORGE O'BRIEN

● Mr. ABDNOR. Mr. President, the Congress of the United States has lost two of its finest in recent weeks.

Yesterday, while the Senate was eulogizing the late Honorable John East, the funeral was being held at the Cathedral of St. Raymond in Joliet, IL, for my good friend, the Honorable George O'Brien, who represented the Fourth District of Illinois since 1973.

George and I came to the House of Representatives the same year. Not only were we members of the same class in the Congress; we found we

were brothers in Sigma Chi and soon became close friends.

His genial Irish charm, his legislative skills, his unquestioned personal integrity, his willingness to listen and consider, his loyalty, his sense of responsibility and his determination to carry out his responsibility regardless of personal cost endeared him to all of us, and commanded our respect.

Indeed, this sense of responsibility brought him to Capitol Hill for the last time on June 25 for his final vote and his final brief comments to his colleagues.

The vote was cast in loyalty to his President, his leader and most importantly, his personal conviction of what is right for the United States to do in Nicaragua.

His comments that evening, responding to the standing ovation from his colleagues as he entered the Chamber, bespeaks what most of us feel about this institution:

> It is such an honor to be one of you. You are wonderful people, and I note that there is a certain sense of fraternity irrespective of views, irrespective of party, that transcends all the other differences we may have.

This "sense of fraternity" is possible because of people like George O'Brien.

Our love and sympathy goes to Mary Lou and their family as we share their great loss.

May he rest in peace.●

NAUM & INNA MEIMAN: CONDITION DETERIORATING

● Mr. SIMON. Mr. President, my adopted refusenik family, Naum and Inna Meiman, simply wish to seek medical treatment in the West for Inna, who is seriously ill with cancer.

Inna's condition is worsening. Doctors have said that she probably has less than a year to live. She is in constant pain. Cancer institutes in Israel, the United States, Sweden, and France have invited Inna to receive experimental treatment. All that is requested of the Soviet authorities is to grant her at least a temporary exit visa. The Soviets have repeatedly refused.

Like Inna, the condition of Soviet Jewry has continued to deteriorate. Harassment, arrests, and imprisonment of Jews seeking to emigrate or study their people's language and heritage have become increasingly frequent. This cannot be tolerated.

Soviet denial of the Meimans' request to emigrate is completely unjustified. The theory is that the Meimans are not permitted to leave because of the scientific work Naum once did. That scientific work ended in 1955, and any graduate student in that field today has much more current knowledge than he has. Surely the Soviets must realize that this is not a political matter. By allowing the Meimans permission to emigrate, the Soviet authorities can make a wonderful humanitarian gesture of saving an innocent life.

I implore the Soviet authorities to allow the Meimans to live their remaining days in freedom before it is too late.●

SECOND ANNUAL WATERMELON FEAST ON CAPITOL HILL

● Mr. DENTON. Mr. President, the National Watermelon Association will hold its Second Annual Watermelon Feast on Thursday, July 24, 1986, in the courtyard of the Russell Senate Office Building from 11:30 a.m. until 1:30 p.m.

Now many of you might like to know what a watermelon feast is. The watermelon industry brings in a huge semitrailer truck of watermelons and their members cut slices for everyone to eat. Now considering all the effort that has gone toward trying to balance the budget, here's an event in the day's schedule that will give my colleagues a chance to vent their frustrations: A watermelon seedspitting contest! Afterward, there will be an opportunity for pictures to be taken with the State watermelon queens.

To help celebrate this occasion, the Secretary of Agriculture, Dick Lyng; chairman of the Agriculture Committee, Senator JESSE HELMS, and Assistant Secretary of Agriculture, Vinegar Bend Mizell, will be on hand. State watermelon queens from Alabama, South Carolina, North Carolina, Georgia, Mississippi, Missouri, Florida, Maryland, Delaware, Texas, and Oklahoma will attend as well to help cut watermelon.

The watermelon feast is a nice way for us to honor the men and women who grow and harvest the popular summertime fruit that we buy. Over 1,953,972 watermelons were grown last year and they are currently selling for about 6 cents per pound nationwide. I might add that the largest recorded watermelon ever grown was 255 pounds at Conrad Farms in Bixby, OK.

Scientists believe the watermelon originated in tropical Africa, although it was found cultivated in Italy, India, and southern Asia. Europeans introduced the watermelon into America and it is now cultivated from Chile to the United States.

Watermelon comes in many sizes, shapes, and colors. Some are red inside; others are yellow. Some have seeds; others do not. The watermelon is the fruit of a large vine which grows flat on the ground. The watermelon, with vines which grow from 12 to 15 feet, is part of the same family as pumpkins, cantaloups, and squash, although the watermelon fruit is larger than any of these plants.

The stem or vine of the watermelon plant branches in many directions, with leaves that are large and numerous, developing several inches apart on alternate sides along the stem. The watermelon flower is not very showy and must be pollinated, generally by honey bees, to produce fruit.

Watermelon varies in size from the 5-pound Sugar Baby to the Jubilee which can weigh as much as 540 pounds. The fruit is round, oblong, or elliptical, with the outside color varying from solid dark green to mottled or striped green, to generally white. The color pattern is inherited and typical of a particular kind of watermelon. Different kinds of watermelon have different colored seeds—ranging from white, brown, or black—and different colored pulp.

Watermelon fruit is about 90 percent water and the pulp is sweet. There are many varieties of watermelon, and when growing watermelon, it is best to choose a variety adaptable to your particular area, although some varieties grow well in all areas. Watermelons require good soil, with well-fertilized sand or sandy loam being the best. Watermelon requires a warm soil for growth and is planted 10 to 12 feet apart in rows 10 to 12 feet apart. They also need to be planted in beds raised 6 to 12 inches to allow for drainage from rains and irrigation, which should be done by soaking, not sprinkling, which damages the leaves. It takes watermelon 80 to 95 days to become fully grown and they are ready for harvest when the part of the rind touching the ground changes from white to pale yellow.

The National Watermelon Feast on Capitol Hill began last year to bolster watermelon sales nationwide. The event was so popular and the Association of Independent Small Business Watermelon Growers received such good publicity that it was decided to make the event an annual affair.

After the welcoming ceremony at 11:30, everyone is invited to participate in the Festival Seed-Spitting Contest and sample some of the delicious watermelon. The growers have donated a semitrailer truck full of watermelons for this occasion so there will be more than enough for all Members of Congress and their staff, as well as members of the press.●

THE CALENDAR

Mr. RUDMAN. Mr. President, I wish to inquire of the Democratic leader if he is ready to proceed to certain calendar items which I shall outline at this point to see if we may proceed with them.

I inquire if he is in a position to pass or indefinitely postpone any of the following calendar items: Calendar No. 722, House Joint Resolution 623; Calendar No. 726, Senate Joint Resolution 355; Calendar No. 727, Senate

Joint Resolution 356; Calendar No. 728, Senate Joint Resolution 371; and Calendar No. 729, H.R. 2991.

Mr. BYRD. Mr. President, I thank the distinguished acting Republican leader. All of the items identified by the Senator have been cleared by all Members on this side and we are ready to proceed thereon.

Mr. RUDMAN. I thank the Democratic leader.

NATIONAL INFECTION CONTROL WEEK

The joint resolution (H.J. Res. 623) to authorize the designation of a calendar week in 1986 and 1987 as "National Infection Control Week," was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

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

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

The motion to lay on the table was agreed to.

CAJUN MUSIC MONTH

The joint resolution (S.J. Res. 355) to designate August 1986 as "Cajun Music Month," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. Res. 355

Whereas the French-speaking people of south Louisiana, also known as Cajuns, have a unique and colorful heritage;

Whereas an integral part of such heritage is a distinctive musical style which expresses the personality and lifestyle of the Cajun people; and

Whereas Cajun music should be recognized for its role in the lives of this special group of people: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 1986 is designated as "Cajun Music Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

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

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

The motion to lay on the table was agreed to.

ESTABLISHMENT OF A MEMORIAL TO THE BATTLE OF NORMANDY

The joint resolution (S.J. Res. 356) to recognize and support the efforts of the United States Committee for the Battle of Normandy Museum to encourage American awareness and participation in the development of a memorial to the Battle of Normandy, was considered, ordered to be engrossed for a third reading, the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. Res. 356

Whereas the battle fought in Normandy, France, in the summer months of 1944 was the largest land battle in history and considered by many to be the turning point of World War II in Europe;

Whereas the Battle of Normandy is one of the first examples of successful Allied military efforts to defend liberty and perpetuate freedom;

Whereas the people of France are creating a memorial museum and study center in Normandy to commemorate the Allied effort and provide future generations of students and others an opportunity to study and understand the causes of the European conflict and the role played by the Allied Governments and military forces in the successful resolution of that conflict; and

Whereas a United States Committee for the Battle of Normandy Museum has been created to inform Americans and encourage support of the museum and study center: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Congress recognizes and supports the historic and educational purposes to be served by the museum and study center in Normandy, France, and of the United States Committee for the Battle of Normandy Museum to encourage understanding of and support among Americans for such an important memorial.

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

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

The motion to lay on the table was agreed to.

HELSINKI HUMAN RIGHTS DAY

The joint resolution (S.J. Res. 371) to designate August 1, 1986, as "Helsinki Human Rights Day," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. Res. 371

Whereas August 1, 1986, will be the eleventh anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (hereafter in this preamble referred to as the "Helsinki Accords");

Whereas on August 1, 1975, the Helsinki Accords were agreed to by the Governments of Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America, and Yugoslavia;

Whereas the Helsinki Accords express the commitment of the participating States to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion";

Whereas the Helsinki Accords also express the commitment of the participating States to "promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development";

Whereas the Helsinki Accords also express the commitment of the participating States to "recognize and respect the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience";

Whereas the Helsinki Accords also express the commitment of the participating States in whose territory national minorities exist to "respect the right of persons belonging to such minorities to equality before the law" and that such States "will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere";

Whereas the Helsinki Accords also express the commitment of the participating States to "recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and cooperation among themselves as among all States";

Whereas the Helsinki Accords also express the commitment of the participating States to "constantly respect these rights and freedoms in their mutual relations" and that such States "will endeavor jointly and separately, including in cooperation with the Untied Nations, to promote universal and effective respect for them";

Whereas the Helsinki Accords also express the commitment of the participating States to "confirm the right of the individual to know and act upon his rights and duties in this field";

Whereas the Helsinki Accords also express the commitment of the participating States in the field of human rights and fundamental freedoms to "act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights" and to "fulfill their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound";

Whereas the Helsinki Accords also express the commitment of the participating States to "facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions and organizations of the participating States, and to contribute to the solution of the humanitarian problems that arise in that connection";

Whereas the Helsinki Accords also express the commitment of the participating States to "favorably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily, and on a regular basis if desired, in order to visit members of their families";

Whereas the Helsinki Accords also express the commitment of the participating States to "deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family" and "to deal with applications in this field as expeditiously as possible";

Whereas the Helsinki Accords also express the commitment of the participating States to "examine favorably and on the basis of humanitarian considerations requests for exit or entry permits from persons who have decided to marry a citizen from another participating State";

Whereas the Helsinki Accords also express the commitment of the participating States to "facilitate wider travel by their citizens for personal or professional reasons";

Whereas the Governments of the Union of Soviet Socialist Republics, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania, in agreeing to the Helsinki Accords, have acknowledged an adherence to the principles of human rights and fundamental freedoms as embodied in the Helsinki Accords;

Whereas the aforementioned Governments have violated their commitments to the Helsinki Accords by denying individuals their inherent rights to freedom of religion, thought, conscience, and belief;

Whereas the aforementioned Governments have violated their commitments to the Helsinki Accords by restricting the freer movement of people, ideas, and information;

Whereas the concluding document of the Madrid Review Conference of September 9, 1983, called for the Ottawa Human Rights Experts Meeting, the Budapest Cultural Forum, and the Bern Human Contacts Experts Meeting to discuss questions concerning respect for human rights and cooperation in humanitarian fields as embodied in the Helsinki Accords;

Whereas these meetings, which were attended by representatives from all the signatory States, presented important opportunities to address issues of compliance with the human rights and humanitarian provisions of the Helsinki Accords; and

Whereas in November 1986 representatives from the signatory States will be meeting in Vienna to review implementation of the Helsinki Accords, including the human rights and humanitarian provisions: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) August 1, 1986, the eleventh anniversary of the signing of the Helsinki Accords is designated as "Helsinki Human Rights Day";

(2) the President is authorized and requested to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki Accords, urging all signatory nations to abide by their obligations under the Helsinki Accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities;

(3) the President is further requested to continue his efforts to achieve full implementation of the human rights provisions of the Helsinki Accords by raising the issue of noncompliance with the Governments of the Soviet Union, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania at every available opportunity;

(4) the President is further requested to convey to all signatories of the Helsinki Accords that respect for human rights and fundamental freedoms is a vital element of further progress in the ongoing Helsinki process; and

(5) the President is authorized to convey to allies and friends of the United States that unity on the question of respect for human rights and fundamental freedoms is the most effective means to promote the full implementation of the human rights and humanitarian provisions of the Helsinki Accords.

SEC. 2. The Secretary of the Senate is directed to transmit copies of this joint resolution to the President, the Secretary of State, and the Ambassadors of the thirty-four Helsinki signatory nations.

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

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

The motion to lay on the table was agreed to.

RELIEF OF BETSY L. RANDALL

The bill (H.R. 2991) for the relief of Betsy L. Randall, was considered, ordered to a third reading, read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

COMMITTEE DISCHARGED FROM FURTHER CONSIDERATION—S. RES. 429

Mr. RUDMAN. I ask the Democratic leader if he is prepared to proceed to the consideration of Senate Resolution 429.

Mr. BYRD. I thank the distinguished acting Republican leader. There is no objection on this side.

Mr. RUDMAN. I thank the Democratic leader. I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration of Senate Resolution 429 and that the Senate proceed to its immediate consideration.

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

INCREASING THE LIMITATION ON EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE FOR THE PROCUREMENT OF CONSULTANTS

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 429) increasing the limitation on expenditures by the Select Committee on Intelligence for the procurement of consultants.

The Senate proceeded to consider the resolution.

Mr. MATHIAS. Mr. President, Senate Resolution 429 would amend Senate Resolution 353, the committee funding resolution agreed to March 13, 1986, and authorize the Select Committee on Intelligence to increase its expenditures for consultants from $5,000 to $31,000 during this committee funding period. The increase would be accomplished by a transfer of funds from other parts of the committee budget. No additional spending would be authorized by passage of Senate Resolution 429.

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

The resolution (S. Res. 429) was agreed to, as follows:

Resolved, That section 20 of Senate Resolution 353, Ninety-ninth Congress, agreed to March 13, 1986, is amended by striking "$5,000" and inserting in lieu thereof "$31,000".

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

Mr. RUDMAN. Mr. President, I would like to inquire of the minority leader if he is in a position to confirm any or all of the following Executive Calendar nominations:

Calendar No. 911, Lawrence B. Gibbs;

Calendar No. 923, Saundra Brown Armstrong;

Calendar No. 924, Harry W. Shlaudeman;

Calendar No. 925, Jonathan Moore;

Calendar No. 926, Robie Marcus Hooker Palmer;

Calendar No. 927, Mary Kate Bush;

Calendar No. 928, Kenneth A. Gilles;

Calendar No. 929, Kenneth A. Gilles;

Calendar No. 932, Kalo A. Hineman;

Calendar No. 933, Arnold I. Burns;

Calendar No. 934, John W. Roberts;

Calendar No. 935, Robert Clifton Duncan;

Calendar No. 936, Under the Army;

Calendar No. 937, William F. Nelson;

And all nominations placed on the Secretary's desk, with the exception of Edwin G. Corr.

Mr. BYRD. Mr. President, with the exception of the following calendar orders: No. 928, 929, and 932, the nominations have been cleared by all Members on this side of the aisle. We are ready to proceed with the confirmation thereof with those three exceptions.

Mr. RUDMAN. If I understand the Democratic leader then, I would strike from the request I am about to make

Calendar 928, Calendar 929, and Calendar 932.

Mr. BYRD. Mr. President, those nominees identified earlier by the distinguished acting Republican leader, all have been cleared on this side with the exception of the exceptions just enumerated by the distinguished acting Republican leader.

Mr. RUDMAN. I thank the minority leader.

EXECUTIVE SESSION

Mr. RUDMAN. Mr. President, I ask unanimous consent the Senate now go into executive session in order to consider the nominations just identified; that they be considered en bloc and confirmed en bloc.

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

The nominations confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

Lawrence B. Gibbs, of Texas, to be Commissioner of Internal Revenue.

DEPARTMENT OF JUSTICE

Saundra Brown Armstrong, of Virginia, to be a Commissioner of the U.S. Parole Commission for a term of 6 years.

DEPARTMENT OF STATE

Harry W. Shlaudeman, of California, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federative Republic of Brazil.

Jonathan Moore, of Massachusetts, to be U.S. Coordinator for Refugee Affairs and Ambassador at Large while serving in this position.

Robie Marcus Hooker Palmer, of Vermont, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Hungary.

INTERNATIONAL MONETARY FUND

Mary Kate Bush, of the District of Columbia, to be U.S. Alternate Executive Director of the International Monetary Fund for a term of 2 years. (Reappointment)

DEPARTMENT OF JUSTICE

Arnold I. Burns, of New York, to be Deputy Attorney General.

John W. Roberts, of Arizona, to be U.S. Marshal for the District of Arizona for the term of 4 years. (Reappointment)

DEPARTMENT OF DEFENSE

Robert Clifton Duncan, of Massachusetts, to be an Assistant Secretary of Defense.

IN THE ARMY

The U.S. Army National Guard officer named herein for appointment as a National Guard Commissioned Officer of the Army, under the provisions of Title 10, United States Code, section 1521:

To be major general

Brig. Gen. Fred M. Carter, [redacted].

[NEW REPORTS]

DEPARTMENT OF THE TREASURY

William F. Nelson, of Georgia, to be an Assistant General Counsel in the Department of the Treasury (Chief Counsel for the Internal Revenue Service).

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE ARMY, NAVY, SENIOR FOREIGN SERVICE

Army nominations beginning Col. Frank R. Giordano, and ending Lt. Col. Raymond J. Winkel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 20, 1986.

Army nominations beginning John D. Black, and ending Edmund L. Davis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 20, 1986.

Army nominations beginning Alan D. Sodergren, and ending Patrick T. Mcdevitt, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 26, 1986.

Navy nominations beginning Peter L. Andrus, and ending Joan Cummins, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD June 20, 1986.

Navy nominations beginning Robert Fredric Aarstad, and ending Linda M. Yonts, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD June 20, 1986.

Navy nominations beginning Jon Christian Abeles, and ending Richard Alan Paulus, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD June 20, 1986.

Navy nominations beginning Bruce Allen Abbott, and ending David A. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD June 20, 1986.

Navy nominations beginning Leo G. Patten, and ending Dave Wesley Davis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD June 26, 1986.

Navy nominations beginning Gerald P. Garrett, and ending Michael J. Kelley, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD July 14, 1986.

Senior Foreign Service nominations beginning John W. Bligh, Jr., and ending Melvin W. Searls, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 5, 1986.

Senior Foreign Service nominations beginning Charles L. Gladson, and ending Edward Ayers, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 5, 1986.

Mr. RUDMAN. I would then move to reconsider the vote by which the nominations were confirmed en bloc.

Mr. BYRD. Mr. President, I move to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

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

NOMINATION OF JONATHAN MOORE

Mr. KENNEDY. Mr. President, I express my strong support for the nomination of Jonathan Moore to be U.S. Coordinator for Refugees Affairs and Ambassador at Large. I commend the administration for making an outstanding choice for an extraordinarily important post.

Although Jonathan is a Republican, I have come to know him well in recent years, ever since he became director of the John F. Kennedy Institute of Politics at Harvard University. He has played a key role in the bipartisan development and growth of the institute, which is one of the most important memorials to President Kennedy, and which has contributed in many important ways to an understanding of politics in our society. Jonathan Moore deserves great credit for his role in making the institute a forum for the study and discussion of major public policy issues.

Mr. Moore will also bring to his new duties in the administration a background that uniquely qualifies him for this position. As a former Deputy Assistant Secretary of State for East Asian and Pacific Affairs, he dealt with complex administrative and policy issues. He has extensive experience and a thorough understanding of the demands of diplomacy and the challenges facing the Department of State.

He has also been involved in some of the difficult refugee issues confronting the United States and the international community in dealing with the continuing worldwide crisis of refugees, including his recent service on Secretary Shultz's Indochinese Refugee Panel. As the ranking member of the Judiciary Subcommittee on Immigration and Refugee Policy, I look forward to working with Jonathan Moore in his new role as U.S. Coordinator for Refugee Affairs, and I warmly welcome his nomination.

Mr. KERRY. Mr. President, I am delighted that today the Senate confirmed Jonathan Moore, a long time Massachusetts resident, to be the U.S. Coordinator for Refugee Affairs. In nominating Jonathan Moore, the administration has shown uncommon wisdom and foresight and in confirming him today we are joining them in demonstrating our commitment to a strong U.S. role in the protection and are of the world's refugee population.

Mr. Moore will bring to this position the personal strengths and convictions which he has demonstrated in a career of distinguished public service. Over the last 30 years, Mr. Moore's work has led him from locales as far as Asia and Africa on behalf of USIA and as close as this Chamber where he labored as a legislative assistant for one of my predecessors, Senator Leverett Saltonstall. He has ably served in both Republican and Democratic administrations and for the last several years he has assisted Federal projects on an ad hoc basis while he has been director of the Institute of Politics at Harvard University.

The plight of refugees escaping political and religious persecution is one of the most profoundly troubling phenomena this Nation faces in its role as a world leader. In the past, this Government has played an important role in developing strategies to assist some of the world's most vulnerable populations. I am pleased that Jonathan Moore will be leading our future efforts in this area.

LEGISLATIVE SESSION

Mr. RUDMAN. Mr. President, I ask unanimous consent that the Senate now resume legislative session.

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

ORDERS FOR THURSDAY, JULY 24, 1986

Mr. RUDMAN. I would like to present a series of unanimous consent requests for consideration of the Senate. I ask unanimous consent that once the Senate completes its business today it stand in recess until 10 a.m. on Thursday, July 24, 1986.

Following the recognition of the two leaders under the standing order, I ask unanimous consent that the following Senators be recognized for not to exceed 5 minutes each for special orders: Senators KASTEN, PROXIMIRE, WARNER, and HARKIN.

Following the special orders just identified, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond 11 a.m. with Senators permitted to speak therein for not more than 5 minutes each.

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

PROGRAM

Mr. RUDMAN. Mr. President, at the conclusion of morning business tomorrow, the Senate will resume consideration of House Joint Resolution 668, the debt limit extension.

Rollcall votes can be expected throughout the day Thursday, and the Senate could be asked to stay late into Thursday evening.

I ask the Democratic leader if there is any other business he wishes to transact.

Mr. BYRD. Yes. I have a request for a special order for 5 minutes to be entered for Mr. BAUCUS.

Mr. RUDMAN. I join in that request.

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

Mr. BYRD. I thank the distinguished acting Republican leader.

RECESS UNTIL 10 A.M. TOMORROW

Mr. RUDMAN. Mr. President, if the Democratic leader has no other business, I ask unanimous consent that, under the previous order, the Senate stand in recess until 10 a.m. on Thursday.

There being no objection, at 6:49 p.m., the Senate recessed until tomorrow, Thursday, July 24, 1986, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 23, 1986:

DEPARTMENT OF THE TREASURY

Lawrence B. Gibbs, of Texas, to be Commissioner of Internal Revenue.

DEPARTMENT OF STATE

Harry W. Shlaudeman, of California, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federative Republic of Brazil.

Jonathan Moore, of Massachusetts, to be U.S. Coordinator for Refugee Affairs and Ambassador at Large while serving in this position.

Robie Marcus Hooker Palmer, of Vermont, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Hungary.

INTERNATIONAL MONETARY FUND

Mary Kate Bush, of the District of Columbia, to be U.S. Alternate Executive Director of the International Monetary Fund for a term of 2 years.

DEPARTMENT OF DEFENSE

Robert Clifton Duncan, of Massachusetts, to be an Assistant Secretary of Defense.

DEPARTMENT OF THE TREASURY

William F. Nelson, of Georgia, to be an Assistant General Counsel in the Department of the Treasury, chief counsel for the Internal Revenue Service.

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.

DEPARTMENT OF JUSTICE

Saundra Brown Armstrong, of Virginia, to be a commissioner of the U.S. Parole Commission for a term of 6 years.

Arnold I. Burns, of New York, to be Deputy Attorney General.

John W. Roberts, of Arizona, to be U.S. Marshal for the District of Arizona for the term of 4 years.

IN THE ARMY

The U.S. Army National Guard officer named herein for appointment as a National Guard Commissioned Officer of the Army, under the provisions of title 10, United States Code, section 1521:

To be major general

Brig. Gen. Fred M. Carter, [redacted].

IN THE ARMY

Army nominations beginning Col. Frank R. Giordano, and ending Lt. Col. Raymond J. Winkel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 20, 1986.

Army nominations beginning John D. Black, and ending Edmund L. Davis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 20, 1986.

Army nominations beginning Alan D. Sodergren, and ending Patrick T. Mcdevitt, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 26, 1986.

IN THE NAVY

Navy nominations beginning Peter L. Andrus, and ending Joan Cummins, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 20, 1986.

Navy nominations beginning Robert Fredric Aarstad, and ending Linda M. Yonts, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 20, 1986.

Navy nominations beginning Jon Christian Abeles, and ending Richard Alan Paulus, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 20, 1986.

Navy nominations beginning Bruce Allen Abbott, and ending David A. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 20, 1986.

Navy nominations beginning Leo G. Patten, and ending Dave Wesley Davis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 26, 1986.

Navy nominations beginning Gerald P. Garrett, and ending Michael J. Kelley, which nominations were received by the Senate on July 2, 1986, and appeared in the CONGRESSIONAL RECORD of July 14, 1986.

IN THE FOREIGN SERVICE

Senior Foreign Service nominations beginning John W. Bligh, Jr., and ending Melvin W. Searls, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 5, 1986.

Senior Foreign Service nominations beginning Charles L. Gladson, and ending Edward Ayers, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 5, 1986.

HOUSE OF REPRESENTATIVES—*Wednesday, July 23, 1986*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, we offer to You our prayers of praise and thanksgiving. We praise You for the love that You have shown to us and to all Your people and for Your grace which You freely bestow. We are thankful for the freedom that is our heritage and for many opportunities for service and good works to others.

With praise and thanksgiving we bless You, O God, this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TODAY DURING 5-MINUTE RULE

Mr. BOSCO. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be allowed to sit today while the House is proceeding under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

IN REMEMBRANCE OF CONGRESSMAN ED GARMATZ

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, it is my sad duty to report the death last night of Edward A. Garmatz, who served as chairman of the House Merchant Marine and Fisheries Committee for 7 years.

Mr. Garmatz, for whom the Federal courthouse in Baltimore is named, served in the House of Representatives from 1947 through 1972 and was chairman of the Merchant Marine and Fisheries Committee when he chose not to run for a 14th term.

A staunch friend of shipping and labor—Mr. Garmatz proudly retained his membership in the International Brotherhood of Electrical Workers (AFL-CIO)—he fought in the House and in the Merchant Marine Committee on behalf of that constituency and these ideals: Maryland shipbuilding first, American shipbuilding second, and foreign shipbuilding never.

He was the driving force behind the Merchant Marine Act of 1970, which was aimed at reviving the American fleet.

Always a humble person, Ed Garmatz never forgot his friends or his constituents. I had the privilege of considering him one of my best friends for many years.

Our sympathy is extended to his wife, Ruth, who survives.

CONGRESS MUST ACT QUICKLY TO COMPLETE THE APPROPRIATIONS PROCESS

(Mr. PURSELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PURSELL. Mr. Speaker, this week's schedule included consideration of a number of appropriation bills for fiscal year 1987—the District of Columbia, Agriculture, Energy and Public Works, and Transportation—and more are to follow in the coming weeks.

I would like to use this minute to simply urge my colleagues to work as quickly as possible to complete the appropriations process.

Under the accelerated timetable established by Gramm-Rudman, Congress faces a rapidly approaching deadline to finish work on all 13 appropriations bills.

While it is important that Congress lives up to its responsibility of meeting the budget timetable, it is equally important that the funding in these spending bills be maintained at levels necessary to meet the deficit reduction targets of Gramm-Rudman.

Mr. Speaker, if Congress is going to meet its obligation to reduce the deficit, it must act now and it must act with fiscal responsibility. And that includes enacting a reconciliation bill that achieves significant savings in a reasonable manner.

COMMENDING KING HASSAN AND PRIME MINISTER PERES ON THEIR MISSION OF PEACE

(Mr. BADHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADHAM. Mr. Speaker, this week a historic event is occurring: Prime Minister Shimon Peres of Israel has traveled to Morocco to confer with King Hassan. I believe that this mission of peace can improve the opportunities for peace in the Middle East.

Prime Minister Peres' trip is a strong indication of Israel's desire to negotiate peacefully with the Arab States. It has been Israel's misfortune to be seen as an enemy of the Arab world, a world with which it shares many historical, cultural, and human ties. In 1977, Egypt and Israel followed the path to peaceful coexistence, and while their relations may on occasion be rocky, they are able to resolve their disputes peaceably. Such a result is amazing in a region which has been shaken by five wars in fewer than 40 years. The United States has been Israel's guarantor in war for those 40 years; we must also work to ensure that Israel's efforts for peace are given an equally good chance at success.

The Arab nation to which Prime Minister Peres has traveled, the Kingdom of Morocco, is an old and close friend of the United States, indeed, Morocco was the first nation to recognize American independence. King Hassan has nurtured that friendship and has worked hard to maintain his nation's staunchly pro-Western orientation. Nevertheless, by extending an invitation to visit Morocco to the Israeli Prime Minister, King Hassan has taken the risk of becoming an outcast in the Arab world, a fate which did befall President Sadat of Egypt. Indeed, while Egypt has given its backing to the meeting, Syria has already broken diplomatic relations with Morocco. It is vital then that we, the Congress of the United States, move decisively to endorse the Hassan-Peres meeting.

Thus, I have introduced House Concurrent Resolution 372 commending King Hassan and Prime Minister Peres for their courage, dedication, and sincere commitment to peace. I strongly urge my colleagues to support this resolution.

CONSTRUCTIVE ENGAGEMENT HAS NOT WORKED: IT'S TIME FOR THE ADMINISTRATION TO REVIEW ITS POLICY

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I, like many Members of the House, read the President's address yesterday on South Africa with some disappointment. The truth is, it seems to me, as one relatively small observer of the world scene, that our policy of so-called constructive engagement has not worked; will not work.

I would ask the President again and this administration again to review the situation from the shoes of those affected by our policies or lack of them.

For example, if you were black and lived in South Africa, after listening to the President of the United States yesterday, I wonder what you would think that America stood for. We're for freedom fighters I guess everywhere but in South Africa.

I hope we can change our policy. I hope we can work for change in South Africa. We do not have to cut off our nose to spite our face; but America needs to do more than issue platitudes on an occasional basis.

VOTE TO OVERRIDE THE PRESIDENT'S VETO OF THE TRADE BILL

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, yesterday the Levi Strauss Co., announced that it would close its slack sewing plant at Wynne, AR, in October, and its pants pressing plant in Little Rock in November. They will lay off 483 workers in Arkansas.

It is rumored that the Levi Strauss Co., now will cut its apparel goods manufacturing in the United States, ship them overseas to have them sewn there, and then returned to the American market for sale.

Mr. Speaker, if this is so, it is but another tragic chapter in the failed trade policies of this administration. Rising unemployment from these trade policies plus falling farm prices equals depression in Arkansas.

□ 1010

Recently the House passed a trade bill that would begin to remedy this prescription for disaster. Unfortunately, it has been vetoed by the President. However, we will have an opportunity to override that veto on August 6, and I call upon my colleagues to join with me in voting to restore a realistic trade policy to America.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 5162, ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1987

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 494 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 494

Resolved, That during the consideration of the bill (H.R. 5162) making appropriations for energy and water development for the fiscal year ending September 30, 1987, and for other purposes, all points of order against the following provisions in the bill for failure to comply with the provisions of clauses 2 and 6 of rule XXI are hereby waived: beginning on page 2, line 22 through page 5, line 13; beginning on page 5, line 20 through page 6, line 15; beginning on page 8, line 18 through page 9, line 7; beginning on page 9, line 16 through page 13, line 19; beginning on page 15, line 15 through page 16, line 2; beginning on page 19, line 20 through page 30, line 2; beginning on page 31, lines 1 through 24; beginning on page 32, line 11 through page 33, line 9; beginning on page 33, line 18 though line 22; and beginning on page 34, line 9 through page 36, line 2.

The SPEAKER pro tempore (Mr. DURBIN). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the customary 30 minutes for the purpose of debate only to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 494 waives points of order against certain provisions of H.R. 5162, the energy and water development appropriations bill for fiscal year 1987. This rule does not provide for the bill's consideration since general appropriation bills are privileged under the rules of the House. This rule, therefore, also does not contain any provisions relating to time for general debate. Customarily, general debate will be limited by a unanimous-consent request by the floor manager when the bill is considered.

House Resolution 494 does waive provisions of clause 2 of rule XXI which prohibits unauthorized appropriations and legislative provisions in general appropriation bills, against specified provisions in the bill. This rule also waives provisions of another clause of rule XXI, clause 6, which prohibits reappropriations or transfers in general appropriations bills, against specified provisions in the bill.

The precise provisions of H.R. 5162 for which these waivers are provided are detailed in the rule by reference to page and line in the energy and water development appropriations bill. Generally, titles I and II of H.R. 5162, which contain new budget authority for the Army Corps of Engineers and the Bureau of Reclamation, respectively, contain certain provisions that constitute legislation in an appropriation bill. In addition, many of the programs contained in these titles are not authorized.

Title III, the title providing new budget authority for the Department of Energy, also contains provisions for which an authorization has not been approved, as well as transfers of prior year funding which constitute reappropriations. Authorizing bills for this spending, such as the Department of Defense authorization bill, are in various stages of consideration in Congress.

Title IV contains new budget authority for the Appalachian Regional Commission and the Nuclear Regulatory Commission. The legislation authorizing programs of the Appalachian Regional Commission has not been enacted.

Finally, certain provisions of title V, the title containing general provisions, also constitute legislation in an appropriation bill.

Mr. Speaker, H.R. 5162 is an important measure providing new budget authority for a wide variety of programs and agencies, including the atomic energy defense activities of the Department of Energy which account for almost one-half of the appropriations contained in the bill.

I believe this rule will allow for expeditious consideration of this measure, and will allow the House to continue to move forward with the important process of considering general appropriation bills for fiscal year 1987. I urge adoption of this rule.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, this rule has been ably explained by the gentleman from South Carolina, and I will not repeat what he said.

Mr. Speaker, this rule waives certain points of order under the rules of the House that would lie against the bill in a number of instances. Members should understand that this is not unusual with appropriations bills. The energy and water development appropriation bill is one of the most important appropriations bills the House considers each year. It could not be brought to the floor without these waivers.

Here is the reason. No annual authorizing bills have been enacted into law for many of the Department of Energy programs, or for the Appalachian Regional Commission, or for the Nuclear Regulatory Commission. And in regard to the Corps of Engineers and Bureau of Reclamation projects, the committee adopted a number of provisions that are necessary for timely action in connection with these agencies' responsibilities for water resources.

So, I want to emphasize that there are realities and responsibilities the Committee on Appropriations and the Committee on Rules must deal with despite the fact that there may be no

authorization in place in some cases. The Subcommittee on Energy and Water Development, under the leadership of the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS], has acted in a responsible manner and should not be subjected to criticism for doing so.

In any case, this rule does not prevent Members from offering amendments to reduce the funding levels in this bill, which is the main focus of contention.

This bill appropriates $15.548 billion. This is $319.6 million less than the amount rcommended by the President and $792 million more than the current fiscal year appropriations enacted to date.

Mr. Speaker, this is an important appropriations bill funding many vital Federal programs and activities. I ask for a "yes" vote on the rule so that we may begin working on the bill.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Oregon [Mr. WEAVER].

Mr. WEAVER. I thank my friend from South Carolina for yielding me this time.

Mr. Speaker, the two amendments that I intend to offer to this appropriations bill today are reductions in funding amendments and will come within the main body of the bill. Therefore, I have no argument with the rule.

Of the two amendments that I intend to offer, the first is a reduction of $291 million from the funds designated for the site characterization of nuclear waste repository sites. I want to emphasize to my colleagues that this is a nationwide problem; it is not a regional problem.

We are going to argue today against the process that the Department of Energy has used in determining site selection of nuclear waste sites.

We have just discovered that there has been a stop order for all research documentation and collation in many phases of site characterization because they are in disarray.

The Department of Energy has sent stop orders to a number of the contractors because their research collation documentation was in utter disarray and they did not feel it was good enough to present eventually to the Nuclear Regulatory Commission as required.

The whole process has been politicized by the Department of Energy throughout the Nation. So therefore I ask all my colleagues from every region of the House to join with us in telling the Department of Energy "get your act in order before you continue the process, this critical process of finding a proper site for the nuclear waste repositories."

It is a nationwide fight, it is not between regions, and so I ask consideration of Members from all regions of the amendment cutting $291 million from this appropriations bill.

The second amendment has to do with the N reactor at Hanford. It is a totally different amendment, completely unrelated. It just simply says that until studies are made making sure that this N reactor that is considerably similar to the Chernobyl reactor, can be operated safely that we should not be subject to the dangers it presents to us today.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WEAVER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 365, nays 46, not voting 19, as follows:

[Roll No. 236]

YEAS—365

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Badham
Barnard
Barnes
Barton
Bateman
Bates
Bedell
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Bosco
Boucher
Boulter
Boxer
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Burton (CA)
Burton (IN)
Bustamante
Byron
Callahan
Campbell
Carper
Carr
Chandler
Chapman
Chappell
Chappie
Cheney
Clay
Clinger
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Daniel
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frost
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hatcher
Hawkins
Hayes
Hefner
Hendon
Henry
Hertel
Hiler
Hillis
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Luken
MacKay
Madigan
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCloskey
McCurdy
McDade
McEwen
McHugh
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schuette
Schulze
Schumer
Sharp
Shaw
Shelby
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert (OR)
Snowe
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stokes
Strang
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NAYS—46

Archer
Armey
Bartlett
Bilirakis
Brown (CO)
Combest
Craig
Crane
Dannemeyer
DeLay
Dreier
Eckert (NY)
Fawell
Fields
Frenzel
Gingrich
Goodling
Gregg
Holt
Hyde
Ireland
Lewis (CA)
Loeffler
Lowry (WA)
Lungren
Mack
Marlenee
Martin (IL)
McCollum
McKernan
Monson
Petri
Roberts
Schroeder
Sensenbrenner
Shumway
Slattery
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stenholm
Swindall
Vucanovich
Walker
Weber
Whittaker

NOT VOTING—19

Akaka	Hartnett	Moore
Borski	Jones (TN)	Owens
Breaux	Long	Ritter
Carney	Lundine	Roth
Dixon	Manton	Seiberling
Evans (IA)	McCandless	
Grotberg	McGrath	

□ 1035

Messrs. GREGG, WEBER, and WHITTAKER changed their votes from "yea" to "nay."

Ms. FIEDLER, Mr. BOULTER, and Mr. THOMAS of California changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. McCANDLESS. Mr. Speaker, I regret that the electronic voting device failed to register my support for rollcall 236 this morning. I would like the record to show my support for the rule on the energy and water appropriations bill.

PERMISSION FOR COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT ON TODAY, AND TOMORROW DURING THE 5-MINUTE RULE

Mr. ROE. Mr. Speaker, I ask unanimous consent that the Committee on Science and Technology be permitted to sit today, July 23, 1986, and tomorrow, July 24, 1986, to continue hearings on the *Challenger* accident.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

□ 1045

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT ON TODAY DURING THE 5-MINUTE RULE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be permitted to sit on today, Wednesday, July 23, 1986, while the House is reading for amendment under the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

GENERAL LEAVE

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of the bill (H.R. 5162) making appropriations for energy and water development for the fiscal year ending September 30, 1987, and for other purposes, and that I be permitted to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1987

Mr. BEVILL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5162) making appropriations for energy and water development for the fiscal year ending September 30, 1987, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited, not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Indiana [Mr. MYERS] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama [Mr. BEVILL].

The motion was agreed to.

□ 1046

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5162, with Mr. SHARP in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Alabama [Mr. BEVILL] will be recognized for 30 minutes and the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we bring to you today for your favorable consideration the energy and water development appropriation bill for 1987. I am joined in this effort by my colleagues on the Energy and Water Development Subcommittee who have worked long and hard to bring this legislation to the floor. Let me express my special appreciation to our ranking minority member, the gentleman from Indiana [Mr. MYERS]. As in years past, he and I have worked together with the subcommittee without any trace of partisanship of fashion a bill that meets the present and future needs of our entire country. I also want to express my appreciation and thanks to the members of the subcommittee, the gentlewoman from Louisiana [Mrs. BOGGS], the gentleman from Florida [Mr. CHAPPELL], the gentleman from California [Mr. FAZIO], the gentleman from Oklahoma [Mr. WATKINS], the gentleman from Tennessee [Mr. BONER], the gentlewoman from Nebraska [Mrs. SMITH], and the gentleman from Arizona [Mr. RUDD]. I would be remiss if I did not express particular appreciation for the effort of Mr. RUDD who has announced that he will not seek reelection. The subcommittee will sorely miss his expertise.

Mr. Chairman, the bill before the committee today would provide $15,548 million in new budget authority to the Army Corps of Engineers, the Bureau of Reclamation, the Department of Energy, and six independent agencies and commissions. This is $792,083,000 more than was provided in last year's appropriation and it is $319,643,000 less than the amounts requested in the President's 1987 budget. The bill is consistent with the approved budget resolution for fiscal year 1987 and is equal to the assumed allocation pursuant to section 302 of the Budget Act. We believe the outlays associated with this bill also are consistent with the outlay targets established by CBO for the programs funded in the bill.

TITLES I AND II—WATER RESOURCE DEVELOPMENT

Mr. Chairman, the committee is committed to a policy of development of the vital water supply, navigation, flood control, irrigation, and hydroelectric projects that are necessary to the well-being and economic growth of the entire Nation. No part of this country is immune from the problems of water—too little or too much—and all States of the Union must join together to cooperatively foster a truly national water policy which responds to the unique needs of each State and region.

Title I includes $3,226,052,000 for the Corps of Engineers which provides for 223 water resource projects in the planning or construction phases. This title includes 19 new construction starts requested by the administration and 11 new starts recommended by the committee for a total of 30 new starts.

Title II includes $863,930,000 for the Bureau of Reclamation which provides for 92 water resources projects in the planning or construction phases. This title contains one new construction start.

Titles I and II also provide for continuation of ongoing construction projects and operation and maintenance programs. Within the available funds, the subcommittee has attempted to accommodate the most critical needs identified through the extensive hearings conducted with administra-

tion witnesses, the public, State and local officials and Members of Congress.

TITLE III—DEPARTMENT OF ENERGY

In title III, for the Department of Energy, the recommendation provides a total of $10,847,046,000, an increase of $153,774,000 over the fiscal 1986 appropriation and $636,055,000 below the President's budget. We are recommending $7,693,900,000 for the national security programs and $3,153,146,000 for all other energy programs. The amount recommended for energy research programs is lower than the current appropriations, but the important consideration is that we have maintained a balanced energy research program and a healthy scientific research effort. The recommendations include numerous changes in the request which are summarized in the report. I will mention a few.

In the energy programs of the Department of Energy, several changes are worth mentioning:

For solar and renewable energy programs, we are recommending $131,325,000 compared to the request of $90,222,000. The committee believed the administration's proposed reductions in the level of effort on solar and renewable energy were too drastic.

For magnetic fusion, the recommendation provides $358 million, an increase of $25 million above the requested level of $333 million.

Progress is continuing in developing and demonstrating the technological basis for the safe disposal of nuclear waste. The committee continues to strongly support the program activities included in the nuclear waste disposal fund and is of the view that management of the program to date has been satisfactory. However, the recommendation includes deletion of funding requested for the monitored retrievable storage facility because no site has been approved for that and siting funds requested for the second permanant repository have been deleted because of the Department's decision to not proceed with that facility at this time.

For general science and research, the committee recommendation provides a total of $738,400,000 which is $35 million less than the administration's request. There continue to be exciting and important discoveries on the frontiers of basic knowledge concerning the structure and nature of matter from this program. The application of nuclear science for medical purposes also has provided some important new discoveries and potential breakthroughs in the treatment of cancer and other medical disabilities. The committee recommendation continues our strong support for this program.

The recommendations for defense programs of $7,793,900,000 is $462,236,000 above the current appropriations and $536,100,000 below the budget request. The recommendation accommodates an approximate 6-percent increase over fiscal year 1986 and the funding provided for the strategic defense initiative is limited to the amount and in the manner provided for in a fiscal year 1987 defense authorization.

The committee recommendation provides $99,079,000 for the Federal Energy Regulatory Commission as requested. In addition, the bill includes language which would permit FERC to use up to $78,754,000 in revenues from licensing and other activities to offset part of the appropriations. It is the committee's view that statutory authority exists for FERC to collect additional revenues, but the appropriation language does not require FERC to collect the entire $78,754,000 in estimated revenues.

TITLE IV—INDEPENDENT AGENCIES

Title IV of the bill includes $610,972,000 for six independent agencies. This is $6,406,000 below last year's level.

We have provided $105 million for the Appalachian Regional Commission; $405 million for the Nuclear Regulatory Commission; $100 million for the Tennessee Valley Authority and $972,000 for three river basin commissions.

GENERAL PROVISIONS

The bill contains the customary general provisions carried in prior years to permit the agencies funded in this bill certain flexibility and to limit other activities.

COMMITTEE REPORT

The report accompanying the bill provides a good explanation of the recommendations reflected in the bill. I would encourage the members to look through it.

This is a good bill and report. It is under the President's budget. I recommend its adoption by the Committee.

Mr. Chairman, I would like to call the Members' attention to several printing and typographical errors in the report (H. Rept. 99-670) accompanying the committee bill (H.R. 5162).

On page 105, construction project No. 87-R-403 should read 87-R-203.

□ 1055

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I join my chairman, the gentleman from Alabama [Mr. BEVILL], in commending a great many people who have been able to bring this bill to the floor and contribute significantly the members of the subcommittee, the Members of Congress, and especially the staff that has worked so hard and so diligently and so effectively and efficiently to bring this bill to the floor.

We have 13 subcommittees on the Appropriations Committee. I must say, having served on several of those subcommittees, I am presently on three of them, that this particular subcommittee works closely together, more closely than any other committee I have ever served on in the years I have served in the Congress in a bipartisan—maybe I should say a nonpartisan way, both for the staff and for the Members of Congress. Partisan politics never entered into our decisionmaking on what should be in our bill. That is not always the case in some committees that we have all seen.

So we bring a bill to the floor today that I hope all can support. Many years ago we had a subcommittee chairman of this committee who used to refer to this particular bill as the all-American bill. Once again, this is the all-American bill, because the content, the provisions provided for in this bill touch every congressional district in our country directly. Not that we have something for every congressional district in the country, but the effects, the impact of what we provide in this bill, do affect every congressional district in the United States.

First, there are a great many things that we all take for granted; electric energy, we all sit here and see the light. We expect in the morning to get up and plug the toaster in and turn on the electric stove and use our electric razors or the curling irons for the ladies. We expect that electric energy to be there, but it is not just a happen-so that the electric power is there daily. It is there because someone in the past has seen fit to provide and to make sure that we have the electric energy we all take for granted today.

The water that we drew this morning for our showers, that we use daily in our consumption not only in our homes, but also in industry, is not just a happen-so. Someone had to provide that and the contents and the things of this bill provide the necessary water that we daily expect to be there when we turn that tap on in our homes or in our industries. That is done in this bill.

The bill is a fine bill. It is a bill that is not as much as the need is there for our country, but because of spending constraints that we had to impose this year, we necessarily have curbed some back.

We will have some amendments today that will ask to increase the spending. It just cannot be done.

As Chairman BEVILL has told us, we are right up to the 203(b) allocations allocated by the Congress itself.

We are $320 million under the President's request.

The one criticism you are going to hear today is the fact that we are over in the outlays. But what constitutes the outlays? Something the House of

Representatives never in the past in my 20 years has concerned itself with is the outlays, because we in the Congress do not control the outlays. Those are controlled by the Executive; but we are told that an assumption has been made that the outlays will be greater in the outyears because of the consequences of what we have in this bill; but again that is controlled by the Executive, not by the Congress; so the outlays are something over which we have little control.

We have appropriated less in this bill than the President has requested. We are right up to the point of where the 302(b) allocations that we in Congress have taken the budget resolution and allocated to the subcommittees.

So we have done all in our power to meet the necessities here of keeping our expenditures down.

We maintain all the vital necessary programs, such as research for energy, nuclear safety, and reactor safety. We have done all these things that are absolutely necessary. We have kept them to a minimum, but we have provided adequately for these necessary programs.

We have no major new initiatives in this bill. The bill brought to you today by the Energy and Water Subcommittee of the Appropriations Committee is a good bill. I think it cannot stand any amendment. I hope we will resist all amendments. I hope our colleagues will resist all amendments and I hope you will vote to support it.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to our friend and colleague, the gentleman from Oregon [Mr. WEAVER].

Mr. WEAVER. Mr. Chairman, I thank the distinguished chairman for yielding.

Mr. Chairman, I simply want to emphasize that the amendment that I will offer to this bill on page 22 of the bill will reduce spending in this bill by $291 million. It is a fund reduction; not an increase. It is designed to cut funds for the site characterization studies for nuclear waste repository sites.

We do this, not as a regional proposal, but because the Department of Energy is in complete disarray on the studies. They have issued a stop-work order for all collection and documentation of research now in many phases of the present studies on nuclear waste repository sites, because this data is insufficiently collected and documented. The process has been politicized. Political decisions have been made right and left.

We feel that the Department of Energy should be told by the Congress that they simply must get their act in order before they go on to make such momentous decisions as where we will store high-level nuclear wastes for the next thousands of years.

So I say to my colleagues, we in the West are not making this a regional fight. If we wanted to do that, we might point to Mount St. Helens, our great cannon in the West, but we do not want to do this. We want everyone to join together in this effort.

Mr. MYERS of Indiana. Mr. Chairman, our colleague, the gentleman from Arizona [Mr. RUDD], has announced that he will not be back in the 100th Congress. He is a very valued member of this subcommittee, a very contributing member, and one we will miss very much. We regret his decision very much not to run again. We will miss the next speaker who has been a member of the subcommittee for a number of years and has been a very hardworking member.

Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. RUDD].

Mr. RUDD. Mr. Chairman, I want to thank my friend and colleague, the gentleman from Indiana, for those kind remarks and for yielding to me.

Mr. Chairman, it is a rare privilege to be a member of this committee, to work with the great people who make up the committee, the distinguished chairman who has exercised great wisdom in operating the committee, the ranking member, the gentleman from Indiana [Mr. MYERS], who has also displayed great wisdom in the operation of the committee, putting together things that are needed for all the people of America. That is what water is all about. That is what energy is all about.

The staff is a very, very professional staff. The committee and the staff worked exceedingly well together to provide for America and the people of America.

Mr. Chairman, this 1987 energy and water development appropriations bill represents a sound investment in our Nation's future. It is $319.6 million below the administration's request. It is a very responsible bill and it deserves the support of our colleagues and this House.

Our Nation's ability to develop water resources where needed or to provide flood protection where needed provides benefits to Americans well beyond those in the immediate area or the site of the particular projects. All Americans stand to gain from efficient and economical water development. In this bill, we are providing the infrastructure to help the Nation to work and to prosper.

The West would still be a vast wilderness and our Western States which have provided trillions of dollars to the economy because of water would not have been able to do so without the wisdom that has been exercised by the Congress with regard to water development and energy development.

The West could not have been developed without the foresight and commitment to develop water resources and ensure the availability of water. Our most precious resource is water for the region's rapidly expanding population.

Even now, in my own home State of Arizona, it is expected to double its population by the year 2000. That is less than 14 years away. Can you imagine an entire State developing and doubling its population over a 14-year span? That is what is happening in Arizona and many other States in the West.

So let me emphasize just how important it is to plan for this expanding population. If Arizona, for example, experiences a 5- or a 7-year drought—and our droughts have lasted longer than that in the past in the central valley in Arizona and on the Colorado River—there will not be enough water to meet central Arizona's expanding water needs. The projects included in this energy and water bill, projects planned with foresight and prudence, represent steps that we can use and take to insure the additional water storage capacity to meet those needs and our responsibilities to the people.

So this legislation includes essential funding for programs across the Nation. I support the bill and I urge all colleagues to support the bill.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to my collegue and friend, the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I yield to my colleague, the gentleman from Maryland [Mr. DYSON].

Mr. DYSON. Mr. Chairman, I thank the gentleman for yielding. Mr. Chairman, I rise in support of this appropriation bill and I would like to thank the committee and its distinguished chairman for the fine legislation that they have presented for our consideration. I know that the committee has spent much time and effort in formulating this extremely important piece of legislation.

Mr. Chairman, I wish to thank the committee for their initiative on the Ocean City, Maryland Shore protection study. This will provide $500,000 for the Army Corps of Engineers to continue its planning to protect the Atlantic coast of Maryland—Ocean City—from hurricanes and severe storms. Last year, Hurricane Gloria threatened to wreak extreme damage upon the unprotected shores of Maryland's coast. Fortunately, the hurricane passed quickly and moved further offshore. Even with this luck, due to the loss of beach from previous storms, there was still $5 million in damage as a direct result of Gloria. Fortunately, no lives were lost and the $2 billion worth of developed property located along the coast of Ocean City was spared from the potential devastation of one of the most powerful hurri-

canes in decades. However, a crucial 4-foot strip of beachfront was lost and this coast has been left vulnerable to severe storms or hurricanes which, in the future, may cause heavy structural damage to the hotels, houses, condos, and businesses located here.

The State of Maryland and local governments are committed to spending millions of dollars to complement, and maintain, this important Federal project. This is a vital part of the long-range goal of the State and the Federal Government to protect the coast and I strongly endorse this partnership.

In addition to addressing the need for hurricane protection, the committee has also appropriated $450,000 to investigate the excessive shoreline erosion which continues to plague the Chesapeake Bay. Controlling sediment deposits into the bay is a critical part of our effort to restore the bay and its marine life. I thank the committee and all my colleagues for their continuing support and commitment to restoring America's largest estuary. Our efforts in this direction will permit future generations to continue to reap the harvests of crabs, fish, and oysters from the bay while protecting the natural beauty and fragile ecosystem of this historic estuary.

Of further importance are several projects requiring Federal assistance for operation and maintenance. These projects will assist navigation in the Baltimore Harbor and important river and lakes for many years to come. These projects will directly contribute to the safety of those who sail the waters and allow our harbors and ports to better compete with foreign ports.

In addition, money has been allocated for flood control. As you will recall, flooding ravaged much of Maryland and West Virginia late last year, resulting in the loss of human lives and causing millions of dollars in damage. We must prevent future losses from flooding, not only in Maryland, but in all areas of our country where nature threatens the lives and property of our citizens.

Again, Mr. Chairman, I congratulate and thank the committee, not only for the fine work they have done to benefit Maryland, but for the outstanding job they have done to craft national appropriations legislation during times of severe budgetary restraints. I urge all my colleagues to join me in support of this extremely important legislation.

Mr. RICHARDSON. Mr. Chairman, I would like to ask about the recommended appropriation for the Army Corps of Engineers. In its budget request, the corps asks for $1.273 million for general operation and maintenance of the Cochiti Lake Dam and Reservoir in New Mexico. It explains that one of the reasons for the increase over the fiscal year 1986 estimate is that additional studies are required to correct the seepage problem at Cochiti Lake. I am pleased that the Energy and Water Development Subcommittee and the full committee have approved this request. Over many years, seepage from the Cochiti facility has damaged considerable farmland in the area, including lands of the Cochiti pueblo and the pueblo of Santo Domingo. Many citizens in my district who have suffered the effects of this seepage will be grateful for this support.

I would like clarification on one point, Mr. Chairman. Am I correct that in view of the committee's acceptance of the budget justification submitted by the corps, the committee expects the corps to undertake, in fiscal year 1987, the needed design studies? From discussions with involved parties, I have the impression that the corps may not undertake these studies even if Congress gives them the money to do so. The corps cites as their rationale a suit filed by the pueblo of Cochiti because the corps has not yet moved to correct the problem. Mr. Chairman, I feel that this is an unacceptable approach for an agency of the United States to assume, particularly in light of the Federal trust relationship which entails a responsibility by the United States for preservation of reservation land.

Mr. BEVILL. If the gentleman will yield, the gentleman from New Mexico is correct. The committee approved the corps request as submitted, and expects that these design studies for seepage abatement will be done in fiscal year 1987.

Mr. RICHARDSON. Mr. Chairman, I also note that there is a $550,000 appropriation for the corps' general investigations of the Rio Grande and tributaries, New Mexico and Colorado. I understand that the corps intends to use part of this appropriation to complete their study of increasing the storage capacity at Abiquiu Dam in New Mexico. Mr. Chairman, many of the people in my district are concerned about this potential increase; they have not had their serious questions about safety, environmental impact, and the necessity of increased storage addressed to their satisfaction. Am I correct in my understanding that this appropriation is to be used only for the purposes of studying the proposal, and that no fiscal year 1987 Federal funds will be used to initiate work on increasing the storage capacity at Abiquiu Dam?

Mr. BEVILL. Yes; the gentleman is correct. Until the members of this committee are satisfied that the communities' concerns are met, we will look with extreme skepticism at appropriations requests to increase the storage capacity at Abiquiu Dam.

Mr. RICHARDSON. I thank my colleague from Alabama for this information, and also for the assistance he has always offered me in meeting the needs of the people of the Third District of New Mexico.

□ 1110

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Chairman, first, I would like to say that I had hoped during the course of debate on this bill to raise a point of order against the Buy America provision. Unfortunately, the rule protects this provision this year. I feel compelled to comment again on the unsettling trend here of the Committee on Appropriations going to the Committee on Rules to protect legislation in appropriations, and to protect unauthorized appropriations.

Sooner or later, I think that this sort of thing has got to stop, or the rest of the Congress may as well close down. Then we can let the Committee on Appropriations do all our work for us. Maybe that would be a good thing.

Mr. Chairman, I had hoped to raise a point of order against a Buy America provision on extra high voltage power equipment, which is not germane to this bill, but I understand that the language is protected by the rule.

This year, the Buy America differential was increased to 30 percent by the committee. Last year, we had a 25 percent differential. This means that U.S. equipment of extra high voltage power equipment will be favored over its foreign competition, unless the price of the U.S. equipment is 30 percent over the lowest foreign bidder. In other words, the Federal Government, already facing tough spending decision due to budget cuts, will have to pay 30 percent over the best available price for its high voltage power equipment—some pretty big-ticket items. The normal Buy America differential is 10 percent.

The rationale for this kind of industry protection is that there may be foreign subsidy, dumping or market access problems for similar U.S. equipment abroad. There is also the usual cry for the need to save U.S. industry and to protect our national security.

We are all for saving U.S. industry and protecting our national security, but we have trade remedy laws to address those situations, particularly with respect to counteracting unfair trade practices, including subsidies and dumping. It may be easier to circumvent the law and find a friendly Congressman to offer Buy America language, but I believe that the industry involved must make an effort to use the laws we have rather than to seek special treatment from the Appropriations Committee.

This is a nongermane amendment; it subverts the entire committee process, our efforts to cut the budget deficit, and encourages other industries to similarly circumvent the law. There has been an effort to narrow the effect of the bill by eliminating from coverage those countries which provide access to U.S. power equipment. Major competition will still be covered under the Buy America, however, largely protecting this market for the one U.S. company protected under this language.

Mr. Chairman, I was informed by an interested party that this Buy America should not have to be extended beyond next fiscal year. That will certainly be my expectation.

The second point that I would like to make, Mr. Chairman, is to give the Members some indication of what I intend to do on the next round of appropriations bills.

On this bill, I have an amendment for a cut of approximately 4.62 percent across the board. The fraction was calculated to take us back to the budget authority of the post-sequester appropriations for 1986. That is, it's a freeze.

On the District of Columbia appropriation, I have an amendment to cut $10 million. It seeks to enforce a freeze, too. On the Agriculture appropriation, I will probably not have an amendment because it seems to be well under last year in budget authority. On the transportation appropriations bill, since the outlay figure looks to be very close to last year, I probably will not have an amendment at all.

Mr. BEVILL. Mr. Chairman, I yield such time as he may consume to our distinguished committee chairman, the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I take this time to commend the members of this subcommittee for the fine job that they have done, not only this year but through the years. I think I have been on the Public Works Subcommittee far longer than anyone here, and I have been proud of the work that we have done through the years, and I call attention to several things that I think should be considered at this time, particularly in view of the Budget Committee and in view of the Gramm-Rudman and many other provisions which attempt to limit the total expenditures.

I have voted for those measures with tongue in cheek, you might say, or fingers crossed, or whatever it is. We all want to hold down expenditures, but there is some questions as to whether they do.

One of the mistakes that we make in Congress, as I see it, we do not differentiate between investment spending and those things that are current or for the time being.

I call attention at this time to the fact that we have a rich country because of this committee and others. From 1781 to 1788 we operated under the Articles of Confederation, where each State in the Union had to look after its own territory. It did not work. It is only when we created the United States, and notice the word "United" in our name, that we started looking after national problems with national projects. Only in about 1934 did we begin to have national projects to look after our whole country.

Mr. Chairman, I wish Members would listen to this. Recent figures show that since 1934, when we started meeting our national problems with national projects, our wealth has increased 41 times. Since 1940, when we increased national projects to take care of all the country, realizing that floods and droughts and other things do not know State lines, county lines, or anything else, it has increased some 36 times.

We have serious financial problems today, but, thank goodness, due to the Congress and others who have made national issues out of these problems and helped to solve them, we still have a rich country. It is estimated by the Library of Congress that the real value of our country is something like $16 trillion.

I want to point out that anytime in 5 years you increase the debt a trillion-and-some-odd dollars, we have serious financial problems, but we must distinguish between money and wealth. Our real wealth is at a great level, but I deplore to see that some at the budget level and some of our colleagues fail to realize that our wealth is something separate from our monetary system, which is a medium of exchange and is seriously endangered. We need to balance the budget but not at the expense of our country.

I had a lady from my area who visited me recently say, "JAMIE, everything seems to be fine, activity, everybody's got cars in their drive, and they seem to be prosperous."

I said, "A trillion and a quarter dollars have been dumped into the economy, and we have activity, but what we need is productivity." We must cease to be a ready market for the world, buying more on credit than we export, even food and clothing.

I want to commend this subcommittee, every member of it, and our colleagues in Congress who do differentiate between wealth and money, who realize that if we are going to meet our problems, we had better take care of our own country. If we do that we could set up a new financial system and which would be rough but it could be done.

However, if we let our real wealth go down, our country, we would end up like China and India and the other worn out areas of the world. Again, Mr. Chairman, I commend the gentleman from Indiana [Mr. MYERS] on his side, the gentleman from Alabama [Mr. BEVILL] on our side, and each member of this subcommittee. They truly prove that they are all-American. I am proud of them and proud to serve with them on this subcommittee.

Mr. MYERS of Indiana. Mr. Chairman, I yield 5 minutes to a very valued member of the Committee on Appropriations, one who has contributed significantly to our bill, the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I rise in strong support of H.R. 5162, the Energy and Water Development Appropriations Act for Fiscal Year 1987.

I would like to begin by commending the leadership of the subcommittee for their work on this bill. Chairman BEVILL and ranking minority member JOHN MYERS and the members of the subcommittee have accomplished a truly Herculean feat. They have funded a broad range of extremely important programs and have still managed to stay within the 302(b) limits for budget authority pursuant to the budget resolution.

The bill includes $7.7 billion for vitally important research through the atomic energy defense activity programs. It includes $105 million to continue funding for the Appalachian Regional Commission, an agency which has helped channel an essential source of funding into the Appalachian region. It includes $100 million for the Tennessee Valley Authority, which will provide funding for many TVA economic and community development programs and natural resource activities. And finally, the bill provides nearly $4 billion for water projects through the Corps of Engineers and Bureau of Reclamation.

In addition, I would like to voice my particular support for the provisions in this bill relating to the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River flood control project, which is under construction pursuant to section 202 of Public Law 96-367.

In view of the repeated delays in the construction of this project, I would like to explain these provisions so that there is no delay about the congressional intent in these matters.

First, it states in title I of the bill that construction in Barbourville, KY, and in Harlan County, KY, is to be at the standard project flood level of protection. For several years, the corps has attempted to reduce the scope of protection offered under this flood control project—seeking to limit the number of communities protected and the actual level of protection. While the committee has met each of these attempted actions with clear instructions in various appropriation bills and reports, directing the corps to proceed

with SPF protection, the corps has continued to search for loopholes which would allow it to reduce the scope of protection. It is the clear intention of the language included in title I of this bill for the corps to proceed with construction in both Barbourville and Harlan County, KY, at the standard project flood level of protection.

Second, the bill includes a total of $27.9 million for the 202 project. This amount is $5.4 million above the requested level. Of the additional funds included in the bill, $1.1 million is earmarked for Barbourville, and is to be used to begin construction of phase II of this flood control project, which includes raising the levees to the SPF level of protection. It also includes $3.6 million earmarked for Harlan County, which is to be used for detailed design and initial construction work.

This region has suffered severely from flooding in the past. During the last major flood, which occurred in 1977, there was over 100 million dollars' worth of damages centered in the Pineville, Barbourville, and Harlan areas. Pineville suffered 27 million dollars' worth of damages. Barbourville averted damage solely as the result of heroic efforts by the townspeople who piled sandbags on top of the levees to stave off disaster. And Harlan suffered the worst damages, with 31 million dollars' worth of damage, 4 lost lives, and 2,000 people left homeless. And since Harlan is located right at the headwaters, it can expect recurrence of such flooding with little or no warning time and devastating results. And this region has paid the price of flooding not just in terms of lost lives and homes. But many families and business were forced into debts that they're still repaying. They simply couldn't afford the results of future flooding.

It is my strong hope that the instructions and the funding levels included in this bill will free these communities from the constant threat of flooding and give them the protection they so greatly need and deserve.

I urge support of the bill.

□ 1120

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to my good friend and distinguished colleague, the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, I have asked for this time to ask a question of the chairman for clarification purposes.

In the committee's report to accompany H.R. 2959 making appropriations for energy and water development for the fiscal year ending September 30, 1986, the committee directed the Department of Energy to allocate $2 million to a project in Austin, TX, for a cooperatively funded effort to develop and demonstrate a concentrating fresnel lens photovoltaic system. Was it the intent of the committee specifically to fund the project involving the city of Austin, 3M Co. and ENTECH and using ENTECH's fresnel lens concentrating photovoltaic collector?

Mr. BEVILL. If the gentleman will yield, yes, it was the intent of the committee to direct the Department of Energy to allocate funds specifically for the project involving ENTECH's fresnel lens concentrating photovoltaic collector.

Mr. PICKLE. Mr. Chairman, I thank the gentleman very much.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman from Indiana for yielding me the time.

At a time appropriate in this bill, I intend to offer an amendment that would strike $69.7 million of Department of Energy basic research funds for construction funds at eight universities.

Let me explain why I am doing this. Just within the last month, Common Cause magazine has come out with a fairly revealing article about something that they call hog heaven. I am sorry that I do not have the hog mask of the gentleman from Massachusetts to bring to the floor because it certainly applies here. All we have are the hogs that are on the front of the Common Cause magazine.

But the fact is that you have a number of projects that are now being added into budgets that are neither authorized by the appropriate authorization committee, nor have they been subjected to any peer review by the scientific community.

Both the academic and the scientific communities are really upset about the idea that peer review is being totally abandoned as we go down the route of more and more of these projects that have not been authorized or peer reviewed.

It seems to me that in a time of reduced resources in Government, we ought to, at the very least, be assuring ourselves that only the projects of the highest merit get funded. That is not what is happening here.

In fact, we have an increasing trend. In fiscal 1984, this committee brought to us a bill that had about $10 million in it of these hog-heaven projects. Just 3 fiscal years later, we are at $69.7 millon of hog-heaven projects.

I submit that that is not a record that we can afford to continue to support. It is high time that what we do is go after hog heaven and cut it out of this bill.

Common Cause magazine raises these questions. They say, "The money may or may not be wisely spent; there is really no way of knowing. But why should the test of merit be the strength or a State's politcial delegation or a university's ability to hire well-paid lobbyists? Is this really a fair way to give away Government money?"

The answer to those questions, is clearly no. It is not fair; it is not right.

What my amendment will do is cut out those projects. It will leave intact those projects that have been appropriately authorized, but we are going to cut out hog heaven.

I would ask for the support of my colleagues at the appropriate time in the bill for the amendment to eliminate hog heaven.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Chairman, I want to take just a moment to clarify our intent with regard to the appropriation for corrective work on the dam located on the east fork of the 102 River near Bedford, IA. As the gentleman from Alabama, the distinguished chairman of the subcommittee will recall, I addressed this matter when I testified before his subcommittee earlier this year.

I appreciate the committee's allocation of funds for the corps to get started on this project. The city of Bedford stands to lose its water reservoir dam and along with it their water treatment plant and a county bridge if corrective action isn't taken immediately.

However, I'm still concerned about whether the citizens of Bedford are going to be forced to help pay for damage to their dam that was caused by the corps. The corps acknowledged to the subcommittee that their work may have caused the damage, and the mayor of the city says the dam was in perfect condition from 1922, when it was built, up until the corps performed their river-straightening work in 1967. The corps has been cooperative up to this point, but the city of Bedford still feels the corps has a responsibility that they have yet to uphold.

At this time I want to ask the gentleman from Alabama, the chairman of the subcommittee, if it is the committee's position that if it were determined that the corps contributed to the damage to the city of Bedford's dam then the corps has a responsibility to mitigate that damage.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, the gentleman is correct and I agree with the gentleman.

Mr. LIGHTFOOT. Mr. Chairman, I thank the gentleman for making that clarification.

Mr. BEVILL. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Alabama [Mr. BEVILL] has 11½ minutes remaining and the gentleman from Indiana [Mr. MYERS] has 12 minutes remaining.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I rise in strong support of H.R. 5162, the fiscal year 1987 energy and water development appropriations bill. At the outset, I want to congratulate subcommittee chairman TOM BEVILL and ranking minority member JOHN MYERS on drafting another fine bill.

Of special interest to me are those provisions in title I of the bill relating to the development of Los Angeles and Long Beach Harbors.

Specifically, under the Corps of Engineers' general operation and maintenance budget, $1,300,000 is earmarked for the Los Angeles-Long Beach Harbor hydraulic model, located at the U.S. Army Waterways Experiment Station in Vicksburg, MS. Since 1982, the corps has been in the process of compiling needed data on tidal circulation, wave energy and ship motion in the San Pedro Bay Area. These funds will simply continue this valuable study.

Also provided in title I is $1,457,000 for the corps to continue the so-called 2020 study and its accompanying feasibility report. The 2020 study is a long-range master plan for San Pedro Bay and will promote the efficient, economic, and logical development of the port area. Already, this study has demonstrated the need for new navigational channels and 2,600 acres of new landfill development at the ports of Los Angeles and Long Beach.

Mr. Chairman, both of these Corps of Engineers projects will enable us to better plan for our future maritime needs in southern California. These studies will not only help us meet our future needs at the ports of Los Angeles and Long Beach, but it will allow us to make needed improvements in a manner which will protect our fragile marine environment.

It is also important to note that in the upcoming fiscal year alone, the ports of Los Angeles and Long Beach will collect over $2 billion in U.S. Customs Service fees which will be deposited directly into the Treasury and help bring down the deficit. Thus, the corps studies for San Pedro Bay is an investment in our future.

I urge all my colleagues to support this measure.

The CHAIRMAN. The Chair must indicate to the gentleman from Alabama [Mr. BEVILL] in response to his earlier question that there had been a misallocation in the time of the gentleman from Iowa [Mr. LIGHTFOOT].

Therefore, the situation presently is that the gentleman from Alabama has 7½ minutes remaining and the gentleman from Indiana has 14 minutes remaining.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL].

□ 1130

Mr. FAWELL. Mr. Chairman, I thank the gentleman from Indiana [Mr. MYERS].

Mr. Chairman, I rise for purposes of a very brief colloquy with the distinguished chairman from Alabama, if I may.

Mr. Chairman, it is my understanding that it is the intent of the Subcommittee on Energy and Water Development to fund the photovoltaic program at the University of Illinois at Chicago campus with $60,000 for fiscal year 1987 for research being done in the Department of Civil Engineering, Mechanics and Metallurgy on Surface Property Modification of Semiconductors by Fluid Absorption.

Mr. BEVILL. Yes, that is correct.

Mr. FAWELL. I thank the chairman.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I rise in strong support of this legislation, both in terms of its funding for Department of Energy civilian and defense programs and the activities of the Appalachian Regional Commission.

In the case of the DOE programs, the subcommittee bill strikes a middle ground in defense programs funding between the fiscal year 1986 level and the significant growth requested in the administration's budget. I have a keen interest in the role these DOE nuclear weapons activities play in national security and hope that the final fiscal year 1987 appropriation level will allow a strengthening of our deterrent capability. I also believe that the bill provides critical funding for continued handling of the environmental problems in weapons facilities such as Y-12 in Oak Ridge, TN, as well as enhanced safeguards and security at such facilities. From my perspective as a member of the House Armed Services Committee, I have come to appreciate the need for environmental improvements and beefing up of safeguards at weapons complexes.

As regards the energy supply R&D accounts, as chairman of the Energy Research and Production Subcommittee, I am pleased with the add-on for the magnetic fusion program. I also hope that the appropriations conference will allow for some additional funding to support nuclear fission R&D where the subcommittee chairman and I share many priorities. I welcome the fact that the committee has recommended additional funds for the Modular High Temperature Gas Reactor Program and AVLIS technology. I also expect to see an overall enhancement for nuclear fission research in the conference report.

I compliment the committee for striking a balance between deficit reduction pressures and the need to continue Federal programs that are regional in nature and reflect a proper Federal role. One such program is the Appalachian Regional Commission where the committee has demonstrated the foresight to continue its critical activities at a funding level just slightly reduced from fiscal year 1986. The Appalachian Regional Program has changed as suits the dynamics of the region. My colleagues should note that the present cost-shared arrangement is particularly striking in view of the fact there is a limited tax base in the region.

I strongly support the committee's recommendations on the ARC and the DOE defense and civilian R&D programs. I am distressed that an across-the-board reduction on this bill will cause significant problems in nuclear weapons activities, civilian energy R&D, and the regional programs funded through the ARC.

Mr. Chairman, I would like to engage in a colloquy with the distinguished subcommittee chairman, my good friend from Alabama.

As I understand it, the $80 million which the subcommittee has recommended for the AVLIS program includes $8 million for Martin-Marietta energy systems in support of the program, chiefly at the Oak Ridge national complex.

Mr. BEVILL. If the gentlewoman will yield, the gentlewoman is correct.

Mrs. LLOYD. I also understand that the $8 million would fund a significant level of activity at Oak Ridge, including an advanced materials program so that the AVLIS separator can operate for long periods to achieve desirable process economics. Also, the Oak Ridge team would accelerate work associated with uranium processing in terms of both transforming feed into the desirable form and converting enrichment product into a suitable form for fuel fabrication. This is also an important area for reduction of AVLIS enrichment costs.

Mr. BEVILL. The gentlewoman has described the program as we understand it.

Mrs. LLOYD. I appreciate the subcommittee chairman's support and I hope that this enhanced activity which was not anticipated in the DOE's fiscal year 1987 request will serve to speed up AVLIS demonstration and development while at the same time keeping the best people at Oak Ridge in the enrichment program.

Mr. BEVILL. I share the gentlewoman's goals for the AVLIS program.

Mrs. LLOYD. I would hope also that my good friend recognizes that I share

his skeptcism about the potential for privatizing AVLIS technology and the overall enrichment enterprise. I would hope however, that the gentleman recognizes there is certain potential for private-sector involvement using centrifuge technology for other applications, as well as contracting to do specific enrichment services. Implementing such involvement requires good faith negotiation on the part of the DOE. I would hope that the gentleman would join me in encouraging the DOE in this direction since these activities are vital to the economic future of Oak Ridge.

Mr. BEVILL. I share the gentlewoman's concern.

Mrs. LLOYD. I thank my good friend for his unfailing support in this area.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, today's consideration of H.R. 5162, the energy and water appropriations bill for fiscal year 1987, has a special significance for the residents of western Wisconsin and the upper Mississippi River Basin. After years of study, planning, litigation, hearings, negotiations, and waiting, these residents are finally seeing in both the energy and water appropriations before us today and in the water resources bill now pending in conference committee the final confirmation of the upper Mississippi River as one of the Nation's premiere, multipurpose river resources.

Congress made a clear commitment to the balanced management of the upper Mississippi River when, in 1978, it passed the Inland Waterways Authorization Act (Public Law 95-502). This legislation authorized the replacement of Lock and Dam 26, but most importantly, directed the Upper Mississippi River Basin Commission to prepare comprehensive master plan for the management of the upper Mississippi River system in cooperation with appropriate Federal, State, and local officials.

The basin took up the challenge and coordinated the many agencies and interest groups to prepare the massive technical research document commonly know as the Master Plan, submitting it to Congress in January 1982.

Since then, the House has passed the basic components of this plan on two separate occasions.

The 1985 Supplemental Appropriations Act (Public Law 99-88) included authorization and appropriations for, "Locks and Dam 26, Illinois and Missouri (second lock), including environmental management along the Upper Mississippi River Basin * * *." As evidenced by the report language, it was the intention of Congress that navigation and environmental improvements be undertaken simultaneously on equal fiscal footing, to the extent practical and feasible.

Earlier this year, I testified before the Appropriations Subcommittee on Energy and Water Development in support of adequate funding for the Upper Mississippi River System Environmental Management Program. I am thus especially pleased that the bill before us today is actually $1 million above the funding level in the Army Corps of Engineers budget request. Above all else, in appropriating $2 million for the UMRS-EMP in fiscal year 1987 the members of the committee and subcommittee have demonstrated their belief in the importance of the program and in the need for sufficient funding in the early years.

It should be noted, however, that while the corps submitted a request of $1 million for EMP, the request occurred before the Army Corps of Engineers General Plan for the Environmental Management Program was received or approved by the regional and Washington offices. The general plan calls for a fiscal year 1987 funding level of $3.95 million.

In the general plan, Brig. Gen. Joseph Pratt wrote:

> Implementation of the UMRS-EMP is essential to the continued viability of the Upper Mississippi River System as we know it, and important to the long-term public acceptance and support of the navigation project.

Mr. Chairman, I could not summarize better the balanced commitment to the multiuse concept and preservation of our beloved river.

Make no mistake. I strongly believe that the bill we will be voting on today succeeds in reflecting the basic sense of balance and fairness that is imperative to the success of both the navigation and evironmental initiatives.

The Upper Mississippi River system historically has had two congressional mandates. As a nationally significant ecosystem, it has been designated as a national wildlife refuge. As a nationally significant commercial transportation system, it is managed as a commercial navigation project. The viability of this system requires a commitment to maintain and enhance all aspects.

I certainly recognize and respect the budget constraints we all face. It is essential that we continue our efforts to reduce the deficit and work to achieve a balanced Federal budget. In urging a balanced approach to the river, I accept the fact that we cannot necessarily achieve an exact dollar-for-dollar appropriation in each year, nor over the 10-year period, as the authorizing language allows navigation to receive $30 to $50 million more just for the second lock and dam alone.

But it is essential to maintain, as closely as possible, the proposed timetables for each project. As we near the major appropriations which will occur in fiscal years 1988 and 1989 for that second lock and dam, it is essential that the commitment to balance have been already made by the Congress.

The States bordering the Upper Mississippi are well aware of our budget constraints and have already indicated their willingness and ability to share the costs of the projects. I am convinced that through the passage of H.R. 5162, the House will once again demonstrate its support for this unique cooperative venture and its belief in the spirit of true partnership.

I want to express my appreciation to those members of the Appropriations Committee who have supported the funding of the Upper Mississippi River system environmental management plan. Through your efforts and the efforts of your staff, the upper Mississippi River faces a brighter and healthier future as a national resource of which all Americans may be proud.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this subcommittee has been concerned about the increase in foreign travel by the Corps of Engineers, which has dramatically increased in the last few years.

On pages 54 and 55 of the report, the committee identifies how the foreign travel has been increasing. In the last paragraph, on page 55, the committee states that:

> No funds are included in the bill for cooperative efforts with foreign governments pertaining to river and harbor, and flood control improvement—

Indicating that we are not doing that business anymore.

Are any funds available in this bill, as the chairman understands it, for foreign travel?

Mr. Chairman, I yield to the gentleman from Alabama [Mr. BEVILL] for his response.

Mr. BEVILL. I am glad that the gentleman from Indiana [Mr. MYERS] has asked that question, so that I may clarify the report. The committee is deeply concerned about the expenditures that have occurred in recent years in overseas travel by Corps of Engineers personnel, and has directed the corps to remedy this situation.

The committee expects the corps to reduce foreign civil works travel expenditures for the coming fiscal year to their fiscal year 1983 level and report to the committee on controls developed to achieve this level of spending.

Moreover, no funds are included in this bill for cooperative efforts with foreign governments for river and harbor and flood control improvements unless such efforts will result in significant benefits to domestic corps civil works programs.

Mr. MYERS of Indiana. I thank the chairman for his comments, and join in the concern that foreign travel sometimes is necessary if it is beneficial to the taxpayers of this country; but as the Appropriations Committee and this subcommittee particularly seek to squeeze the maximum out of the tax dollars to get the most for our country, as Chairman WHITTEN has ably said, this is a bill to build America; it is of concern to this committee, and I think it is very necessary, what the committee has put in here. I thank the chairman for his comments.

In closing, Mr. Chairman, I urge all Members to support the committee and to resist some of the efforts that may be made here to change the bill. The committee has spent hours, days, and months in developing this bill. We have 12,000 pages of testimony from thousands of witnesses. We have nine volumes of report here, so the bill was not put together without serious consideration by all those who testified and all concerned for the country.

I hope Members will support the committee, and I know there are a great many inclinations and desires here to change it. I hope it will not be changed because I think we have a fine bill; the best that can be brought to the floor; and we do thank all our colleagues here who expressed their appreciation for our efforts. We thank you for that.

Mr. Chairman, I reserve the balance of my time.

Mr. BEVILL. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I take this time today to bring to the attention of my colleagues in the Congress a problem which is arising in connection with the Corps of Engineers' management of reservoirs, lakes, parks, and reaches of rivers under its jurisdiction, especially in Arkansas where the Corps of Engineers is the largest recreation provider for our State.

Mr. Chairman, I rise in support of H.R. 5162, the energy and water development appropriations bill, 1987. This is a good bill. The chairman and members of the subcommittee and the staff have worked hard to bring to the House a bill which responds to issues vital to our Nation and to do so within the severe budget constraints under which the committee must work to do its part in helping bring the Federal deficit under control.

I want to bring to the attention of my colleagues a problem which is arising in connection with the Corps of Engineers management of reservoirs, lakes and reaches of river under its jurisdiction. When our Committee on Appropriations considered this bill and its accompanying report, House Report No. 99-670, I included, as additional views to the report, information on this problem which I urge my colleagues to study.

The remedy for the problem to which I refer, probably, lies more properly within the jurisdiction of the Committee on Public Works and Transportation, than our committee. But, the Committee on Appropriations is involved as a result of its responsibilities for recommendations on the corps civil works budget.

It appears that the corps has underway a program for leasing, privatizing, to private entrepreneurs some or all of the recreational resources it currently manages at lakes, reservoirs and reaches of river it controls. In the First District of Arkansas this program has generated intense opposition from local officials, community leaders, and business operators.

Their concerns are multiple. They are worried about the impact the program will have on the opportunities for members of the public to use these recreation resources for which the taxpayers have paid and which they are currently paying to maintain. Our people are concerned about the impact such a leasing program will have on the environment.

And, our people, particularly our business operators whose businesses are located in the region of, but not on, the lakes, reservoirs, and rivers and were established to respond to the needs of recreational users of these areas are especially concerned about the damage which the corps actions may do to private enterprise.

In April, when Arkansans brought their concerns about the corps' leasing program to me, I wrote to Lt. Gen. E.R. Heiberg III, Chief of Engineers, requesting information on the guidelines, policies, rules, and regulations the corps has established for managing this leasing program. I raised more than 20 questions relating to the interpretation of Federal law governing the uses of resources at the lakes, reservoirs, and rivers.

My questions also addressed issues of environmental impact, economic impact, availability of recreational resources to the public and when and how the lessors of the resources would pay the Government for use.

On July 10, I received an interim response from General Heiberg in which he said:

> The Corps of Engineers has no general policy providing for leasing of our Federal recreation areas to the private sector for operation and maintenance. However, such leasing may be desirable and appropriate in certain instances. Consequently, the Corps is currently evaluating some proposals.

General Heiberg's letter went on to say:

> Your letter and attached questions raise several complicated issues which will require coordination between various elements of the Corps of Engineers. Our Division offices have been directed to report on any transfers of management of existing Corps-managed public park and recreation areas * * *.

In a handwritten note attached to his letter, General Heiberg said:

> I'll provide you with a final response after I review that information more fully.

In reference to the questions I have raised.

Now, I am very concerned about this issue. It appears to me that the corps is flying by the seat of its collective pants on leasing out taxpayer-financed public parks and recreation areas. It seems clear from the general's letter that the corps has no clear idea of either how the program will work nationwide, or even with regard to facilities located within the same State or on the same lake, reservoir, or river.

Because of the seriousness of the issues involved, particularly the public's right to know and the right of existing private businesses to protection from damage which could result from the corps' action, I believe the Congress must demand that the corps put its leasing program on hold until specific policy, rules, regulations and guidelines are established so all parties concerned know what the rules of the leasing game are and play by the same rules.

When we go back into the House, I will request that my additional views to House Report No. 99-670 and General Heiberg's letter to me be made a part of today's RECORD following this speech.

ADDITIONAL VIEWS OF CONGRESSMAN BILL ALEXANDER

Outdoor recreation and tourism is a major segment of the economy of Arkansas. This is particularly true in north central Arkansas where the Corps of Engineers operates a number of lake and river projects.

Local governments and the private business community in these areas have been strongly supportive of Corps operations. They have encouraged and developed many private businesses serving the needs of visitors to these reservoirs.

In recent months, intense and increasing concern has arisen over reports that the Corps intends to lease, "privatize", its publicly-owned recreational resources to private entrepreneurs. There appears to be a clear danger that the Corps may operate its leasing program in a way that could cause environmental damage, harm existing private businesses adjacent to the reservoirs and reduce the opportunities for public use of the recreational resources at the lake and river projects.

As a part of my effort to assist our people in Arkansas in obtaining information on the Corps leasing program, I sought copies of Corps policy, guidelines, rules and/or regulations. No such documents were forthcoming.

Therefore, on April 30, 1986, I wrote Lt. Gen. E.R. Heiberg III, Chief of the Corps of Engineers about this matter. I requested information, setting out a series of interrogatories, on interpretation of law, on economic and environmental policy, on the right of the public to have input in the leasing program decisions, and on ways and means the Corps would employ to protect the public's

continued right to use lake and river recreational resources under Corps jurisdiction and to protect the interests of existing private businesses located adjacent to Corps reservoirs. While I have been assured that a response to my request for information will be provided, none has been received.

I believe that the questions which I have raised with the Chief of Engineers in connection with this issue of leasing publicly-owned recreational resources are of vital importance to the people of north central Arkansas and other concerned Americans. It is my intention to continue to pursue this matter. Because of the national importance of the questions which have arisen, I am making my letter to the Chief of Engineers a part of this report by including as a part of these additional views.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 30, 1986.

LTG E.R. HEIBERG III,
Chief of Engineers, Department of the Army, Washington, DC.

DEAR GENERAL HEIBERG: Arkansans, particularly those in First Congressional District, believe in private enterprise, are concerned about the environment and about the quality of life. So when they warn the Corps that actions the Corps says will help private enterprise and the taxpayers will actually hurt both, it is time to pay attention. It is time to stop, look and listen to what our people are saying.

Recent reports of Corps efforts to carry-out a leasing, or "privatization", program at lakes, reservoirs and river projects under Corps jurisdiction, particularly at Greers Ferry Lake and on the Little Red River, have sparked intense opposition among community leaders, including operators of private businesses.

For instance, in an April 12 meeting, members of the Greers Ferry Lake and Little Red River Association unanimously adopted a resolution in opposition to such a leasing, "privatization", program. The resolution, which is attached to this letter, states in part:

"* * * The Greers Ferry Lake and Little Red River Association, which is a State chartered, non-profit regional tourist promotion organization, voted unanimously to oppose the proposed leasing to private enterprise of Parks and Campgrounds presently operated on Greers Ferry Lake and The Little Red River and nationally by the Corps of Engineers.

"* * * our intent (is) to actively oppose said proposed leasing by the Federal Government of Parks built with tax-payers funds, as said leasing will cause increased charges to the public, eliminate free day use, cause pollution of the Lakes and Rivers and drastically affect the quality of life. (Attachment I.)"

I join these concerned Arkansans in opposing leasing, or "privatization", actions by the Corps which could reduce currently available opportunities for the public to use publicly-owned parks and campgrounds and other facilities, increase pollution, and adversely affect the quality of life in the region. And, I request that the Corps ensure that the concerned citizens of the Greers Ferry Lake and Little Red River region be given an opportunity, at a public hearing to be conducted in a location central to this specific region, to be fully briefed and to fully express their views on this matter.

Additionally, I urge the Corps of Engineers to ensure that the legitimate and lawful interests of existing private business operators in the region of Greers Ferry Lake and the Little Red River are fully and completely protected from damage which could result from Corps leasing activities.

Since beginning my investigation of this matter, I have become increasingly concerned about how the Corps is going about its proposal to lease these lands and facilities. I found more questions than answers. Thus, I urge that the Corps cease and desist from actions to lease public lands and facilities under its jurisdiction at least until all these questions, and any other questions which may arise during the course of re-examining this leasing, or "privatization", issue are fully, completely and satisfactorily answered.

Attached to this letter, and herewith incorporated as a part of this letter, is a set of questions, in the form of interrogatories, on the leasing, or "privatization" issue for which I request responses from the Corps. (Attachment II.)

Thank you for your consideration of the views of concerned Arkansans and my requests for cooperation from the Corps on this matter.

Sincerely,

BILL ALEXANDER,
Member of Congress.

ATTACHMENT I

GREERS FERRY LAKE AND LITTLE RED RIVER ASSOCIATION

Clinton, Fairfield Bay, Heber Springs, Greers Ferry

RESOLUTION

The Greers Ferry Lake and Little Red River Association, at a special called meeting on Saturday, April 12, 1986 adopted the following Resolution.

Be it resolved that The Greers Ferry Lake and Little Red River Association which is a State Chartered non-profit regional tourist promotion organization, voted unanimously to oppose the proposed leasing to private enterprise of Parks and Campgrounds presently operated on Greers Ferry Lake and The Little Red River and nationally by the Corps of Engineers.

It is further resolved to inform the public and the news media of our intention to actively oppose said proposed leasing by the Federal Government of Parks built with tax-payers funds, as said leasing will cause increased charges to the public, eliminate free day use, cause pollution of the Lakes and Rivers and drastically affect the quality of life.

Signed this 12th day of April, 1986.

Greers Ferry Lake and Little Red River Association:

President: Lou Evans.

Executive Director: Bette Vogel.

[April 30, 1986]

ATTACHMENT II

Memorandum to: LTG E.R. Heiberg III, Chief of Engineers, Corps of Engineers, U.S. Department of the Army.

From: Bill Alexander, Member of Congress, First Congressional District Arkansas.

In re: Corps Proposals to Lease, "Private", Public Property at Lakes, Reservoirs and on Reaches of Rivers under Its Jurisdiction.

Intense opposition has been expressed by Arkansans to recent reports of proposals for leasing public lands, facilities and, possibly, waters under the Corps jurisdiction. I have initiated an investigation of applicable laws, regulations and procedures under which the Corps proposes to operate such a program as cited above. Many questions have arisen, but few clear answers appear to be available.

Therefore, I, hereby, am requesting answers to the questions set out in the following sections of this memorandum.

SEC. 210, P.L. 90-483

Sec. 210 of Public Law 90-483 sets clear limits on the facilities for which the Corps may and may not charge user fees. A principle of law is that the owner of property may not lease that property to another entity under a lease which permits the leasee to conduct activities which the property owner is prohibited by law from conducting. Specifically, with regard to lakes and reservoirs under the jursidiction of Corps. Sec. 210 state that:

"User fees at these lakes and reservoirs shall be collected by officers and employees of the United States only from users of highly developed facilities requiring continuous presence of personnel for maintenance and supervison, and shall not be collected for access to or use of water areas, undeveloped or lightly developed shoreland, picnic grounds, overlook sites, scenic drives, or boat launching ramps where no mechanical or hydraulic equipment is provided."

At Greers Ferry Lake, for instance, there are 15 parks. Access to many campsites, water areas, undeveloped or lightly developed shoreland, picnic grounds, and boat launching ramps which do not have mechanical or hydraulic equipment is within the boundaries of these parks. Entry is achieved via one access road per park. These parks are not "highly developed facilities". They do not have "continuous presence of personnel for maintenance and supervision." In fact, at 13 of these parks, the only personnel assigned are summer seasonal personnel staffing an entry gate and having as their only duties the collection of user fees from persons intending to use a camping site located inside the park. All non-campsite users have fee access to these publicly owned areas.

1. A. If the Corps decided it would lease parks such as those located at Greers Ferry Lake or similar facilities it controls on the Little Red River, would it be the Corps' interpretation that the language of Sec. 210, requires that the lease prohibit the lessee from making any user fee charge for any existing facilities other than these facilities for which the Corps currently charges a user fee?

B. If not, why not?

2. A. If the Corps decided to lease parks such as those located at Greers Ferry Lake and the Little Red River, would the Corps' interpretation of Sec. 210 be that the lessee would have to permit the public free access to all currently existing facilities or elements within the park other than those for which the Corps currently charges user fees?

B. If not, why not?

3. A. If the Corps issued a lease for parks such as those located at Greers Ferry Lake and on the Little Red River, would the Corps require that the lessee continue to make available to the public, facilities such as those which are currently available, at similar fees if user fees are currently charged by the Corps, or free if no user fees are currently charged, even if the lessee used other property in the park for creating "highly developed facilities"?

B. If not, why not?

4. A. Has the Corps issued a legal interpretation of Sec. 210 as that section relates to the Corps' leasing, or "privatization", pro-

gram as it applies to existing parks, campgrounds, and other lands, waters, or facilities at lakes, reservoirs, or river projects under Corps jurisdiction?

B. If not, why not?

C. If so, is this interpretation document available to the public?

D. If it is not available to the public, why not?

PUBLIC NOTICE, BRIEFINGS, HEARINGS, COMMENT

Even the possibility of the Corps carrying out a leasing, or "privatization", program in connection with parks, campgrounds and other facilities at Greers Ferry Lake and on Little Red River has stimulated sufficient concern among regional leaders, including private business operators, to make "privatization" at these locations very controversial.

1. A. Does the Corps have in place regulations and/or guidelines which mandate the Corps to give local residents, community leaders, private business operators and state and local governments notice of its intent or interest in carrying out a "privatization" program at its lakes, reservoirs, and river projects?

B. If not, why not?

2. A. If the Corps does not have in place regulations and/or guidelines which require the Corps to give to local residents, community leaders, private business operators, and state and local governments notice and its intent to or interest in "privatizing" lake, reservoir and river lands and facilities under its jurisdiction, and to give interested parties opportunity, at a location central to the specifically affected region, to comment, does it plan to issue such regulations and/or guidelines before further pursuing "privatization" at lakes, reservoirs and river projects its jurisdiction in Arkansas?

B. If so, when?

C. If not, why not?

REGULATIONS, GUIDELINES FOR CORPS' "PRIVATIZATION" PROGRAM

1. A. Has the Corps issued any regulations and/or guidelines specifically and distinctly governing leasing, or "privatization", of parks, campgrounds and other similar facilities existing or which might be built with public funds at Corps lakes and reservoirs and on rivers under Corps jurisdiction?

B. If not, why not?

C. If so, please provide me a copy of these regulations and/or guidelines and a chronology of their development and issuance, including the public meetings and public comment periods observed.

2. If the Corps has not issued such regulations and/or guidelines, but has plans to do so, what is the schedule for doing this?

3. It is my understanding that at the Corps' Percy Priest Lake at Nashville, Tennessee, the Corps has permitted the establishment, on public lands, of a park/club development which restricts use to only those persons who are able to obtain memberships in the park/club development.

B. If it is correct, under what federal statute does the Corps have authority to permit such a private activity, thereby limiting access to public lands and waters to the privileged few who may obtain such a park/club membership?

C. Within its "privatization" program, does the Corps anticipate such developments at other lakes, reservoirs or river projects under its jurisdiction?

Master plan

It is my understanding that at the time a Corps lake, reservoir, or multi-purpose river project was constructed, or came into the jurisdiction of the Corps, or at a later date, the Corps developed a Master Plan setting out the uses to which the land and waters would be put and the level of development to be achieved. It is further my understanding that under Corps rules and regulations, public hearings had to be held in connection with the Master Plan and must be held in connection with any amendment or modification of such Master Plan.

1. A. In connection with its "privatization" program, does the Corps anticipate that amendments or modifications will have to be made to the Master Plans for any, some, or most of its lakes, reservoirs or multi-purpose river projects?

B. Specifically, Greers Ferry Lake and/or the Little Red River?

2. A. If the Corps pursues "privatization" of its existing facilities at Greers Ferry Lake, or on Little Red River, does the current Master Plan(s) permit any higher degree of "development" of facilities than currently exist at these locations?

B. If not, and the Corps receives a proposal from a potential leasee which proposal calls for the leasee to be granted the right to construct "highly developed facilities", at what point would the Corps begin work to modify the Master Plan for Greers Ferry Lake and/or Little Red River, and how early in that modification or amendment process would the public be given notice of the intent to change the Master Plan and be given an opportunity to participate in public hearings and in public comment on such proposed changes?

3. What would be the maximum development a "privatization" program leasee could do at Greers Ferry Lake or on Little Red River under the existing Master Plan(s) without any modification of the existing Master Plan(s)?

Economic impact assessment

In response to private enterprise opportunities and to meet needs of the millions of persons visiting lakes, reservoirs and river facilities under Corps jurisdiction in north central Arkansas, a private enterprise infrastructure has developed. It is primarily located on private lands. Because the resources available for economic development in this region, other than recreation and tourism-based economic development, are limited, recreation and tourism private enterprises are the lynch-pins of the region's economy. Such private enterprises are highly sensitive to changes in the costs of recreation and tourism activities, including user costs associated with public facilities.

Based on some discussions of proposals to lease, or "privatize", existing facilities and lands at lake, reservoir, and river projects under the Corps jurisdiction, it appears that such a program holds substantial potential for significant increases in costs to potential visitors to such facilities, visitors whose spending is the life-blood of the private businesses serving the region.

In view of the relationship between the number and kinds of visitors using the lakes, reservoirs and rivers under Corps jurisdiction and the adjacent private businesses, it appears that reason and fairness would require the Corps to make full and thorough studies of the potential economic impact of "privatization" on existing private businesses before pursuing a "privatization" program at a specific location.

1. Does the Corps require that an economic impact study be made of "privatization" impact on existing private businesses prior to proceeding with the leasing of property at its lake, reservoir and river projects?

2. If the Corps does not make such studies, why not, since the Corps essentially could be setting up new, privileged businesses to compete with existing private businesses?

ENVIRONMENTAL IMPACT ASSESSMENT, STATEMENT

Under the National Environmental Policy Act (NEPA) of 1969, as amended, federal departments, agencies and other entities, taking or permitting actions affecting the environment are required to make an environmental assessment and, if such actions have a significant impact on the environment, are required to issue an environmental impact statement.

1. A. In the instance of private enterprise proposals to lease lands, waters and/or facilities at lakes, reservoirs and/or river projects, made in connection with the Corps "privatization" program, is it the rule that an environmental assessment must be made on all such lease proposals?

B. If so, who makes the assessment and what is the highest level within the Corps at which the assessment is approved?

C. If not, why not?

D. If so, is it, or will it be, the Corps practice to give notice to interested persons and organizations in the area most directly affected and afford those persons and organizations an opportunity to make public comment?

E. If not, why not?

2. A. If a potential leasee proposes a lease for an activity the Corps determines falls within the terms of the Master Plan for the lake, reservoir, or river project, does the Corps take the position that the environmental assessment or environmental statement associated with the Master Plan when it was adopted and/or amended, and/or otherwise modified, is sufficient and no further assessment or EIS is required?

B. If so, why?

C. If the response to "A" above is affirmative, does that affirmative response apply regardless of the level of development which has occurred on lands and/or waters adjacent to, but not a part of, the affected project since the last environmental assessment or EIS was made in connection with the Master Plan?

D. If so, why?

3. Who makes the final determination on whether a potential leasee's proposal falls within the terms and provisions of the Master Plan?

4. In the case of Greers Ferry Lake, and at least in some areas of the Little Red River, the geology is such that granite or stone of similar high density is either surface exposed or found at a shallow depth in most of the Corps controlled lands and much adjacent acreage.

A. In these circumstances, what would be the maximum development, in terms of types and kinds, that a leasee would be permitted to carry out on Greers Ferry lands or waters, or Little Red River lands or waters before the Corps would determine that such development requires an environmental assessment?

B. Given the geological factors cited in "A" above, what would be the maximum development, in terms of types and kinds, that a leasee would be permitted to carry out on Greers Ferry lands or waters, or Little Red River lands or waters, before the Corps would determine that such development requires an environmental impact statement?

Payments of lease holders

Discussions of possible methods of "privatization" of lands and facilities at Corps lake, reservoir and river projects have indicated that such leasing programs could (a) lease existing facilities to private operators with restrictions against additional development; and/or (b) lease lands and/or waters to private operators for the purpose of increasing the level of development at such locations.

1. A. If the Corps leases currently existing facilities to a private operator will the Corps require the leasee to pay a fair market value rental or lease payment and to do so from the beginning date of the lease?

B. If so, how will the fair market value be established?

C. If not, why would the Corps give the private operator such an advantage over existing private businesses not located on publicly-owned lands and in advantageous proximity to publicly-owned waters?

2. A. If the Corps leases currently existing facilities to a private operator, under terms prohibiting further development, will the Corps require the leasee to pay a fair market value rental or lease payment and to do so from the beginning date of the lease?

B. If so, how will the fair market value be established?

C. If not, why would the Corps give the private operator such an advantage over existing private businesses not located on publicly-owned lands and in advantageous proximity to publicly-owned waters?

3. A. If the Corps leases currently existing facilities, lands and/or waters with rights to increase the level of development, to a private operator, will the Corps require the leasee to pay, from the beginning date of the lease, a fair market value price for the public lands, waters and/or pre-existing public facilities covered by the leases and to do so from the beginning date of the lease?

B. If not, why not?

4. A. Does the Corps intend that any, some or all of leases granted under its "privatization" program associated with recreational facilities at its lake, reservoir and river projects will require the leasee to maintain, to at least the standard existing at the beginning of the lease, those publicly-owned facilities existing at the time the lease is initiated?

B. If not, why not?

BILL ALEXANDER.

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, DC.

Hon. BILL ALEXANDER,
House of Representatives,
Washington, DC.

DEAR MR. ALEXANDER: This is in response to your letter dated April 30, 1986, regarding recent reports of "privatization" programs at lake, reservoir, and river projects under Army Corps of Engineers jurisdiction, particularly Greers Ferry Lake and Little Red River.

The Corps of Engineers has no general policy providing for leasing of our Federal recreation areas to the private sector for operation and maintenance. However, such leasing may be desirable and appropriate in certain instances. Consequently, the Corps is currently evaluating some proposals.

I recently visited selected projects in Missouri and Arkansas to get a feel for the concerns. I find the situations vary considerably. I further believe that our field people have an excellent grasp of the varied needs and opportunities at our projects.

Your letter and attached questions raise several complicated issues which will require coordination between various elements of the Corps of Engineers.* Our Division offices have been directed to report on any transfers of management of existing Corps-managed public park and recreation areas. I would be happy to have Major General Hilmes or Colonel Whitehead meet with you on the status of our efforts in this area. The Corps will continue to keep you informed of conclusions before changes are executed.

Thank you for bringing your concerns to my attention.

Sincerely,

E.R. HEIBERG III,
Lieutenant General, U.S. Army,
Chief of Engineers.

*I will provide you with a final response after I review that information more fully.

□ 1140

Mr. BEVILL. Yes, Mr. Chairman, I appreciate the gentleman calling our attention to this. We are sympathetic to his position, and we are certainly going to continue to review and oversee this.

Mr. ALEXANDER. I appreciate that, Mr. Chairman.

At the proper time during the further proceedings of the Committee, possibly on the continuing resolution down the line, I may propose an amendment which would deal more directly with this problem.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Washington State [Mr. MORRISON] who has contributed significantly to helping us prepare this bill.

Mr. MORRISON of Washington. I thank the gentleman for yielding time to me.

Mr. Chairman, I would seek to participate in a colloquy both with the chairman of the Subcommittee on Energy and Water, the gentleman from Alabama [Mr. BEVILL], and the chairman of the Committee on Interior and Insular Affairs, the gentleman from Arizona [Mr. UDALL].

Mr. Chairman, the Nuclear Waste Policy Act of 1982 requires the Department of Energy to select sites for two nuclear waste repositories. Despite this clear requirement, the Secretary of Energy has suspended indefinitely all site-specific work on the second repository.

It is my understanding that even though the bill reduces funding for the second repository by $45.7 million, this reduction is not intended to indicate the Congress's approval of the Secretary of Energy's decision to indefinitely suspend site-specific work on a second repository. Is my understanding correct?

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the chairman of the subcommittee, the gentleman from Alabama.

Mr. BEVILL. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct. The committee reduced funds by this amount solely for budgetary reasons; it did not intend this reduction to affirm the Secretary's decision to suspend work on a second repository.

As a matter of fact, when the second repository is scheduled, then of course the funding will be made available.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding.

Mr. Chairman, the bill appropriates a total sum for all nuclear waste activities. It is my understanding that although the Appropriations Committee contemplates that only $33 million of the total appropriation will be spent on the second repository activities other than siting, the bill does not bar the Department from spending a greater part of the total appropriation on second repository siting if necessary to comply with the requirements of the Nuclear Waste Policy Act. The Department of Energy would need to submit to the appropriate committees a reprogramming request to allocate a greater part of the total appropriation to second repository siting. Is that correct?

Mr. BEVILL. Mr. Chairman, will the gentleman from Washington yield?

Mr. MORRISON of Washington. I yield to the gentleman from Alabama.

Mr. BEVILL. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Arizona is correct.

Mr. UDALL. I thank the gentleman.

Mr. MORRISON of Washington. I thank both chairmen for their participation in this colloquy.

Mr. BEVILL. Mr. Chairman, might I inquire as to the time remaining?

The CHAIRMAN. The gentleman from Alabama [Mr. BEVILL] has 2½ minutes remaining and the gentleman from Indiana [Mr. MYERS] has 6 minutes remaining.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Chairman, let me preface my remarks by pointing out that I have the highest regard and respect for the members of the Committee on Appropriations and, quite frankly, I do appreciate the number of hours of hard work and dedication with which they approached their task. Last week, we saw the Appropriations Subcommittee endure quite an assault of amendments to their hard work, and I am sure it must have been somewhat discouraging after all the care and hard work that went into that.

This week, we will see the same. I think it is only fair that we understand, at least I offer an explanation: It is not mean-spiritedness on the part of those of us who are going to be offering our cost-cutting amendments, but out of recognition of the emergency that we face. We did in this body vote for the Gramm-Rudman limits. We lived with the precarious situation where it will not be clear but it seems almost certainly clear now that our borrowing requirements will come in beyond those limits and we must make those cuts.

The fact is, if we do not make the cuts now as we move along, we will face a meaner circumstance later, sequestering. We have already seen the hardship that sequestering imposed on such people as Federal retirees and military retirees.

I have seen so many people who suffered in that first round of sequestering say, "I will accept, grudgingly of course, the cuts imposed upon me, but I want to see that burden shared."

We are trying with these amendments to add to the hard work that has been done by the Committee on Appropriations, realizing that these limits will come down to face us, and ask for additional cuts based on the selective process where we think there is room for improvement by diminishing certain programs.

As you may recall, last week, most of the specific line-item cuts that we offered were defeated on the floor. In the final analysis, we had to resort to a capstone amendment that took an across-the-board cut.

Across-the-board cuts are bad legislation. We ought to try to avoid them with particular cuts.

That is what we are trying to do here. We are serious about that. We understand that cuts hurt, and we feel that we are trying to impose this headache at this time to save on a worse one later.

I thank the gentleman for yielding.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to our good friend and colleague, the gentleman from the State of Washington [Mr. BONKER].

Mr. BONKER. The distinguished chairman and ranking member a few weeks ago took time to visit the Northwest and to tour Mount St. Helens to look at the extensive damage caused by the eruption of the volcano 6 years ago. Over the years since, the committee, working with OMB and with the Corps of Engineers, has sought to provide a permanent solution to the sediment problem there. I appreciate the efforts of the gentleman to go out there and examine that more carefully.

In any case, we have agreed that a sediment structure is necessary that will halt the downstream flow of volcanic sediment, and dredging of the Cowlitz River will remove sediment that has already washed downstream into developed areas. Congress authorized this project last year and, because of your assistance, sediment will begin to be halted with the construction of a coffer dam for the SRS during the summer and fall of 1987.

Timing of the dredging part of the project, however, is of great concern. The threat of flooding and other problems associated with high water levels could be reduced if the dredging were done during the summer of 1987, rather than in 1988 as presently planned. It may be possible to dredge the Cowlitz in 1987 with a reasonable assurance that there would not be appreciable sediment movement past the construction site that would require redredging. Although the coffer dam would not be effective until the fall of 1987, there is little chance of any sediment movement during the dry summer months.

Mr. Chairman, I understand that you would support reprogramming of funds to permit dredging of the Cowlitz River during the summer of 1987 if the following conditions are met:

The Corps of Engineers provides a reasonable assurance that there would be no appreciable sediment movement past the SRS construction site after the dredging operation so that redredging would not be needed in the near future, and

Funds are available for such dredging in fiscal year 1987.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from Alabama.

Mr. BEVILL. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct.

Mr. BONKER. I thank the chairman of the subcommittee.

Mr. BADHAM. Mr. Chairman, as the House considers H.R. 5162, the energy and water development appropriations bill for fiscal 1987, I would like to express my strong support for the $6 million provided for continued engineering and planning studies for flood control along the Santa Ana River.

It is well recognized that the Santa Ana River poses the worst potential flood threat in the Western United States. Without further flood control improvements along the Santa Ana River, future floods could have a devastating impact on this area in terms of a serious threat to life and billions of dollars in property damage. With about 1 million people who could be affected directly, there is a potential for catastrophic losses.

It has been nearly 10 years since an omnibus water resource bill has been authorized by Congress. This year, however, both the House and Senate have approved authorizing legislation in the forms of H.R. 6 and S. 1567, respectively. Since the Santa Ana River project has been included in both these bills, it is likely that the Corps of Engineers will be able to keep the project on schedule for completion of the phase II general design memorandum in 1988 and begin construction in 1989, provided that the $6 million funding level be approved. It is also important to note that the questions about the upper river portion have been satisfactorily resolved so that the entire project can proceed with the full support of all of the local communities.

Again, this project is vitally necessary in order to prevent loss of life and property. Furthermore, it has the support of the administration and the Members who represent the surrounding communities. Thus, I urge my fellow colleagues to support it as well.

Mrs. BENTLEY. Mr. Chairman, as we consider today the Energy and Water Development appropriation bill for fiscal year 1987, let us keep in mind that this Congress voted and passed the omnibus water authorization bill, H.R. 6, and S. 1567, which included long overdue cost sharing agreements acceptable with the Reagan administration and Congress.

These cost sharing agreements open the way for needed improvements in our Nation's harbors and inland waterways. Under the energy and water appropriation bill, H.R. 5162, appropriations are made to the U.S. Army Corps of Engineers for fiscal year 1987 to meet the needs of developing our Nation's vital water projects.

It has been more than 16 years since legislation has been enacted to establish a Federal response to maintaining and developing America's water projects. Mr. Chairman, developing a strong infrastructure will help in our ability to compete with foreign imports. It will also undoubtedly assist in a Nation's ability to maintain a strong military defense through economic gains.

When Congress passes this legislation, it will be voting to provide necessary funding for developing a better means through maintaining and constructing our harbors so that we will be in a position to export more American grown and manufactured products for the world market. The Baltimore Harbor, as well as many other American ports, have suffered economic setbacks because of an absence of proper funding necessary to maintain our harbors.

Indeed an investment in our domestic water projects will put both the industrial base and agriculture community at a far better position to compete and contribute to this Nation's economic prosperity.

Mr. Chairman, I urge my colleagues to join me supporting passage of H.R. 5162. Passage of this legislation will continue to promote development of water projects which is acceptable to cost-sharing agreements designed to stay within our spending limitations.

Mr. SHELBY. Mr. Chairman, I rise today in support of H.R. 5162, the energy and water appropriations for fiscal year 1987. Under the leadership of my good friend and colleague Mr. BEVILL, the committee has presented to the House a bill which improves our infrastructure, strengthens our national defense, and encourages economic development. At the same time, H.R. 5162 reflects the fiscal restraint which is absolutely crucial as we work to reduce the deficit.

I want to highlight several portions of the bill which make particularly good sense to me. First, H.R. 5162 funds worthwhile projects to

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enhance this Nation's infrastructure and provide for flood control—both long time and appropriate responsibilities for the Federal Government. Under the bill and pursuant to the administration's request, funding for defense-related energy activities, including the strategic defense initiative, has been bolstered. Research and development of alternative energy sources and the practical application of this research are included.

I am particularly pleased that the committee rejected the administration's proposed cuts in TVA funding. The Tennessee Valley Authority has a 50-year record of excellence in many areas including agricultural research, water and air quality, and economic development. People throughout the Tennessee Valley, including my constituents in Alabama, will attest to the benefits they have received through this agency.

I am concerned, though, that TVA's successful programs will suffer unfairly because of the agency's current and severe difficulties with its nuclear power program. I agree wholeheartedly with TVA Director John Water's statement when he was testifying before a congressional panel just last month. Mr. Waters said that we should keep in mind that TVA is much more than a power company and that we should not make misjudgments about the whole of TVA because of the operations of one of its many parts. I know that there has been a sincere concern raised over certain contracts TVA has entered in order to get its nuclear program back on line. However, an effort to reduce the TVA appropriation by the amount of the contract is misguided—because the contract is not paid out of this appropriations bill, it is paid out of TVA power operating funds. We should not sacrifice well run and useful TVA programs, like the Fertilizer Center, just to make a point. We would inflict a doubly heavy burden on the people of the Tennessee Valley.

This bill contains other projects important to Alabama which our delegation has worked on together for a long time. The Oliver Lock and Dam, the deepening of Mobile Harbor, erosion control for Fort Toulouse and Moundville are serveral examples. In addition, I am pleased to see help for a nuclear imaging research center to enhance health care through technological advances. I note that the administration supports the development of this technology whose application to heart disease is of exceptional promise.

Mr. Chairman, let me again commend Mr. BEVILL and other members of the committee for presenting us with a balanced bill which will benefit this Nation in many ways. I urge my colleagues to approve H.R. 5162.

Thank you, Mr. Chairman.

Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 5162, the energy and water appropriations for fiscal year 1987. I commend the distinguished chairman, the gentleman from Alabama [Mr. BEVILL], and our distinguished ranking minority member, the gentleman from Indiana [Mr. MYERS], for sheparding this legislation through the Subcommittee on Energy and Water Development, and for bringing it before us here today. I am pleased to note that the subcommittee has crafted legislation that falls within the budget guidelines set by Congress in Senate Concurrent Resolution 120, the fiscal year 1987 budget resolution, and is $319.6 million below the President's original request.

One of the primary considerations of the Subcommittee on Energy and Water Development has been the civil works projects of the Army Corps of Engineers. As most Members in this Chamber know, the flood control projects engaged in by the Army Corps, has in many cases, meant the difference between making towns, villages, and cities throughout our Nation, habitable and safe for hundreds of thousands of families. The case can not be more graphically illustrated than in my own district, the 22d Congressional District of New York.

The Saw Mill River Basin, a portion of which falls within my district in Westchester County, NY, has experienced extensive flooding over the past several years. Currently, there are five flood control projects along the Saw Mill River, in various stages of planning and construction. I am pleased to note that this legislation contains funding for two of the Saw Mill River projects for the village of Ardsley and the village of Elmsford and part of the unincorporated town of Greenburgh, both of which fall within my congressional district. Last year, the Ardsley project received the much coveted new start. These initial funds enabled the Corps of Engineers to execute the local cooperation agreement with the village last month. I was pleased to officially witness this long-awaited event. With the $2 million earmarked in this appropriations bill, I am hopeful we will see the beginning of construction prior to the end of fiscal year 1987.

I am also pleased to note the inclusion of funding for Ardsley's neighbor to the north, the village Elmsford in their efforts to procure protection from the vagaries of nature. For the Elmsford project there has been appropriated $50,000 for the continuation of planning. We look forward to the initiation of construction in the near future.

Our village of Suffern, NY, residents will be pleased to learn of the inclusion of $170,000 for the continuation of planning and engineering. While the project still lacks authorization, the passage of H.R. 6 and its Senate companion along with the funding under consideration today, offers hope for speedy approval of the Suffern/Mahwah flood project.

In closing, Mr. Chairman, I urge my colleagues not to be pennywise and pound foolish. While we must maintain vigilance on our ballooning Federal deficit, we must not shirk our responsibility to alleviate the plight of so many Americans affected by the ravages of flooding every year. We must realize that every resident and every businessman who is impacted by this dreaded natural calamity—is one less taxpayer—one more applicant for Federal disaster assistance. Let us support preventive measures, so our assistance in floodings' wake is not needed. Accordingly, I urge favorable consideration by my colleagues of this most important measure.

Mr. PANETTA. Mr. Chairman, I rise in support of H.R. 5162, the energy and water appropriations bill for fiscal year 1987. This is a reasonable bill that has been crafted to balance tough budget constraints along with pressing needs for funding for energy and water development projects across this Nation. I appreciate the committee's support for projects located in my congressional district and for their support for projects in my area in the past. For projects in my area, the Committee on Appropriations approved fiscal year 1987 appropriations for the San Felipe Division of the Central Valley project and the San Benito County Water Conservation and Flood Control project which provides for a water distribution system to water-short areas for agricultural, municipal, and industrial uses; a reconnaissance-level study of the configuration of the breakwaters at the entrance to Morro Bay Harbor to address the hazardous conditions at this harbor entrance; and a study of the Santa Cruz Harbor to determine long-term solutions to the shoaling problems in this harbor.

I recognize the difficulties that the committee faced in determining which projects would receive funds in fiscal year 1987. However, I regret that projects approved by the House in H.R. 6, the omnibus water resources authorization bill, are not funded in this appropriations bill due to delays in the other body.

I would urge expedited action on H.R. 6 so that funding for these needed water resource projects may be appropriated in fiscal year 1988. I want to take this opportunity to describe water and harbor projects in this authorization bill that affect my constituents in the 16th Congressional District of California. The 16th District includes all of Monterey and San Benito Counties, and portions of Santa Cruz and San Luis Obispo Counties.

GOLD GULCH LEVEE

The omnibus water resources bill pending in Conference Committee authorizes the construction of a project for the control of destructive floodwaters in the Gold Gulch community in Santa Cruz County. The severe storms this year have once again caused extensive flood damage in the Gold Gulch vicinity. This area has suffered significant flood damage year after year, causing a direct threat to homes immediately adjacent to the river bank and necessitating the evacuation of area residents.

The Corps of Engineers has worked closely with county officials and local residents in seeking to minimize flood damage. But, a permanent flood control project is vitally needed. Accordingly, the water resources legislation authorizes construction of a project for the prevention of flood damage in the Gold Gulch community at an estimated cost of $6 million. I urge the Subcommittee on Energy and Water Development to appropriate $250,000 in fiscal year 1988 for the Army Corps of Engineers to conduct a preliminary study and design of project options. The sooner a permanent solution can be put in place, the less the danger to the lives and property of area residents.

SAN LORENZO FLOOD CONTROL

The omnibus water resources bill also authorizes $3.5 million to prepare engineering plans and initiate action to improve the San

Lorenzo River flood control project. The existing project was constructed by the Army Corps of Engineers in 1959 following the large-scale flooding in the downtown area during the winter of 1955. The project was designed with 2 miles of river levees and the river bottom was dredged to 7 feet below sea level. As originally designed, it was anticipated that only a minimum amount of annual dredging would be required to maintain the river bed at its new level. Unfortunately, nature did not cooperate, and the river bed shortly refilled to its original level.

To respond to this problem, the corps commissioned a study in 1981. However, severe flooding in 1982 raised severe questions about the validity of the study results. The flood indicated that during high flows the water tends to scour the river bottom and increase its capacities. To answer the question raised by the 1982 floods, Congress authorized the corps to initiate another study which addressed the scour issue and other changes which have occurred over the last 20 years.

In a letter to me of February 14, 1986, the corps concluded that "under present conditions, should a flood of a frequency larger than a 35-year event occur, the city would sustain serious damage, with possible loss of life".

The 1955 flood—which is considered a 35-year event—resulted in the death of 5 individuals, displaced 2,400 persons, and caused over 39 million dollars' worth of damage in today's dollars. If a flood of this magnitude were to hit the city today, damage estimates have been approximated at $70–$90 million.

In addition, flood plain restrictions now in effect in downtown Santa Cruz severely limit future development and require the payment of substantial flood insurance premiums by local residents.

The omnibus water resources bill authorizes funds to allow the corps to correct the problems that the original project did not resolve to provide the city with needed flood protection. Current conditions along this river pose a serious public safety hazard and are stressing the economic vitality of Santa Cruz. I would therefore urge the subcommittee to include $3.5 million for flood protection measures along the San Lorenzo River in fiscal year 1988.

MORRO BAY HARBOR PORT OFFICE

The omnibus water resources bill also authorizes the construction of a new harbor office at Morro Bay, at an estimated cost of $250,000.

Morro Bay Harbor entrance has a long history of accidents and fatalities. Since 1970 there have been approximately nine deaths in Morro Bay Harbor related to the entrance. Reports of fatalities only tell part of the story. For example, on February 8, 1986, 10 vessels required city harbor patrol assistance at the entrance. In 1983, the charter vessel *San Mateo*, with 32 schoolchildren aboard, overturned at the entrance of Morro Bay Harbor. All 32 children were rescued, but the skipper of the vessel was fatally injured in the accident.

Morro Bay Harbor's safety problem is compounded by the fact that although it is the only port of refuge on California's central coast, the view of the harbor entrance from its harbor office is obstructed, and the harbor patrol officers have only a 2- to 3-minute timespan in which vessels approaching the harbor entrance can be seen. The new office would provide an obstructed view of the harbor mouth, much of the inner basin, and the sandpit where most survivors of boating accidents wash ashore. The U.S. Coast Guard, California Department of Fish and Game have expressed an interest in sharing space at the new facility. I urge the subcommittee to include $250,000 for construction of the new harbor office in its fiscal year 1988 budget.

Again, I recognize the budget constraints faced by all agencies as we work to reduce the Federal deficit. But, there is a pressing need for these projects in our communities and I would therefore urge the Subcommittee on Energy and Water Development to pursue consideration of funds for these projects in fiscal year 1988.

Mr. Chairman, this is a carefully crafted bill which has been accomplished within the art of the possible and I urge adoption of this important bill.

Mr. MYERS of Indiana. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. BEVILL. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 5162

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, 1987, for energy and water development, and for other purposes, namely:

TITLE I

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, $148,641,000, to remain available until expended, and in addition, $250,000, to remain available until expended, for the Bolsa Chica/Sunset Harbor, California, study; and in addition, $520,000 to remain available until expended, for the Red River Waterway, Shreveport, Louisiana, to Index, Arkansas, project for continuation of preconstruction planning.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, 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), $1,138,234,000, of which $26,000,000 shall be derived from the Inland Waterway Trust Fund, to remain available until expended, and in addition, to remain available until expended, $2,300,000 for that increment of the project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, of which $1,300,000 shall be made available for the Sea Bright to Ocean Township reach and of which $1,000,000 for the Asbury Park to Manasquan reach; and in addition, $6,800,000 to remain available until expended for the construction of the Yatesville, Kentucky, construction project; and in addition, $1,600,000, to remain available until expended for construction of the Sturgeon Point Marina, New York, project authorized by section 107 of the Rivers and Harbors Act of 1960, as amended; and in addition, $1,600,000 to remain available until expended, for construction of recreation facilities at New Melones Lake, California; and in addition, $1,200,000 to remain available until expended to be equally divided between the Crossett Harbor Public Access/Recreation Site and the Grand Marais Lake Public Access/Recreation Site at the Felsenthal National Wildlife Refuge, Arkansas (Ouachita and Black Rivers, Arkansas and Louisiana); and in addition, $1,300,000 to remain available until expended for construction of recreation facilities at Clarence Cannon Dam, Missouri; and in addition, $1,100,000 to remain available until expended, for construction, at a standard project level of protection, for the Barbourville, Kentucky, project as authorized by section 202 of Public Law 96-367; and in addition, $3,600,000, to remain available until expended, for construction at a standard project flood level of protection, for the Harlan, Kentucky, project as authorized by section 202 of Public Law 96-367 (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia, Virginia, and Kentucky); and in addition $30,000,000, to remain available until expended, for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project. Within these funds the Secretary of the Army is directed, as a minimum, to initiate continuing contracts in fiscal year 1987 for construction of each of the following features of the Red River Waterway: Lock and Dam No. 3 Phase III (consisting of the main lock and dam and connecting channels), realignment and bank stabilization measures in Pools 3, 4, and 5, including but not limited to Saint Maurice, Kadesh, Socot, Powhattan, Ile Au Vaches, Campti, Smith Island, Carroll, and Wilkerson Point Realignments, and Cognac and Lumbra Revetments. The Secretary is further directed to initiate and complete both the Lock and Dam No. 3 Phase IIB (consisting of the initial excavation for the lock and dam, the north cofferdam, the reservation mound and disposal area) and Phase IIC (consisting of the remaining access roads) contracts in fiscal year 1987. None of these contracts are to be considered fully funded. Contracts are to be initiated, or initiated and completed, with funds herein provided: *Provided further,* That the Secretary shall initiate construction of water resource projects funded in this paragraph only after appropriate non-Federal interests have executed binding agreements containing terms and conditions

acceptable to the Secretary, or under the terms of H.R. 6, or similar legislation, when enacted into law.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, $25,000,000, to remain available until expended.

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

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), $319,460,000, 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. The Secretary of the Army, acting through the Chief of Engineers, is hereby directed to repair the Pumping Station and Gravity Outlets at the City of DeValls Bluff, Arkansas, authorized by the Flood Control Act of August 18, 1941, as amended by the Flood Control Act of July 24, 1946, at an estimated cost of $250,000.

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; administration of laws pertaining to preservation of navigable waters; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,417,447,000, to remain available until expended, of which $12,500,000 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), and of which $7,400,000 shall be for construction of recreation facilities (including a recreation lake) at Sepulveda Dam, California.

REVOLVING FUND

For construction of a dustpan dredge and for the Corps of Engineers Automation Plan, $12,000,000, 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, $115,000,000, 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; not to exceed $2,000 for official reception and representation expenses; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 250 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS, CORPS OF ENGINEERS

SEC. 101. None of the funds appropriated in this title, except as specifically contained herein, shall be used to alter, modify, dismantle, or otherwise change any project which is partially constructed but not funded for construction in this title.

SEC. 102. The authority to acquire new buildings and facilities, including necessary real estate, for the U.S. Army Corps of Engineers District, Walla Walla, Washington, as provided for in Public Law 99-88 (99 Stat. 293, 316), may be implemented by lease purchase contract or by any other appropriate means.

SEC. 103. The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct flood control structures in accordance with the plan contained in the reevaluation report of the Chief of Engineers for Papillion Creek and Tributaries Lakes, Nebraska, dated March 1985 (revised October 1985). Features of such project authorized by the Flood Control Act of 1968 but eliminated by or otherwise not in accordance with the reevaluation report are not authorized after the date of the enactment of this Act.

Mr. BEVILL (during the reading). Mr. Chairman, we know of only one amendment, and I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. Are there any points of order against the provisions of title I?

The Chair hears none.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: On page 9, after line 7 add the following new section:

"SEC. 104. The Secretary of the Army, acting through the Chief of Engineers, is directed to continue with planning, design, engineering, construction and the operation and maintenance of the Des Moines Recreational River and Greenbelt project as described in Conference Report 99-236 using funds heretofore, herein and hereafter appropriated. Notwithstanding the language contained in the 1985 Supplemental Appropriations Act, Public Law 99-88, the Corps of Engineers shall continue their work on the General Design Memorandum, which shall be completed by October 1987 to serve as a master plan for the overall project. The design memorandum must address all enhancements contained in the list prepared by the Des Moines Recreational River and Greenbelt Advisory Committee. The project after construction will be operated and maintained at full Federal expense."

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SMITH of Iowa. Mr. Chairman, I have talked this over with both sides, and actually it is an amendment to clarify an existing program that is underway and to set a time schedule. I do not believe it is controversial.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the chairman.

Mr. BEVILL. I thank the gentleman for yielding.

Mr. Chairman, we have no objection. The committee is familiar with this amendment, and we have no objection, and we accept it.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I thank the gentleman for yielding.

Mr. Chairman, likewise the gentleman has discussed this amendment, it is a clarifying amendment, and we have no objection to it from this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. SMITH].

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to title I?

The Clerk will read.

The Clerk read as follows:

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, $32,320,000: *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, $592,359,000, of which $110,929,000 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 $145,596,000 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 to 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 non-reimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance: *Provided further*, That of the amount herein appropriated, such amounts as may be required shall be available to continue improvement activities for the Lower Colorado Regional Complex: *Provided further*, That none of the funds made available by this or any other appropriations Act shall be expended for construction of the North Loup Division, Pick-Sloan Missouri Basin Program, Nebraska, after August 1, 1987, unless the Congress has enacted legislation to increase the authorized appropriations ceiling for the project to a level adequate to allow completion of the project as authorized: *Provided further*, That this restriction shall not apply to the obligation and expenditure of funds pursuant to contracts that have been awarded prior to January 1, 1987.

AMENDMENT OFFERED BY MR. PETRI

Mr. PETRI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. PETRI: On page 10, line 15, strike "$592,359,000", and insert in lieu thereof "$508,659,000", and strike "$110,929,000" and insert in lieu thereof "$27,229,000".

On page 11, line 1, insert the following immediately after the colon: *"Provided further*, That none of the funds made available by the act shall be expended for construction of the Bonneville Unit of the Central Utah Project:".

Mr. BEVILL. Mr. Chairman, I reserve a point of order against the amendment.

Mr. PETRI. Mr. Chairman, this amendment provides for a straight cut of $83 million for the Bonneville unit of the central Utah project. The Bonneville unit is a multi-billion-dollar water supply project now under construction.

Enactment of this amendment would save both money and natural resources. Last year, this body outlined a few conditions under which construction could proceed. We agreed that spending for the unit would be prohibited until a supplemental repayment contract was executed which would guarantee full repayment of all project costs, plus interest, allocated to the municipal and industrial water supply features of the project.

Unfortunately, we still do not have assurances that full repayment of these costs will be made.

Although a supplemental repayment contract was executed last fall, the General Accounting Office has determined that this new contract does not satisfy the cost recovery requirement included in the 1986 appropriations act.

According to the General Accounting Office, the current repayment contracts could result in the Federal Government losing up to $97 million in interest revenues because of an illegal use of the Water Supply Act of 1958.

In testimony before the Subcommittee on Water and Power Resources in March a GAO spokesman said:

Because the Department of the Interior intends to allow the district a 10-year interest-free deferment of repayment pursuant to the provisions of the 1958 Water Supply Act, and because we believe the use of such an Act in this case was illegal, the supplemental repayment contract does not satisfy the recovery requirements of the 1986 Act.

We cannot afford to appropriate more money for this project until proper repayment arrangements are in place. Our amendment would strike funding for the Bonneville unit until the unsecured costs—up to $97 million—are properly covered by contract. My colleagues should note that this amendment is the one on which you have received numerous letters from the National Wildlife Federation, the National Taxpayers' Union, the Environmental Policy Institute, and other organizations.

I urge the adoption of the amendment.

□ 1155

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Alabama [Mr. BEVILL] insist on his point of order?

Mr. BEVILL. Mr. Chairman, I make a point of order against the limitation amendment. The amendment is a nonlegislative limitation to a general appropriation bill. Under the revised clause 2, rule XXI, such amendments are not in order during the reading of a general appropriation bill.

Mr. Chairman, the revised rule states in part:

Except as provided in paragraph (d), no amendment shall be in order during consideration of a general appropriation bill proposing a limitation not specifically contained or authorized in existing law for the period of the limitation.

Mr. Chairman, the gentleman's amendment is not specifically contained or authorized in existing law and therefore is in violation of rule XXI, clause 2(c).

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. PETRI] wish to be heard on the point of order?

Mr. PETRI. Mr. Chairman, this is an appropriation bill, and we are simply striking an appropriation. It seems to me well within the spirit of the legislation.

Mr. BEVILL. Mr. Chairman, it is striking the money, and also imposing limitations.

The CHAIRMAN (Mr. SHARP). The Chair is prepared to rule on the point of order.

The gentleman from Alabama [Mr. BEVILL] is correct. The second portion of the amendment does add a limitation, which under clause 2(d), rule XXI, is not in order, except in the event that the motion to rise and report at the end of the bill is rejected.

Therefore, the point of order must be sustained.

PARLIAMENTARY INQUIRY

Mr. PETRI. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PETRI. Mr. Chairman, may I divide the amendment and offer the

first paragraph striking the amount and not the second?

AMENDMENT OFFERED BY MR. PETRI

Mr. PETRI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PETRI: On page 10, line 15, strike "$592,359,000", and insert in lieu thereof "$508,659,000", and strike "$110,929,000" and insert in lieu thereof "$27,229,000".

Mr. PETRI. Mr. Chairman, I will not take the 5 minutes, except to say that the arguments made previously apply to this amendment, except that this amendment just provides for the $83 million cut and does not contain the language on which a point of order was held to lie.

Mr. Chairman, I would urge adoption of the amendment.

Mr. SOLOMON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, in rising in support of this amendment, I would like to say that the purpose of the amendment is to ensure that an adequate repayment agreement will be at least arranged between the Bureau of Reclamation and the municipal users of this water project.

For 6 years, the Bureau of Reclamation has promised such an agreement, and for 6 years the taxpayers of this country have waited for an equitable cost-sharing arrangement that would require the beneficiaries to pay their fair share for the benefits they receive.

I offered a similar amendment last year. My distinguished colleague, the gentleman from California and chairman of the Subcommittee on Water and Power Resources, Mr. MILLER, then offered a substitute to that amendment. The gentleman's substitute required that none of the funds made available by this appropriation for the Bonneville unit of the central Utah project could be obligated or spent until a repayment contract had been submitted to Congress and reviewed for 100 days. The gentleman sincerely believed, and I was convinced by his sincerity, that we should give the Bureau one more chance.

Now we feel that our good faith has been abused. According to the Government Accounting Office in testimony before the Subcommittee on Water and Power Resources in March of this year, the current repayment contracts could result in the Federal Government losing, as my colleague has said, the gentleman from Wisconsin [Mr. PETRI], $97 million in interest revenues because of an illegal use of the Water Supply Act of 1958.

We cannot afford to appropriate any more money in the name of the Bonneville unit of the central Utah water project until the unsecured cost of up to $97 million or repayment is guaranteed by means of a contract. Otherwise, we are going to be stalemated for another 6 years.

Now proposals the Bureau has submitted have had a number of provisions that were of highly questionable legality. The proposed contract must also meet the approval of the local electric, and this vote will not take place until after the November elections.

As a result of these problems, an entire year has passed without a repayment guarantee established, and we are going to be doing it again for another 6 years.

The Bureau of Reclamation has displayed an abysmal track record, and I for one can no longer trust the Bureau to persevere and to protect the interests of the taxpayers of this country. This situation is not tolerable. My first obligation is to protect the interest of the taxpayers, and the only way to accomplish that is to withhold any further funding for this project.

I want to urge my colleagues to carefully consider this problem and support the amendment of Mr. PETRI to protect the taxpayers, and to give the Bureau of Reclamation incentive to get back on the track.

This Congress, after many years of having irresponsible water policy, finally several years ago adopted a policy that says beneficiaries will pay a fair share of the cost for benefits received.

I represent a farm area. We need water, and my farmers have to pay for their water. They pay a fair share, sometimes high. That is all we are asking for other people throughout this country. Let us get on a pay-as-you-go basis.

This is a fair amendment. It is an amendment that would not be necessary if the effected parties had gotten their act together and solved this problem, which they did not do. That is unfortunate, and I feel very sorry for the Representatives from Utah because I do not think it is entirely their fault.

The Bureau of Reclamation ought to sit down and work out this problem so that we can solve it once and for all and stick to the water policy that this Congress established in law several years ago.

Mr. NIELSON of Utah. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, as the gentleman from New York [Mr. SOLOMON] stated, the gentleman had a similar amendment last year but a substitute amendment by the gentleman from California [Mr. MILLER] was approved. That amendment said we had to come up with a satisfactory repayment contract, we had to have Utah voters approve it and we had to then submit it to Congress. If, after 100 days, Congress did not disapprove, the repayment contract was to be effective.

All of this was done. Utah voters passed the bond issue by 73 percent on a repayment contract adding over $350 million to our contribution. We have been working closely with the staff of the gentleman from California [Mr. MILLER], and we have come to an agreement on that. The gentleman from California has an amendment which I will later support.

It appears to me we have fully met the requirements required by the Congress in the amendment of last year.

I should like to indicate also that the meeting of the Subcommittee on Water and Power Resources, to which the gentleman from New York [Mr. Solomon] referred, did not go as the gentleman indicated. I was at that meeting, as was Congressman STRANG who will speak in a moment, and GAO was questioned very carefully. We found that they finally backed off from their report. They could not substantiate their report after close questioning from Congressman STRANG and Congressman HANSEN and others on that subcommittee.

We have done everything we could do. We have done everything Congress has asked us to do. I believe this would be a very unfair thing to remove the funds after we have had a special election with a 73-percent positive vote.

We have agreed that if we do not get the program finished in 10 years, we will pay back additional money. We have also put this project on a 10-year timetable, if the funding comes through as scheduled.

As for paying for water which has been received in this project, no water as yet has been received from this project. We are still under construction, and there will not be any benefit to the Salt Lake area until the mid-1990's. So we have not failed to pay for any water or any benefit of this project. There have been no benefits, and there will be no benefits unless the project is allowed to be completed.

Mr. Chairman, I would urge the Congress to reject this amendment as being unfair, as going back on an agreement that was made last year in violation of the Miller amendment and our adherence thereto. I recommend that we defeat the amendment soundly.

□ 1205

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had hoped that the gentleman would withhold his amendment because I will be offering an amendment later that I think will embody many of the concerns that Members of the House have expressed to this committee and to my committee which is responsible for the au-

thorizing of the Bonneville unit of the central Utah project, and that is to cure the problem that Mr. SOLOMON had raised by the fact that the Bonneville project had misused their authority and had forgiven, rather, the Bureau of Reclamation had apparently forgiven the payment of some $97 million that we believe was owed in the payment of this project, and would in fact have been picked up by the taxpayers and not the water users in this case, come forth with that money.

We have spent the time since this bill was on the floor before negotiating with the people responsible for the project to make sure that they understood that it was unacceptable to Congress, that they simply lay off $97 million on the taxpayers. Those negotiations were concluded last night, and what we have done is required that they pay back, upon the completion of this project, when they will have to start paying back as other water users and beneficiaries of the project do, pay back to the Federal Government that $97 million that has been identified by the General Accounting Office to be improperly used under the scheme of this project.

The one provision that we do have is to try to prevent the delays, the delays that have made this project so terribly costly, is that they would be relieved of $2 million in repayment up to a period for 5 years in order to put a penalty on the Bureau to keep this project from being any further delayed.

I think this addresses the issues that the gentleman is concerned about. Let me also say that it is very clear that this project must come back to the authorizing committee so that the ceiling, if necessary, can be raised, and I think there are a number of issues that I plan to take up with this project and I think other members of our committee do, about whether or not we want to go forward with every component of this project where there are some very, very expensive features. The repayment for those features is in question, as the gentleman from New York has pointed out now, over the last couple of years.

I happen to believe that the proper place to settle those is in the authorizing committee when we will be confronted with the challenge of whether or not we want to raise the ceiling so that additional moneys can be appropriated for all features of this, or in fact if this project may undergo some redesign to better equip it with the needs of the central Utah area as opposed to its original configuration.

I would hope that the committee would turn down this amendment, allow us to vote on the Miller amendment to recapture the vast bulk of the 90 percent of the $97 million which the taxpayers are rightfully owed, and then let the authorizing committee go forward and to raise those questions, and if required, necessary to put additional restraints or changes onto this project as the evidence bears out.

I would hope that the committee would reject this amendment.

Mr. STRANG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment with some reluctance because I share with my colleagues, the sponsors of this amendment, the concern that they have for seeing that the taxpayer is not taken for a ride in the support of Bureau of Reclamation projects, recognizing that charges of pork barrel and so forth have been levied in this area with some accuracy over the years.

I also share with them their deep interest in western water projects and experience and hope that I can share with them some of the things that happened in committee this year when the GAO appeared with these numbers. I would urge my colleagues at some point to go back and read the transcript of that hearing in which, when under serious questioning, the GAO could not support the $97-million figure because they simply did not know what they had used for the cost of money.

One percent change in their figure would have turned the $97 million from a negative to a positive. One percent error. They admitted that. In fact, they scurried out of that committee room with their tail between their legs and I was ashamed of their performance.

I commend the chairman of the subcommittee, Mr. MILLER, for his work to be sure that the taxpayer is not going to take a licking here, even though it is my belief, based on the decline in the cost of money, that this is going to turn out to be a benefit for the taxpayer.

I would also like to point out to my colleagues that the people in Utah have come out with about a 35- or 36-percent cost sharing in this project at the request of this Congress, and I think that shows that they are not trying to escape their obligations.

I would urge my colleagues to back away from this amendment and to support the Miller amendment because the more we delay this project, the more trouble we are going to be in. I would urge defeat of this amendment.

Mr. MONSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment also. I think the case has been presented very adequately by my colleague from Utah, Mr. NIELSON, and also by the gentleman from Colorado, Mr. STRANG.

I think it is important to reinforce some of the points that have been made. First of all, the facts are that the citizens of Utah, when confronted with the necessity of approving a repayment contract, overwhelmingly gave approval to that. A new repayment contract that added some $360 million in obligations by the water users to repay. I think that Utah has demonstrated very much, by 73 percent of the people that voted in that election, that they are willing to pick up their obligations.

Now, some questions have been raised as to whether or not that covered some interest payments that have been raised by GAO. There are arguments on both sides of this case, I am sure, but I think the fact that there are arguments on both sides raises serious doubts as to whether or not the information that has been presented in favor of this motion is adequate and is substantial to cause this motion to be supported.

Therefore, I would suggest that we all review this thoroughly; that we reject this amendment because there will be an amendment presented that will cover this in the event that there are additional costs that have not been covered that the citizens of Utah should rightfully pay. I am in support of that amendment. I think we should pay them if we rightly should, but it is in question, and it perhaps will result in us having to pay more but we are willing to do that if we can allow the process to go forward.

The only way we are ever going to get this money repaid in the first place is if the project is complete. Otherwise, a lot of money is going to be wasted as it is anyway. This water is vitally needed. We are already running into shortages in the Salt Lake County area. We need it now and we are going to need it more in future years. There is nothing we can do to stop this need. It is going to have to take place through this process. To stop this process now would not only hurt the citizens of the State of Utah, but it would make the citizens of this whole country by the fact that they would not be able to receive the repayment that will be paid once water begins to be delivered.

Mr. Chairman, I ask the Members to reject this amendment.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to pose a few questions to some of the participants in this debate. I think I have made my interest in this matter of deficit reduction and spending cutting clear. The fact of the matter is by September 1 we are either going to have met the Gramm-Rudman budget requirements or borrowing requirements, or we will have to face the re-

quirement to meet them at the time plus suffering an $11 billion surcharge of additional cuts to get to the absolute mandatory figure when we face the full constraint of the Gramm-Rudman backup provisions.

□ 1215

Furthermore, when we look at that $11 billion surcharge, I think we ought to recognize that amount is approximately the same amount of cutting that we experienced very, very painfully in the March sequestering that we allowed to happen precisely because we did not make line-item cuts before the fact and allowed that sequestering to take place.

Mr. Chairman, we are facing here a very serious dose of heartburn. We know already how much heartburn has been experienced across this Nation, how much unrest and how much discomfort, and it is precisely because we did not meet that earlier test.

So I look at this discussion and I see good people, people for whom I have an enormous amount of respect, on both sides of the issue, but I really have to ask some questions. In my mind, the basic question is: Is spending $83 million now at this time on this project a better alternative than risking further sequestering under Gramm-Rudman and further reductions in the cost of living to our Federal retirees and our military retirees and further across-the-board cuts for all programs of Federal spending with a few exceptions? That is not clear to me.

Mr. MONSON. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I am pleased that the gentleman from Utah did rise. I guess I have to confess that I was not aware that the area in question was suffering any critical or serious water emergency at this time. It was my understanding that perhaps this project would not indeed be beneficial to the area until 1990 or later. Is that correct?

Mr. MONSON. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. Yes, I yield to the gentleman from Utah.

Mr. MONSON. Mr. Chairman, while it is true that we are not going to receive the benefits of this until that time, we are already suffering water shortages despite this publicity that we are concerning the Great Salt Lake and its current levels.

The reason we suffer from these problems is because we are not channeling the water in the right directions right now. While this will not eliminate that problem completely, it will help in that respect.

So while to many it would appear we are having an overabundance of water because we cannot get it to where we need it, we are suffering shortages in terms of having the water that we need.

Mr. Chairman, if the gentleman will yield further, I would like to ask him a question if that would be all right.

Mr. ARMEY. I yield to the gentleman from Utah.

Mr. MONSON. Is the gentleman aware that this project has been under construction for some 20 years now, and that most of the reasons that the repayment contract was needed to be increased anyway were due to delays in the project that caused the costs to increase, and most of those delays have been due to the fact that Congress has not supported this project the way it should have been supported as it has gone along in an effort to get it done in a timely fashion? If we had had the support that we needed all along, we would have been able to complete this probably without needing a repayment contract, and we would have done it so that we would not have to worry about whether or not it impacted the budget deficit each year.

Mr. ARMEY. Mr. Chairman, if the gentleman will allow me to reclaim my time, let me make the speculative assumption that perhaps the Congress is not wrong all the time, and perhaps we could interpret the failure of the Congress to support this project consistently and enthusiastically to an early and complete termination as indeed reason why we must speculate that the urgency and the need for this project at this time is not as great as the urgency of avoiding Gramm-Rudman.

The CHAIRMAN. The time of the gentleman from Texas [Mr. ARMEY] has expired.

(By unanimous consent, Mr. ARMEY was allowed to proceed for 2 additional minutes.)

Mr. ARMEY. Mr. Chairman, I really believe the question we are going to have to ask ourselves is: Do we want reductions for Federal retirees, do we want reductions for military retirees, and do we want other important programs to suffer across-the-board reductions in order to preserve a program here that apparently has not a unified consensus of support?

I want to make one final statement, and I say to the gentleman from Utah that I am sorry but I will not have time to yield further unless he obtains additional time. As much as I admire the gentleman from Utah and the gentleman from Colorado and others who have spoken on behalf of this, it seems clear to me that this is a tradeoff that we must have the discipline to make. We have put $2 billion into this program. We are now up here asking for $83 million. I have a very serious and grave concern that we can afford to make the tradeoff. If we are not willing to stand and make this tough and painful cut and others that will be offered, we are going to have a terrible, terrible dose of heartburn in September, and I think we need to face that right now.

Mr. NIELSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I am happy to yield to the gentleman from Utah.

Mr. NIELSON of Utah. Mr. Chairman, I thank the gentleman for yielding.

I think the gentleman is under the impression that this is an increase in the budget and it is, therefore, busting the budget. This is a decrease from last year. It is the second decrease in a row on this project.

One project, the Upalco project, has already been eliminated from the central of Utah project. We have made some reductions, and we are trying to live with them. This is actually a reduction this year, and last year there were also reductions. This is not one of the projects that is pushing the budget up. This is one that is contributing to reducing the deficit.

The gentleman knows how I have usually voted. I vote consistently. What I oppose is large increases in old projects and new programs that have not been authorized. This has been authorized for 20 years. It is under a new payment plan to be finished in 10 years.

Mr. Chairman, if the Miller amendment is allowed to stand it will take care of all the problems that the gentleman is concerned about.

The CHAIRMAN. The time of the gentleman from Texas [Mr. ARMEY] has again expired.

(By unanimous consent, Mr. ARMEY was allowed to proceed for 1 additional minute.)

Mr. ARMEY. Mr. Chairman, I do need to address the gentleman's point, and I do not want to prolong the debate.

This point will come up again. We cannot console ourselves with the observation that appropriation bills are within the budget. We have stayed within the budget before and seen the deficit grow. We have to be very, very careful that we do not repeat the mistakes we have made in the past.

I respect and admire the gentleman from Utah. He is a disciplined Member of Congress; he is not a free spender. Neither of the two gentlemen is. I have nothing but admiration for both of them. However, I must say at this point that I must reluctantly ask the Members to support the amendment.

Mr. NIELSON of Utah. Mr. Chairman, will the gentleman yield one further time?

The CHAIRMAN. The time of the gentleman from Texas [Mr. ARMEY] has expired.

(On request of Mr. NIELSON of Utah, and by unanimous consent, Mr. ARMEY

was allowed to proceed for 1 additional minute.)

Mr. NIELSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Utah.

Mr. NIELSON of Utah. Mr. Chairman, in addition to the fact that this is a decrease from last year, that there was a decrease the year before, and that we now have a repayment contract by a 73-percent vote, we would do the same if required to vote further, because we are interested in getting this project done and paying our fair share.

Let me add also that we think we met the requirements of the Miller amendment last year. We had a repayment contract. The gentleman from California [Mr. MILLER] is satisfied with it. He is the one that put the amendment on the hill last year. The committee is satisfied with it. I am sorry that the gentleman from Wisconsin [Mr. PETRI] and the gentleman from New York [Mr. SOLOMON] are not, but if they would confer with their colleague, the gentleman from California [Mr. MILLER], I think they would find that we will satisfy everything that Congress requires, plus the fact that they had 100 days to disapprove this and they did not disapprove it. I think 100 days later is an inappropriate time to change the rules.

Mr. Chairman, I thank the gentleman for yielding.

Mr. ARMEY. Mr. Chairman, my final statement is that I think the gentleman has made his case well. I respect the gentleman for his case, but I am afraid I must still encourage the House to vote "yes."

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. PETRI. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Wisconsin.

Mr. PETRI. Mr. Chairman, I thank my colleague, the gentleman from Pennsylvania, for yielding.

I just wanted to make several comments about certain points that have been raised in this debate. The amendment I have introduced is certainly essentially the same as the original Solomon and Miller amendment. The gentleman from California [Mr. MILLER] no longer supports that amendment but instead is planning on offering a different amendment. A point of order will lie to the second Miller amendment, and in fact I would raise that point of order as legislating on an appropriation bill should the gentleman offer it.

Why would I do that? Because it ends up costing the Federal Government money rather than implementing cost sharing in Federal water projects.

How does it end up costing the Federal Government money? The gentleman's amendment would obligate the Congress to provide sufficient funding to substantially complete the Bonneville unit of the central Utah project by the end of fiscal year 1995. According to the Bureau of Reclamation estimates, the cost to complete after fiscal year 1987 will be $899 million. The total Federal cost for the project is $1.6 billion, with a benefit cost ratio of $1.7 billion calculated at 3¼-percent interest.

Under the Miller amendment, if the project is not completed by 1995, the project sponsors will be exempted from repaying $2 million per year for each year the project remains unfinished, up to a maximum of $10 million. In other words, if for any reason Congress does not provide funding to complete the project, according to this artificial deadline, it will cost the Federal Government up to $10 million in penalties.

□ 1225

The other portion of the amendment of the gentleman from California [Mr. MILLER] obligates the project's sponsors to pay interest on 60,000 acre feet of municipal and industrial water for which the Bureau of Reclamation had previously agreed to defer interest, but last March the GAO determined that the Bureau had violated the Water Supply Act of 1958 in granting such deferral; so the amendment of the gentleman from California [Mr. MILLER] simply obligates the project's sponsors to pay what the GAO determined they already have to pay under existing law.

Finally, I would just like to say that no one will be thrown out of work by the enactment of the amendment that I have offered. The Bureau awards multiyear contracts for large projects such as this, so the effect of a funding cutoff will not begin to be felt until sometime later next year. That provides plenty of time, if the amendment is adopted, for the Bureau and local interests to act promptly to comply with the GAO's recommendation.

By the time the Senate acts on this bill or the conference report is filed, the GAO findings have been complied with, the money can go back in with no harm done to the project. Even if they cannot comply before the bill is enacted, funds could easily be included in the fiscal year 1987 supplemental early next year.

We are not trying to eliminate this project or strike it out. We are just trying to implement sensible Federal and local cost sharing on water projects.

Mr. NIELSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Utah to allow the gentleman to reply.

Mr. NIELSON of Utah. Mr. Chairman, in regard to the points the gentleman raised about forgiving the interest if it is not complete in 1995, that was taken out of the agreement. That is not part of the amendment at the present time.

As far as the other part is concerned, let me indicate that we have about $1 billion investment so far. If we stop the project either through this or other means, that is that much that will not be repaid to the country. We are much better off if we finish the project and get the repayment contract now. We will get back more for the Government. It would be a savings, rather than an expenditure if we allow the project to be completed.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding.

Let me at the outset just say that I have the greatest respect for Congressman NIELSON, for the gentleman from Utah, Mr. MONSON, and Senator JAKE GARN. Let me tell you, they are tough, tough fighters and they do a job for their constituents. But let's set the record straight.

We are not trying to kill this water project. What we are trying to do is to continue the reestablishment of water policy in this country whereby beneficiaries of these projects pay their fair share for the benefits they receive.

Now, the National Wildlife Federation, the conservationist group, and the National Taxpayers' Union, both strongly support this amendment.

Now, if a point of order did not lie against the Miller amendment, it might be a different ballgame in this House; but the fact is there is not going to be any Miller amendment. Therefore, the only ballgame in town is the Petri-Solomon amendment. We should enact that amendment now.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. WALKER. Mr. Chairman, I continue to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, it is absolutely imperative that we send a message to the bureaucrats at the Bureau of Reclamation that we tried to give them guidance last year, along with funding, and they bypassed the intent of the Congress.

The GAO presented their recommendations and the Bureau of Reclamation scoffed at the GAO.

I say, enough is enough. Let us send them a message that they cannot fail to understand and let us not cloud this issue any further.

We have to get back to a pay-as-you-go basis. That is only fair for every part of the country. I would urge support for the Petri amendment.

Mr. MONSON. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Utah.

Mr. MONSON. Mr. Chairman, I appreciate the gentleman from Pennsylvania yielding.

Mr. Chairman, I get troubled when I come here day after day and see us doing things in a procedural way to stop what we say we are trying to do from going forward. The objections that have been raised may be legitimate. I say may be, because the GAO before the hearing was through in the subcommittee on the Interior——

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

(At the request of Mr. MONSON, and by unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, I continue to yield to the gentleman from Utah.

Mr. MONSON. Mr. Chairman, I thank the gentleman for yielding.

When pressed, the GAO backed off from that recommendation. They could not support what this would actually cost; but given a little bit of time and without any procedural impediments put in front of us, we can solve that problem. If in fact it is going to cost additional money that the citizens of Utah should rightfully pay, we will do that if we will allow the Miller amendment to go forward.

All that we are asking with the additional portion of the Miller amendment is that if this project continues to be delayed unnecessarily, that we be relieved from any interest payments that would accrue as a result of those additional delays. That is all the additional $2 million per year reimbursement figure is intended to accomplish.

I think we ought to allow this to go forward. It will solve the problems that the gentleman has been raising and it will allow this project to go forward in a timely fashion.

Mr. Chairman, I urge rejection of the amendment.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, we all recognize that we certainly have a funding problem this year. This issue of the central Utah project is nothing new to Congress and certainly not to this subcommittee. We have been concerned about it for a number of years. As long as the chairman and I have been on the committee, we have been working on this project.

Last year particularly this same issue came up by the same authors. We told the sponsors of the central Utah project that if you will do this, if you will have new contracts assuring that the taxpayers of the country shall not lose any money, then we can move forward.

In good faith, the sponsors in Utah, as has already been stated by our two colleagues from Utah, they had a referendum where a large percentage of the deficit would be made up by ad valorem taxes. They have already agreed to do this. New contracts are being made now and have been made in most instances for M&I water to be provided by this contract, as well as the irrigation water.

Utah and the sponsors have done what this Congress last year told them they must do in order for us to continue to proceed after years of investment.

They have done what they were told to do. We have now appropriated $606 million for this project, most of which has already been obligated. To stop the project now, first, would be wrong for the investment. We would get nothing back for the investment and we would only further delay the recovery that the American taxpayers are entitled to have. The payers who will be paying for this will be delayed at least a year, maybe longer, in order to be able to pay back part of the investment.

But most importantly, we would be reneging on what we have told the people of Utah and the sponsors that they must do. Congress last year told them to do it. In good faith, they did that. It would be wrong to support this amendment and be reneging on the people who acted in good faith upon our request last year.

Mr. Chairman, I urge a "no" vote on this amendment.

Mr. RICHARDSON. Mr. Chairman, I move to strike the requisite number of words and I yield to my colleague, the gentleman from Colorado [Mr. STRANG].

Mr. STRANG. Mr. Chairman, I thank my colleague for yielding. I do not intend to take the full 5 minutes.

Mr. Chairman, we have spent a lot of time on this. This amendment, this hoary amendment, has been disinterred by people who are infatuated suddenly with the same GAO which presented us with the devastating arguments on Nicaragua some time ago. The GAO that came before our committee and could not support its arithmetic in the claims of the $95 million change because they could not support before our committee the figures they used for the cost of present and future money, so we have the National Wildlife Federation, an organization for whom I have some regard, using well-intentioned, thrifty Congressmen, to beat up on a project which needs to move forward, a 20-year-old project.

I respectfully ask that we move forward on this thing now. The damage that this can do to this project is absolutely incalculable in cost to the taxpayer. This is a hoary amendment. It needs to be reconsidered and I urge a "no" vote.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

As Members will recall, last year's bill contained language restricting the availability of funds for the project pending the execution of a supplemental repayment contract. The voters in the local water conservancy district overwhelmingly approved the new contract. All of the criteria mandated in last year's bill have been met. The project is about one-third complete and has a benefit-cost ratio of 1.7 to 1. That is $1.70 to each dollar invested. The project is supported by the entire Utah delegation. The project should be allowed to proceed.

I hope that the Members will vote "no" and support the committee and the Utah delegation on this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. PETRI].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PETRI. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announced that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 237]

Ackerman	Bentley	Burton (CA)
Akaka	Bereuter	Burton (IN)
Alexander	Berman	Bustamante
Anderson	Bevill	Byron
Andrews	Biaggi	Callahan
Annunzio	Bilirakis	Campbell
Anthony	Bliley	Carper
Applegate	Boehlert	Carr
Archer	Boggs	Chandler
Armey	Boland	Chapman
Atkins	Boner (TN)	Chappell
AuCoin	Bonior (MI)	Chappie
Badham	Bonker	Cheney
Barnard	Bosco	Clay
Barnes	Boucher	Clinger
Bartlett	Boulter	Coats
Barton	Boxer	Cobey
Bateman	Broomfield	Coble
Bates	Brown (CA)	Coelho
Bedell	Brown (CO)	Coleman (MO)
Beilenson	Bruce	Coleman (TX)
Bennett	Bryant	Collins

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Courter
Coyne
Craig
Crane
Crockett
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Eckert (NY)
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Franklin
Frenzel
Frost
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hatcher
Hawkins
Hayes
Hendon
Henry
Hertel
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Monson
Montgomery
Moody
Moorhead
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stokes
Strang
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)

□ 1250

The CHAIRMAN. Four hundred five Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Wisconsin [Mr. PETRI] for a recorded vote. Five minutes will be allowed for the vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 149, noes 262, not voting 19, as follows:

[Roll No. 238]

AYES—149

Ackerman
Andrews
Archer
Armey
Atkins
Barnes
Bartlett
Barton
Bates
Bedell
Beilenson
Berman
Boehlert
Bonior (MI)
Bosco
Boxer
Broomfield
Bruce
Bryant
Burton (IN)
Carper
Carr
Coats
Coleman (TX)
Collins
Conte
Conyers
Coughlin
Crane
Daniel
Dannemeyer
Daschle
Dellums
DeWine
Donnelly
Downey
Dreier
Durbin
Early
Eckart (OH)
Eckert (NY)
Edgar
Edwards (CA)
Evans (IL)
Fawell
Feighan
Fish
Florio
Foglietta
Ford (MI)
Frank
Frenzel
Gejdenson
Gilman
Gingrich
Glickman
Green
Gregg
Gunderson
Hall (OH)
Hamilton
Henry
Hertel
Hiler
Hillis
Hyde
Jacobs
Jeffords
Jones (OK)
Kanjorski
Kasich
Kastenmeier
Kildee
Kindness
Kostmayer
Latta
Leach (IA)
Levin (MI)
Levine (CA)
Lowry (WA)
Mack
MacKay
Markey
McCloskey
McCollum
McGrath
Mikulski
Miller (WA)
Moakley
Moody
Morrison (CT)
Mrazek
Murphy
Neal
Olin
Owens
Oxley
Panetta
Penny
Petri
Porter
Regula
Reid
Richardson
Ridge
Ritter
Robinson
Roth
Roukema
Rowland (CT)
Russo
Schneider
Schroeder
Schuette
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Sikorski
Siljander
Sisisky
Slattery
Smith (FL)
Smith, Robert (NH)
Solomon
Spratt
Staggers
Stark
Stokes
Stratton
Studds
Vander Jagt
Vento
Visclosky
Walgren
Walker
Waxman
Weaver
Weber
Weiss
Wheat
Wise
Wolpe
Wortley
Wylie
Yates
Yatron
Young (FL)

NOES—262

Alexander
Anderson
Annunzio
Anthony
Applegate
AuCoin
Badham
Barnard
Bateman
Bennett
Bentley
Bereuter
Bevill
Biaggi
Bilirakis
Bliley
Boggs
Boland
Boner (TN)
Bonker
Boucher
Boulter
Brown (CA)
Brown (CO)
Burton (CA)
Bustamante
Byron
Callahan
Campbell
Chandler
Chapman
Chappell
Chappie
Cheney
Clay
Clinger
Cobey
Coble
Coelho
Coleman (MO)
Combest
Cooper
Courter
Coyne
Craig
Crockett
Darden
Daub
Davis
DeLay
Derrick
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Dorgan (ND)
Dornan (CA)
Dowdy
Duncan
Dwyer
Dymally
Dyson
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Fascell
Fazio
Fiedler
Fields
Flippo
Foley
Ford (TN)
Fowler
Franklin
Frost
Fuqua
Gallo
Garcia
Gaydos
Gekas
Gephardt
Gibbons
Gonzalez
Goodling
Gordon
Gradison
Gray (IL)
Gray (PA)
Guarini
Hall, Ralph
Hammerschmidt
Hansen
Hatcher
Hawkins
Hayes
Hefner
Hendon
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Ireland
Jenkins
Johnson
Kaptur
Kemp
Kennelly
Kleczka
Kolbe
Kolter
Kramer
LaFalce
Lagomarsino
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Luken
Lungren
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCurdy
McDade
McEwen
McHugh
McKernan
McKinney
McMillan
Mica
Michel
Miller (CA)
Miller (OH)
Mineta
Mitchell
Molinari
Mollohan
Monson
Montgomery
Moorhead
Morrison (WA)
Murtha
Myers
Natcher
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Ortiz
Packard
Parris
Pashayan
Pease
Pepper
Perkins
Pickle
Price
Pursell
Quillen
Rahall
Rangel
Ray
Rinaldo
Roberts
Rodino
Roe
Roemer
Rogers
Rose
Rowland (GA)
Roybal
Rudd
Sabo
Savage
Saxton
Schaefer
Scheuer
Schulze
Shumway
Shuster
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (OR)
Snowe
Snyder
Solarz
Spence
St Germain
Stallings
Stangeland
Stenholm
Strang
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Volkmer
Vucanovich
Watkins
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wilson
Wirth
Wolf
Wright
Wyden
Young (AK)
Young (MO)

NOT VOTING—19

Akaka
Aspin
Borski
Breaux
Brooks
Carney
de la Garza
Grotberg
Hartnett
Jones (NC)
Jones (TN)
Lent
Long
Lundine
Meyers
Moore
Rostenkowski
Shelby
Zschau

□ 1300

Messrs. BOUCHER, ORTIZ, and SKELTON changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON: Page 12, line 18, after the period insert the following: "Of the amount appropriated under this paragraph, $500,000 shall be available to enable the Secretary of the Interior to continue work on rehabilitating acequias in New Mexico."

Mr. RICHARDSON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

Mr. WALKER. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The gentleman reserves the right to object.

Mr. WALKER. Mr. Chairman, I shall not object.

The CHAIRMAN. The gentleman will state his reservation.

Mr. WALKER. I reserve the right to object, Mr. Chairman, in order to figure out the procedure. The amendment that I heard read sounded to me like a funding imitation amendment, which is a language amendment that would typically only be available to be offered after a motion of the Committee to rise.

Are we deviating from that procedure?

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, it is simply an earmark. It is an earmark. It is not what the gentleman refers to. It is not a limitation.

Mr. WALKER. It is not a limitation amendment?

Mr. RICHARDSON. That is right.

Mr. WALKER. I thank the gentleman.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. RICHARDSON. Mr. Chairman, my amendment is a simple one. It makes available $500,000 from the Bureau of Reclamation's Construction Fund for work to be done on rehabilitating the acequias of northern New Mexico. The acequias, or community ditches, are an irrigation and flood control system dating back several centuries. They are essential to the well-being of many of the individuals and communities in my district—the acequias are in a very real sense, the life-lines of local communities. They have strong economic, cultural and historical significance. They have also reached a critical state of disrepair and are in urgent need of rehabilitation. At my recent town meetings in northern New Mexico, my constituents repeatedly stressed their despair over the condition of their acequias, their fears of the dangers inherent in such a state of disrepair, and their critical need to have the Bureau of Reclamation take steps which would result in the rehabilitation of the community ditch systems. They overwhelmingly told me that they want and need the Bureau of Reclamation, not the Corps of Engineers to do this work.

The Bureau of Reclamation has an excellent relationship with the acequias and the acequia associations. This relationship can be fostered and encouraged, particularly if the Bureau of Reclamation employs local people to do the work—this action would address two serious problems in northern New Mexico—the acequias would be repaired by those people who understand their importance best and would see that the work is done with care—it would also provide needed employment opportunities in a region with severe unemployment problems. I would like the Bureau of Reclamation to utilize local contractors and local employees for at least 80 percent of the acequia repair work. I cannot overemphasize the urgent nature of these repairs or the significance they would have for my constituents.

I would like to emphasize that my amendment would not require the use of any additional funds for fiscal year 1987. Like other Members of this esteemed body, I am very aware of the funding constraints created by the Federal deficit. I am only offering this amendment due to the critical and urgent nature of the problems being experienced by the acequia users in my district.

The $500,000 would be allocated in the following way:

	Amount
Preliminary work on the Rio Chama Acequias	$50,000
OJO Caliente Acequias	50,000
Santa Cruz Acequias	45,000
Costilla Acequias	70,000
El Rito Acequias	45,000
Questa Acequias	45,000
Mora Acequias	20,000
Chimayo Acequias	25,000
For initiating construction on the rehabilitation of the Taos Acequias	150,000
Total	500,000

This funding for initiating rehabilitation work on the acequias in northern New Mexico is a major step toward ensuring the safety and well-being of local communities. I urge all my colleagues to support this amendment.

Mr. BEVILL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have no objections to this amendment. The committee is familiar with it. It is a good amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

The amendment was agreed to.

Mr. CONTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman. I rise in support of this bill making appropriations for energy and water development for fiscal year 1987.

The fact that we have been able to keep this bill some $319 million below the budget request, and under our committee's budget resolution allocation for budget authority, is a tribute to the hard work and leadership of the subcommittee chairman, the distinguished gentleman from Alabama [Mr. BEVILL], and the subcommittee's ranking minority member, the gentleman from Indiana [Mr. MYERS].

These two gentlemen, along with the other members of the subcommittee, have worked long and hard to bring forth a bill that is both fiscally responsible and yet responsive to the national need for energy and water development.

The chairman and ranking minority member have already outlined the provisions of the bill, and so I will not repeat that exercise. I would like to point out a few items, however, that are worthy of special attention.

The committee is to be commended for its continuing support of solar and other renewable resource research and development.

The bill provides $113.4 million for solar programs, which will permit the continuation of important research and the initiation of several new projects.

Included in that amount is $800,000 for the support of the renewable energy program at the University of Massachusetts at Amherst, which has long been a leader in wind energy research and engineering.

For the nuclear waste disposal fund, the committee has deleted funding requested for the monitored retrievable storage facility and the second permanent nuclear waste repository.

There is no justification for appropriating funds for a second facility that will not be needed within the current planning, design, and construction timeframe.

In that regard, I will oppose any efforts to delay work on the first repository, and urge my colleagues to do the same.

Certainly the need for a first repository is clear, and we should make every effort to move forward with that project at this time.

There is no justification for holding that facility hostage to the selection of a second repository site.

I would also like to mention an area that has been a particular concern of mine, which is the procurement of extra-high voltage electrical equipment by the Federal power marketing agencies.

The American EHV manufacturing industry has been under severe pressure from foreign competition for a number of years, particularly

from competitors who have engaged periodically in various unfair trading practices.

As a consequence, the number of American manufacturers of such equipment has steadily dwindled, to the point where we are in serious danger of becoming totally dependent upon foreign manufacturers in many critical electrical equipment lines.

This is a very dangerous situation, given the strategic, military, and economic dependency of our industrial economy on a reliable extra-high voltage electrical network.

In response to this problem, the committee, at my request, has included narrowly crafted language that would assess a penalty upon EHV equipment from countries that do not offer fair treatment to U.S. manufacturers.

Accordingly, the committee has provided language that would increase the so-called Buy American differential to 30 percent for purchases of EHV electrical equipment by Federal power authorities, including the Bonneville Power Administration and the Tennessee Valley Authority. This provision would only apply to purchases of equipment manufactured in countries that do not offer fair competitive opportunities to U.S. manufacturers of such equipment.

It is the intent of the committee that, in administering this provision, the Secretary of Energy, in consultation with the U.S. Trade Representative, shall determine whether nondomestic end product EHV power equipment sought to be sold to an agency subject to this provision is manufactured in a country that offers fair competitive opportunities to U.S. manufacturers of EHV power equipment.

Although the Department will have to establish its own procedures, it would be my expectation that this determination would be done at the time of the first procurement in fiscal year 1987 on which foreign companies sought to bid.

For subsequent procurements, it should only be necessary to ensure that no subsequent action by the country in question provided some reason to revise the original determination.

Mr. Chairman, this provision should be relatively easy to administer, and should, I believe, provide an important incentive for our trading partners to make their markets as open to American manufacturers as our markets are to them.

Mr. Chairman, I urge the adoption of this bill.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the energy and water development appropriations bill for fiscal year 1987, H.R. 5162. The Energy and Water Development Subcommittee, under the leadership of Mr. TOM BEVILL, is to be commended for reporting out an impressive bill.

I would like to clarify, however, the intent of the report language of title III, Department of Energy appropriations. In the geothermal section of this bill, it is stated that:

An additional $2 million is provided for continuation of the deep-well research project.

Mr. Chairman, for the sake of clarification, is it correct that the deep-well research project refers to the Salton Sea scientific drilling project within the Geothermal Technology Division of the Conservation and Renewables Program?

Mr. BEVILL. If the gentleman will yield. Yes; that is correct.

Mr. BROWN of California. Is it also correct, Mr. Chairman, that the $2 million referred to in this bill is in addition to the $1.3 million already earmarked for the Salton Sea project in the President's request; that the $1.3 million is to be applied to conducting extended flow tests at a depth of approximately 10,580 feet; that the $2 million is to be applied to deepening the geothermal well to a depth of 13,000 to 14,000 feet; and that the total for the Salton Sea scientific drilling program for fiscal year 1987 will be $3.3 million?

Mr. BEVILL. Yes; that is correct.

Mr. BROWN of California. I thank the gentleman for his clarification.

Mr. Chairman, the energy and water appropriations bill is fiscally responsible in that the bill is below the President's request by $319.6 million. This represents a sincere effort to stay within the bounds set by the Gramm-Rudman-Hollings deficit reduction law.

H.R. 5162 corrects an imbalance imposed by the administration. The President had originally requested a disproportionate increase in nuclear activities for the Defense Department. While I do not object to the Department of Energy conducting research in the name of national security, the levels requested by OMB were excessive. I am certain that the atomic energy defense activities of DOE can withstand a $536.1 million budget reduction, which still leaves their overall program at a healthy $7.7 billion.

I am pleased that domestic programs were strengthened, including adequate funds for the Santa Ana River flood control project in California. The bill earmarks $4.1 billion for Army Corps of Engineers and Bureau of Reclamation water projects, including funding for 31 new projects. I urge my colleagues to support H.R. 5162 as reported.

Mr. Chairman, I would like to focus my attention at this time on a small, but significant provision of the energy and water appropriations bill. Within the Energy Department's Energy Supply Research and Development section of H.R. 5162, the committee has wisely included language instructing DOE to continue an important program in geothermal science and technology, the Salton Sea Scientific Drilling Project [SSSDP].

SSSDP began with a $5.9 million appropriation in fiscal year 1984. The geothermal well was drilled from October 1985, through April 1986. The Salton Sea well is the hottest and deepest research well in the United States today. The commercial potential of deep geothermal resources in the region has been proven. At a current depth of approximately 2 miles, the program has already been designated a success. The objective in the SSSDP was to probe the roots of a very hot geothermal system—a unique, hostile, high temperature/pressure environment never before adequately investigated.

To quote directly from testimony prepared by Dr. Elders, chief scientist for SSSDP:

Highlights of the SSSDP include:

A depth of 10,564 feet and temperatures of 665° F were reached;

The commercial potential of deep geothermal resources, with extremely high flow rates of up to 790,000 lbs/hour, was proved;

734 feet of rock cores were obtained, demonstrating transition from lake sediments to highly metamorphosed rocks with abundant ore mineral;

Igneous rocks intruding the sediments were penetrated, which may be related to the heat source;

Sample of steam and of brine containing up to 25 percent of metal-rich salts were obtained from two different levels;

An extremely comprehensive and technologically sophisticated series of downhole experiments and measurements was successfully concluded, and state of the art systems for logging and sampling hot, saline, environments were tested;

Several hundred different scientists and engineers from more than 30 different laboratories in the U.S.A. and abroad participated;

After initial inter-institutional problems, an excellent collaboration of government, industry, and university agencies was forged in the fire of overcoming the challenging organizational, technical and scientific problems involved.

Although the SSSDP has accomplished much, the work goes on. In fiscal year 1987 scientists at Salton Sea will be conducting extended flow tests at a depth of 10,580 feet, with a temperature of 665° F. There also exists a unique opportunity to extend the Salton Sea well to a depth of 13,000 feet to 14,000 feet. H.R. 5162 report language provides for deepening the geothermal well. The Salton Sea project is at a critical point.

There are compelling reasons to give high priority to the deepening of the Salton Sea well. For example, the occurence of a previously unknown lost circulation zone at 10,460 feet suggests the presence of even deeper goethermal resources never before explored or described. If the extended flow tests of the 10,580 feet zone proves the hypothesis that lower salinity zones may exist in deeper reservoirs, the size and potential usability of the Salton Sea goethermal resource could be significantly increased. The exploration of these deeper regimes would offer information necessary to further under-

stand and explain the roots of the region's hydrothermal system.

SSSDP would face significant consequences if drilling did not continue in the near term. If drilling does not take place in the next 12 months, access to the drilling site may not be possible. Also, the casing and liner now in the well may corrode excessively, requiring costly replacement or conditioning. Indeed, if corrosion is excessive, scientists may never be able to return to the Salton Sea site. The project team, which has been so successful on the first stage, would be dispersed, requiring a new group to start up the learning curve. The cost of drilling and drilling support services is presently at an all time low.

For the above reasons, I feel it is critical that we move forward with the Salton Sea project, and again, I commend the Energy and Water Appropriations Subcommittee for their wisdom by including funds for the continuation of SSSDP in H.R. 5162.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California: On page 12, line 18, before the period, insert the following: ": *Provided further,* That the Secretary of the Interior is authorized and directed to expend up to $6,705,000 for the San Joaquin Valley Drainage Program provided that no monies appropriated hereby may be expended after May 1, 1987, unless the amount of such expenditures is within the sums then authorized to be appropriated."

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Chairman, I offer this amendment in order to provide for orderly funding of the San Joaquin Valley Drainage Program which is seeking to find solutions to the salinity and selenium problems in California.

The drainage problems in the San Joaquin Valley are very familiar to any one concerned with water resources in California and the West. The discovery of selenium at Kesterson Reservoir and the continued salinity problems in the valley threaten the future of irrigated agriculture in California. In addition, these problems could be duplicated elsewhere in the West.

It is an understatement to say that I have been disappointed in the performance of the Bureau of Reclamation on these issues. The Bureau has mismanaged the entire effort and has been roundly criticized by Members of Congress, the water community, the National Academy of Sciences, local officials and others.

The current state of funding for their drainage program is just one example of the Bureau's confusion.

The President's budget requested $11.5 million in the distribution and drainage account of the San Luis unit, Central Valley project even though there is no authorization for that account. Approximately $4 million was to be used to fund planning activities for cleanup of Kesterson Reservoir and $7.5 million for the San Joaquin Valley Drainage Program.

Despite my repeated requests, the administration has refused to send up legislation to authorize the expenditure of these funds. Thus, as we approach the beginning of fiscal year 1987, we find ourselves in the position of terminating funding for the activities which are seeking solutions to these important problems.

The amendment I'm offering would authorize the Secretary to spend $6,705,000 on the Valley Drainage research program through May 1, 1987. This will insure that the research program continues uninterrupted, but it will also insure that the administration sends up the necessary legislation to put this program on a stable funding basis. If no authorizing legislation is enacted by May 1, 1987, expenditures for this program will cease.

It is important that I note that the amendment does not authorize any funds for planning activities for the cleanup of Kesterson Reservoir. It is my view that the administration's current plans to solve this problem are in such disarray that it would be improper to spend any funds until we know how much needs to be spent on which activities and when.

Mr. Chairman, I want to thank the chairman of the Energy and Water Appropriations Subcommittee, Mr. BEVILL, and the ranking Republican, Mr. MYERS, for their willingness to accept this unusual amendment. However, given the administration's confusion in this program and their unwillingness to submit appropriate legislation, I see little choice but to offer this amendment.

Mr. Chairman, I would urge my colleagues to support the amendment.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, the committee accepts this amendment. There is no problem with it.

Mr. COELHO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of Congressman MILLER's amendment to provide for orderly funding of the San Joaquin Valley Drainage Program. I worked with Mr. MILLER and his staff during the formulation of this amendment, and believe that it addresses each of our concerns. As the Congressman who represents the district which is most severely and directly impacted by these drainage study appropriations, I believe that it is important that we continue these studies, while at the same time recognizing that we cannot study this problem forever, and our efforts must be focused on a solution.

I share Mr. MILLER's concerns about the Bureau's direction and performance on providing a solution and immediately resolving the drainage problem. I have continued to emphasize to the Department of Interior, that we cannot study this problem to death, because while they continue to study there are farmers, farm families, agricultural-related businesses, and small farm communities which are rapidly approaching bankruptcy and a complete dissemination of lifestyle for these individuals. I cannot stress enough that the Bureau needs to immediately find a solution and I feel that we need to continue these studies in order to find that solution.

The purpose of this amendment is to assure the continuation of funding of the San Joaquin Valley Drainage Program. It is necessary as there is currently no authority for this investigation, and it will allow the appropriate studies to move forward. I anticipate that the administration will keep this May 1, 1987, date in mind and will provide us with the appropriate authority to permit this program to move forward and enable the balance of the appropriation recommended by the committee to be utilized. I am sure that the Department recognizes the seriousness of addressing this problem immediately, and not delaying in resolving the authority question prior to the May 1 deadline.

I would like to extend my personal appreciation to the chairman of the committee, Mr. BEVILL, the ranking minority member, Mr. MYERS, and the chairman of the authorizing subcommittee, Mr. MILLER for their assistance in resolving this problem, and working to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE

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, $140,000,000: *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 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 nonreimbursable funds will be available from revenues for performing examination of existing structures on participating projects of the Colorado River Storage Project.

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, $40,651,000, to remain available until expended: *Provided,* That of the total sums appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That during fiscal year 1987 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $42,000,000: *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 Engineering and Research Center, and offices in the six regions of the Bureau of Reclamation, $51,200,000, of which $2,000,000, 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 the Bureau's computer aided design and drafting system, $6,400,000, to remain available until expended, as authorized in section 1472 of title 43, United States Code (99 Stat. 571), the total amount to be derived from the reclamation fund.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or the Colorado River development fund are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) and the Act of July 19, 1940 (43 U.S.C. 618a), 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 special fund from which derived.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 12 passenger motor vehicles of which 10 shall be for replacement only; 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" and amounts provided for plan formulation and advance planning investigations, and general engineering and research under the head "General Investigations".

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.

The costs of the Seedskadee Project may be reallocated in order to reflect revised project beneficial purposes.

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.

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

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 membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

Mr. BEVILL (during the reading). Mr. Chairman, we know of only one more amendment, and I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. Are there points of order against the section just read?

The Chair hears none.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California: On page 19, after line 19, insert the following new sections:

"SEC. 205. Of the appropriations provided for the Central Utah Project, in this or any other Act, not more than 20 percent of the total in any one fiscal year may be expended by the Secretary for all administrative expenses: *Provided,* That the Inspector General of the Department of the Interior shall annually audit expenditures by the

Bureau of Reclamation to determine compliance with this section: *Provided further,* That the Bureau of Reclamation's General Administrative Expenses appropriation shall be used to fund the audit: *Provided further,* That the Bureau of Reclamation shall not delay or stop construction of the project due to this limitation and shall apply all the remaining appropriations to completion of the project.

"SEC. 206. The Central Utah Water Conservancy District shall pay interest on those features of the Central Utah Project which develop 60,000 acre feet of municipal and industrial water supply for which deferral was invoked in 1981, without the benefit of the ten-year interest free period provided by section 301(b) of the Water Supply Act of 1958, 43 U.S.C. 390(b)(2): *Provided,* That in the event that the Bonneville Unit is not substantially complete, as determined by the Secretary, at the end of fiscal year 1995, the Central Utah Water Conservancy District will be credited with $2 million to be applied to its repayment obligation for the Bonneville Unit each year that the project is not substantially complete, as determined by the Secretary, but in no case beyond fiscal year 2000.".

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PETRI. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MILLER of California. Mr. Chairman, will the gentleman withhold for 1 minute so I may enter into a colloquy with him?

Mr. PETRI. Mr. Chairman, I reserve my point of order.

Mr. MILLER of California. Mr Chairman, this amendment represents a compromise regarding repayment of approximately $97 million by local sponsors of the Bonneville unit of the central Utah project.

During consideration of last year's energy and water appropriations bill, serious questions were raised regarding repayment of the costs of the unit.

The House agreed to a compromise amendment I offered to prohibit spending for the unit until a supplement repayment contract was executed which would guarantee full repayment of all project costs, plus interest, allocated to the municipal and industrial [M&I] water supplies.

A supplemental repayment contract was executed and approved by the Secretary of the Interior and the voters in the project area last fall. Unfortunately, that contract did not cover all the costs of the project allocated to supplying M&I water.

At a hearing before my Subcommittee on Water and Power Resources on March 11, 1986, the General Accounting Office [GAO] testified that this new contract did not satisfy the cost recovery requirements of the 1986 appropriation act.

According to GAO, the repayment contract could result in the Federal Government losing up to $97 million in interest revenues because of an illegal use of the Water Supply Act of 1958.

It was my view that we could not afford to appropriate more money for this project until proper repayment arrangements were in place.

The amendment I now offer will provide the assurances we need.

The amendment adds two general provisions which will be applicable to the Bonneville unit.

The first provision stipulates that no more than 20 percent of the funds made available for the project may be spent for administrative overhead. This requirement will be enforced by yearly audits of project expenditures by the inspector general. These audits will be paid for out of general administrative expense appropriations and not from funds appropriated for project construction. The Bureau of Reclamation will not be able to delay or halt construction on the project just because they have reached the 20-percent limitation.

This provision is important because it will force the Bureau to reduce current excessive overhead costs. It will also mean that the taxpayers will not be wasting funds on overhead when those funds could be spent on legitimate construction costs.

The second provision requires the local project sponsor to pay the $97 million identified by GAO. However, if the project is delayed beyond its current anticipated completion date of 1995, the district will be relieved of $2 million in repayment expenditures per year for up to 5 years. This provision insures that the Treasury receives payment of at least 90 percent of the funds GAO has determined should be paid.

Mr. Chairman, my concern with the Bonneville unit has been the district's use in 1981 of the Water Supply Act of 1958 to defer repayment of certain costs. I oppose that action and I'm pleased to see that the district has agreed to pay the costs. However, I recognize that this compromise does not carry with it any implication that the Central Utah Water Conservancy District agrees with the conclusions of the GAO audit as to the legality of the application of the Water Supply Act.

With this issue now behind us, I want to affirm my support for prompt consideration of legislation to reauthorize the Colorado River Project Storage Act of 1956 to increase the authorization ceiling for expenditures to complete the central Utah project by fiscal year 1995.

I recognize that some organizations may not be satisfied with this compromise. However, I believe these provisions will force the local district to pay funds that are due the Federal Government, lead to early completion of the project, and cut excessive overhead expenses.

I want to extend my appreciation to the gentleman from New York [Mr. SOLOMON], who has worked diligently to protect the taxpayers and lower the costs of this project.

In addition, I want to thank the members of the Utah congressional delegation, and especially my friend, Mr. NIELSON, for his untiring efforts to seek a compromise to this difficult matter.

Mr. Chairman, I would urge my colleagues to support this amendment.

□ 1310

This has been under negotiations for some period of time, and we have reached agreement with the proponents of the central Utah project and with the Utah delegation for a recovery of that $97 million from the users of the project.

The second thing is that this project has been plagued by delays and I think to some extent mismanagement of the Bureau. Proponents of the project within the State of Utah have asked that we try to provide some means so it is not subjected to further delays that have driven up the cost of the project.

In that regard what we have tried to do is to provide a forgiveness of 2 percent of this per year up to a limit of 5 years if the project is not completed by 1995, which is the target date of it. Should it be completed by 1995 or prior to that, all $97 million would have to be paid. If it was not, it is conceivable there would be a forgiveness up to the limit of 10 percent.

I would hope that I would be able to offer this amendment because it is the means by which we will be able to recapture that $97 million.

I will say to the gentleman who offered the other amendment unsuccessfully this does not end the debate on the central Utah project. This project must come back for reauthorization because it is up against the ceiling. I think my credibility on allowing Members of Congress to raise these issues in that committee will extend again as those issues are discussed around the raising of that authorized ceiling. But I think that it is important that we get a commitment.

The Senate delegation has agreed to this, that we get a commitment to get back this $97 million for the taxpayers.

In saying that, I would hope the gentleman would withdraw his point of order because I think this is clearly beneficial, and it does not prejudice the gentleman or anyone else who needs to raise issues or is concerned

about the configuration of this project or how this water is going to be used or how much liability the Federal Government is going to have.

Those issues can be reviewed from the bottom to the top in the authorizing committee. I have told the Utah delegation that we expect to expedite and push forward with this consideration because this is a project that has controversy and we are not going to rush it through or try to shut off anybody's rights to raise these issues.

Mr. NIELSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Utah.

Mr. NIELSON of Utah. Mr. Chairman, I rise in support of the Miller amendment. Mr. MILLER and the Utah delegation have worked closely in coming up with an agreement that satisfies the concerns of all parties. I think this amendment will assure that the State of Utah lives up to its repayment obligations and at the same time attempts to assure the State of Utah that the central Utah project will be built as quickly and efficiently as possible.

As many of you may recall, last year Mr. MILLER offered an amendment to the Energy and Water Development Appropriations Act of 1986 (Public Law 99-141) which prohibited the expenditure of further funds for the construction of the Bonneville Unit of the central Utah project until:

> A supplemental repayment contract from Municipal and Industrial Water Supply, sufficient to recover all allocable reimbursable costs plus interest has been executed . . . and such contract has been submitted to the Congress and 100 days have elapsed.

The requirements of this law have been met as follows:

On November 19, 1985, a new Supplemental Repayment Contract was approved by 73 percent of the voters in the 12-county Central Utah Water Conservancy District.

The contract was signed by the district and the Bureau of Reclamation on November 25, 1985, and submitted to the Congress for the requisite 100-day review period on December 12, 1985. That review period expired on March 21, 1986.

The new supplemental repayment contract increased the repayment obligation of the Central Utah Water Conservancy District by $368 million.

The new supplemental repayment contract clearly reflects the mandate of the Congress in that it provides complete coverage for the district's M&I repayment obligation. Specifically, the supplemental repayment contract obligates the district to repay to the Federal Government "the reimbursable costs, properly allocated under Federal Reclamation Law to Municipal and Industrial Water Use for construction of the project."

The time has come to end the debate and move ahead with construction of the Bonneville unit. As you know, this project has been in the works for over 40 years and hundreds of millions of dollars have been invested in it. The citizens of Utah consider the CUP to be vital. As a result, they have committed to pay $514 million for the building of this project. Further, working with the Department of the Interior, the Central Utah Water Conservancy District has developed a plan which will see the project completed by 1995 assuming adequate funding is provided by the Congress. It is absolutely essential that we stick to this plan as every year of delay will add another $20 million to the project's cost.

In view of the fact that a repayment contract has been approved and that the Utah delegation has agreed with Mr. MILLER not to defer payment of interest under the water supply, we look forward to the continuation of funding for the central Utah project. I urge support for the Miller amendment.

In closing, I want to thank Mr. BEVILL, chairman of the Appropriation Subcommittee on Energy and Water Development. He has been a great friend and a strong supporter of the CUP for a long time. I want the gentleman from Alabama to know how much I appreciate his work and the work of his staff. I also want to compliment Mr. MILLER and his staff for their hard work. I am pleased that Mr. MILLER has committed to support the completion of this project and that he will work with the Utah delegation to achieve this goal. I look forward to working with Mr. MILLER. I am committed to working toward completion of this project as quickly as possible.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for his comments.

POINT OF ORDER

Mr. PETRI. Mr. Chairman, I renew my point of order.

Mr. Chairman, the amendment is legislative in nature; it violates rule XXI, clause 2, which prohibits legislation on an appropriations bill. The amendment is legislative in that it purports to change the conditions under which section 301(b) of the Water Supply Act of 1958 is to be applied to the central Utah project.

The CHAIRMAN. Does the gentleman from California [Mr. MILLER] wish to respond to the point of order?

The CHAIRMAN (Mr. SHARP). The Chair is prepared to rule.

The amendment clearly is legislation on an appropriation, in violation of clause 2 of rule XXI. Therefore, the amendment is not in order.

Mr. MILLER of California. Mr. Chairman, I would like to commend my colleague, Mr. BEVILL, for his efforts in guiding H.R. 5162, the fiscal year 1987. Energy and Water Development Appropriations bill, through the House Appropriations Committee's Subcommittee on Energy and Water Development, and in encouraging the full committee's action in reporting the bill on July 15.

I wish to speak to that portion of the legislation which allows the Western Area Power Administration [WAPA] to extend new electrical transmission lines to Department of Energy Laboratories in Livermore, CA.

The subcommittee report directed WAPA to use available funds to build and operate transmission interite lines to provide electric power to DOE laboratories. DOE contended the line would provide it with more flexibility to optimize the allocation of low-cost power to three San Francisco Bay area labs—the Stanford Linear Accelerator Center, the Lawrence Berkeley Laboratory, and the Lawrence Livermore National Laboratory. At first review, this approach represents a worthy goal. Closer analysis, however, raises a number of questions and concerns regarding this concept and future action of this nature.

I have been informed that this proposed line would duplicate existing transmission facilities. At present the local utility, Pacific Gas & Electric Co., has three different lines serving Lawrence Livermore Laboratory. It is unclear how one WAPA line could replace three lines and yet be more reliable. In 1985, PG&E spent $1 million to upgrade these existing lines to the Laboratory as a result of forecasts by the laboratory which predicted increasing power needs. To date, the laboratory has not utilized the increased capacity made available by this costly upgrade.

Mr. Chairman, DOE claims a new line "will provide more flexibility to DOE to optimize the allocation of low-cost power to all three bay area labs." Stanford's Linear Accelerator Center and the Berkeley Laboratory are over 50 miles from the Lawrence Livermore Laboratory. It is unclear how DOE proposes to supply power from the new line to all three laboratories. Does DOE also propose to build additional lines from Lawrence Livermore to the other two laboratories?

By granting WAPA sole authority to construct and operate these new lines, Congress would miss an opportunity to assure that power will be supplied to the laboratory at the lowest possible cost. I question the assumption that this line would pay for itself within 1 year and that estimated savings between 1990 and 2001 would range from $40 to $300 million. This level of savings is illusory considering existing rates for DOE laboratories. In addition, the serving utility is currently involved in rate reduction negotiations with Lawrence Livermore Laboratory and they are reevaluating their entire

transmission rate design with a view toward increasing the competitive nature of these rates.

In addition, DOE apparently assumes that construction of the new line would give the laboratory increased access to Pacific Northwest power at rates similar to current low levels. This assumption would also seem unsound: in that the Bonneville Power Administration consistently has been increasing retail rates due to higher costs. I thank Chairman BEVILL for adding to the report, language that would assure that no facilities be constructed by the Federal Government if other less costly options exist.

As a result of uncertainties, questions, and concerns this action has raised, particularly regarding the long range impact and implications this type of action might have on our Nation's transmission grids, I intend to hold hearings in the Interior and Insular Committee's Subcommittee on Water and Power Resources, which I chair, to address the subject of electrical service to Federal laboratories. The hearing will allow for an open forum so that all parties will be given the opportunity to express their views before additional Federal transmission lines are proposed to service governmental facilities.

Mr. Chairman, in closing, I want to reiterate my appreciation of Mr. BEVILL's efforts and cooperation concerning this issue.

The CHAIRMAN. Are there other amendments to title II? If not, the Clerk will read title III.

The Clerk read as follows:

TITLE III—DEPARTMENT OF ENERGY

Mr. ROE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Alabama, the chairman of the subcommittee, Mr. BEVILL.

Mr. Chairman, the committee report includes funding for a research center in New Jersey but delineated it for nuclear medicine research activity in the supporting research and technical analysis. In order to reconcile the committee action with the action of the Science and Technology Authorizing Committee, I hope the gentleman would be agreeable to the use of these funds within the DOE R&D programs. The Science and Technology Committee has provided $3 million to initiate design and planning of a research center for the type of nuclear medicine activity supported in the appropriations report language. The funding is exactly the same, $3 million, as the Science Committee authorized and this would permit a start on the new center which is strongly supported by the chairman of the Environmental R&D Subcommittee on Science and Technology. I would ask the gentleman if funds could be transferred to the Environmental R&D budget for these purposes.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Alabama.

Mr. BEVILL. I thank the gentleman for yielding.

Yes, Mr. Chairman, I support the use of these funds for these purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

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 18 for replacement only), $1,316,326,000, to remain available until expended; in addition $684,158,000 shall be derived by transfer from Uranium Supply and Enrichment Activities provided in prior years and shall be available until expended; and of which $53,200,000 which shall be available only for the Center for New Industrial Materials; the Center for Nuclear Imaging Research; the Energy Research Complex; Saint Christopher's Hospital for Children—Energy Demonstration Project; Center for Excellence in Education—Energy Utilization Performance Project; and funds provided for byproducts utilization activities shall be available only for the following regional projects: Florida Department of Agriculture and Consumer Services; Hawaii Department of Planning and Economic Development; Iowa State University; Oklahoma, Red-Ark Development Authority; Washington, Port of Pasco.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 20, line 9, strike "$1,316,326,000" and insert in lieu thereof "$1,246,626,000".

And, on page 20, line 12, strike all after the word "; and" through line 17 and the word "Project" on line 18.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. I thank the Chairman.

Mr. Chairman, this amendment is the hog-heaven amendment that I discussed earlier. We have a group of projects that have been put into this bill that are both unauthorized through the Committee on Science and Technology and also have never been submitted for peer review by the appropriate academic officials who would typically look at this kind of project.

That kind of process has been labeled by Common Cause as hog heaven. They point out how universities have begun to use public relations firms and political clout in order to set aside money that comes out of the hide, then, of other research projects across the country. That is the disturbing trend here we are talking about. These are not only projects that have been set aside in a political kind of way; they come out of the hide of other deserving projects all across this country. Political determinations are made about science rather than good academic scientific decisions.

I submit that there have been problems with the peer review process, but they are not nearly as serious as the process that begins to have our science decided by politicians rather than by people who know something about the projects that are being brought before them seeking money.

The Committee on Appropriations has earmarked $69.7 million of Department of Energy basic research funds for construction projects at eight institutions, none of which has been authorized or subjected to the peer review process. This amendment would prevent the Department of Energy from using any funds appropriated for these or any other such projects until they have been authorized.

The amendment that I am offering then would make certain that we go through an authorization procedure which then also ensures that we have a peer review procedure.

We have had a disturbing trend with this kind of project since 1984.

In 1984, if you take a look at the Committee on Appropriations action, you will find that this kind of pork-barrel science began at a $10 million level. In 1985 it moved to a $30 million level; in 1986 pork-barrel science moved up to a $48 million level, and by 1987 in this bill we are at a $69, almost $70 million level of pork-barrel projects in the scientific realm.

The issue is whether energy research money should be earmarked by the Committee on Appropriations for university construction projects or whether that money should be spent according to a competitive process whereby scientists on a review committee make that decision on the basis of merit—on the basis of merit.

We ought not have political logrolling. The expenditure of research dollars should be based on merit, not on political logrolling.

These projects were never submitted, the projects that are in this bill and also covered in the committee report were never submitted to the

Department of Energy for any type of peer review or evaluation.

They were never authorized by the Committee on Science and Technology. In fact, last week, the Committee on Science and Technology, the authorization committee responsible for these projects, the Committee on Science and Technology voted to defund all eight projects.

There was a specific vote in the Committee on Science and Technology as to whether or not these eight projects should be allowed to go forward in this authorization bill, and the committee voted, full committee vote, to defund all eight projects.

So, then, in fact, the bill being brought to you today by the Committee on Appropriations is being brought in violation of what the committee on authorization has said it wants done.

So that you have here a determination by the Committee on Appropriations to go forward with something that the authorization committee is specifically on record as voting against.

The process of earmarking research money in an appropriations bill is strongly opposed by the academic and scientific communities. In fact, if you look at the language from Dr. Johnson, the acting science adviser to the President, he recently wrote one of our colleagues and said, "I urge you and all of your fellow-Congressmen to support our system of expert review by eliminating all congressional set-asides for specific research conduct and facilities from the budgets of Department of Defense, Department of Energy, and other agencies."

In addition to the White House, the earmarking of research funds is opposed by the Association of American Universities and the National Association of State Universities and Land Grant Colleges. A joint statement by Dr. Robert Rosenweig, president of AAU, and Dr. Robert Clodius, president of the National Association of State Universities and Land Grant Colleges, submitted to the gentleman from Florida [Mr. FUQUA], the chairman of the Committee on Science and Technology, noted that their organizations, which include over 150 public and private universities, "stand firmly behind both the principle and the practice of competitive merit-based scientific review in the allocation of Federal funds for research and research facilities."

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. WALKER. The academic and scientific communities are fully in back of this kind of amendment, which seeks to cut out hog-heaven, pork-barrel science. These projects that we are talking about here may very well have a great deal of merit, but we have not been given any opportunity to determine that. The academic community has not been given any opportunity to determine it, neither has the Committee on Science and Technology. When research money is designated on the basis of political influence instead of competition, it is wasteful spending of limited resources.

Basic energy research and development has been growing rapidly, and many universities and scientists have turned their attention to the Department of Energy as a source of vitally needed funds. Unfortunately, some institutions have been bypassed, and others have bypassed the normal process of competition and peer review. Increasingly, the pork barrel for science has become larger and larger. When Common Cause wrote this article on hog heaven, they posed these questions. They said, "The money may or may not be wisely spent; there is really no way of knowing. But why should the test of merit be the strength of a State's political delegation or a university's ability to hire well-paid lobbyists? Is this really a fair way to give away Government money?"

I submit that the answer to that question is no, it is not fair. It is not a proper way to proceed.

The question that this amendment addresses is, do we want good science or do we want pork-barrel science? I would ask my colleagues to support this amendment and take hog heaven out of this appropriations bill.

AMENDMENT OFFERED BY MR. FUQUA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. WALKER

Mr. FUQUA. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. FUQUA as a substitute for the amendment offered by Mr. WALKER: On page 20, line 18, after the word "Project", insert: ", but prior to the obligation of funds provided for the above mentioned projects the Department of Energy shall require a detailed project plan and conduct a project validation review".

Mr. WALKER. Mr. Chairman, I reserve a point of order against the substitute amendment.

Mr. FUQUA. Mr. Chairman, we are faced with a very serious dilemma of projects that originate in congressional procedures and those that come through the scientific review process of those agencies which have those. It might be helpful if we review the procedure that projects go through.

There are several agencies such as the National Science Foundation, National Institutes of Health, which have a peer review process where projects are submitted, members with expertise in those fields, from other parts which have no interest, are empanelled and review those projects on a very careful basis, make their recommendations to the various agency heads, those which they feel have merit.

□ 1325

There are other agencies, such as the Department of Defense, Department of Energy, NASA, and some others, that do not have what we generally know as a peer review process. They have an in-house scientific review.

I might add that generally they do a very good job, and they attempt to be objective in the projects that are submitted to them. But also, because of the fact that they are within the department, it is not necessarily an arm's-length review of the various projects.

Here we are presented with a dilemma that has gone on for some time. Our Committee on Science and Technology has a task force that, for 2 years, we have been looking at science policy in the United States, and we hope to have our report ready sometime later this year. One of the things that has come before us repeatedly has been the process of peer review and how do we have some type of scientific review made for projects prior to their approval.

We have limited resources. In recent years, the Federal Government has not had any funds available for any types of facility construction at colleges and universities. We had a program of that type, and that expired in the early sixties. Many of the facilities at colleges and universities are now beginning to get 30, 40, and 50 years old, and some older than that. They need replacing and modernizing so that students graduating from those institutions have the opportunity of having a quality education offered to them. We must address that issue, and so far it has not been addressed, of trying to correct facilities and instrumentation at colleges and universities. There have been several pieces of legislation, some introduced by myself, to address that issue. But, thus far, we have not been able to move that because a concensus has not been developed.

It then puts pressure on the congressional system as the only other system to do that. While there is debate, and it can be legitimate criticism of this approach, it is somewhat like the seniority system that we have in Congress. It is not perfect, but I do not know what you would replace it with. The peer review system is not perfect. Neither is the congressional appropriation process or congressional specific authorization process.

How then, like the seniority system, do we try to make that a better system? We have tried to improve the seniority system in Congress. We have not abandoned it, but we have tried to

improve on it and make it more responsible, make it more reflective of the needs of the country. I think that in our peer review and the other processes of approving scientific projects that we then have to resort to then how can we improve on what we have before us.

What the gentleman from Pennsylvania has is an amendment that strikes some projects that are already in existence, and some that are awaiting approval.

The substitute that I offer tries to address both of those issues. We try to say that before these projects are approved, they must have a detailed project plan, we must understand what the project is about, the detailed cost schedules, what scientific achievements will be rendered from those projects and a project validation review. This tries to combine two things together so that we have an in-house peer review process at those agencies.

The CHAIRMAN pro tempore (Mr. SWIFT). The time of the gentleman from Florida [Mr. FUQUA] has expired.

(By unanimous consent, Mr. FUQUA was allowed to proceed for 3 additional minutes.)

Mr. FUQUA. Mr. Chairman, what we are attempting to do is a marriage between these two, trying to recognize the pressures because we do not have adequate facilities and instrumentation mechanisms in the country, and the crying need in American education, particularly higher education, that many of these facilities and projects demand some sort of relief.

I would hope that we have a chance to do this so that we would require scientific review and project validation, and make sure that we are getting the best science that we possibly can out of these proposals that will be before the Department of Energy.

It is a very serious situation. I wish that we had a simple answer. I know there are many things that could improve it. Unfortunately, under the circumstances that exist today, we do not have that. We are trying to find out an updated scope and cost and schedule, the adequacy of planning, including the site and manpower requirements, and also the labor contract reviews that are all part of this process that the substitute amendment that I am offering would mandate by these institutions prior to approval by the Department of Energy.

Mr. Chairman, I think it is worthy, in lieu of the very difficult situation that we find ourselves in in the environment of today, and it tries to address both sides of the issue.

Mrs. SCHNEIDER. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I yield to the gentlewoman from Rhode Island, who is a member of our committee.

Mrs. SCHNEIDER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise in strong support of the substitute of the chairman, because I find that it addresses a very unique problem that the Fortune 500 companies across the United States, small businesses and also major universities throughout the United States are constantly pressuring Congress to take action on.

There is no question that our international competitiveness is dependent upon a sincere and cost-competitive investment in our facilities instrumentation and in college science and technology research.

Mr. Chairman, I commend the gentleman for his substitute. I rise in strong support of it, and I urge my colleagues to recognize that we cannot afford crises management when it comes to research and technology. The time is not for such an investment, and to make sure that we choose the best science that is available to keep America in the forefront.

Mr. FUQUA. Mr. Chairman, I appreciate the comments of the gentlewoman from Rhode Island.

I might point out that we do have many of these projects where university commitments have been made, where industrial commitments have been made, and this is a form of matching funds. This is only one-fourth of the total funds involved, so it is not the Federal Government just supporting the entire project. There is a lot of other non-Federal support supporting these.

The CHAIRMAN pro tempore. The time of the gentleman from Florida [Mr. FUQUA] has again expired.

(On request of Mr. DERRICK, and by unanimous consent, Mr. FUQUA was allowed to proceed for 2 additional minutes.)

Mr. DERRICK. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from South Carolina.

Mr. DERRICK. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise in strong support of the gentleman's substitute.

The way to look at a problem like this is not to do away with the golden egg, it is to invest further in the future of this country. There is an item in this bill that is in South Carolina and I can speak for that item. There have been years that have gone into the planning of it. It includes Federal money, hopefully. It includes State money and it includes private funds from various sources.

These are some of the things that have made our country great, that we are willing to invest in the future of our young people and the future of our scientific research and our technical research.

I certainly welcome the gentleman's substitute that would give further review to these projects. I ask my colleagues as well to support it.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I insist on my point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. WALKER. Mr. Chairman, I think the amendment of the gentleman from Florida is out of order. It is a violation of rule XXI of the House rules. It consists of legislation on an appropriation bill in that it is designating duties for the Department of Energy which, in fact, would be new duties and, therefore, would constitute legislating in an appropriation bill. Therefore, it is out of order.

The CHAIRMAN pro tempore. Does the gentleman from Florida [Mr. FUQUA] wish to be heard on the point of order?

Mr. FUQUA. Mr. Chairman, I would like to say that what we are trying to do I do not take as legislation on an appropriation bill. We are trying to say that prior to the obligation of funds, the Department goes through certain procedures. These are procedures that normally they go through already. We are not having them set up a new department, hire new people, or do anything that they should not be doing now. We are just saying in the legislation that the Congress feels it is important that they provide these functions prior to approval. It should be done anyhow, and I do not see that it is adding any further duties to the Department.

□ 1335

Mr. WALKER. Mr. Chairman, there is no doubt from the amendment that it requires a detailed project plan and conducts the project validation review. Those are not now a matter of current law. Under section 2(c) of rule XXI, such an amendment would not be in order.

The CHAIRMAN pro tempore (Mr. SWIFT). Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

Notwithstanding the fact that the House adopted a Rules Committee waiver for these particular projects as unauthorized in an appropriation bill, the substitute offered by the gentleman from Florida [Mr. FUQUA] does require a detailed project plan and the conducting of a project validation review which are additional responsibilities and is therefore additional legislation on an appropriation bill.

The point of order is sustained.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with regard to this business of peer review that we hear about, nobody ever knows where the

peers come from. We are being asked for Congress to delegate its responsibility to these peers to handle most of the research money in this country. Out of 1,000 colleges in this country, only 20 are selected to be qualified because that is the decision of these peers.

I think it is ridiculous for us to sit up here and let the administration tell the Congress where the money has to go and how it has to be spent. This subcommittee spent 3 months in hearings; we have heard from experts from all over the country that know anything about these subjects. We have listened to them. We have heard from over 200 Members of Congress. We have heard from many Governors. We have heard from many of the Senators and the man on the street has also testified.

I think we are capable of deciding what money should be placed in these various universities that are specialized and have outstanding records and have a tremendous record on research. Actually, the work of these universities could save billions of dollars when it is actually applied throughout the Nation.

The peers are handling most of the money. Let us let the Congress handle a little of the money and make this decision.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Florida.

Mr. FUQUA. I thank the gentleman for yielding to me.

Mr. Chairman, I would like to ask the gentleman in lieu of the fact of a technicality that the amendment was knocked out, that would it be the intent of the gentleman and the subcommittee that those projects be subjected to validation reviews and ensure that the project maximizes the benefit to the Department and that they go through some type of review prior to their approval?

Mr. BEVILL. Certainly. I agree with the gentleman completely. This would be the logical procedure. This is what we intend. We want these projects checked, and I support the gentleman's amendment. I am sorry it was knocked out on a technical point.

Mr. FUQUA. If the gentleman will yield further, in that regard then the amendment is not necessary now with the gentleman's assurance.

Mr. BEVILL. It is not necessary but I think it would have made it clear to the gentleman from Pennsylvania that this is the committee's intent. This will be accomplished in this bill.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I do not quite understand, I guess, as a member of the Science and Technology Committee, why we should be spending all of our time then holding hearings about energy projects and trying to give our best judgment if, in fact, the Energy Subcommittee of the Appropirations Committee does all of this work for us.

It seems to me that we, in fact, have some responsibility in this whole thing, and you are bringing here eight unauthorized projects. Why should we not, as a Science and Technology Committee, also have some right to make judgments of our own? The Science and Technology Committee, I would tell the distinguished subcommittee chairman, voted the other day overwhelmingly to reject and defund these projects because we did not have any say in the process.

I think that this is a major end run around the authorizing committees, and I question how much longer we ought to allow that process to go forward.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman.

Mr. MYERS of Indiana. The entire title, title III, had to be waived under the rule because none of it is authorized. Not because the Appropriations Committee wished to do this but because, if we are to bring the bills to the floor, we had to do this, but we held those new starts, if we call them that, to a very minimum.

We were very careful. We worked very closely with the chairman and ranking member on this committee. I think everyone understood what we had to do. It was not something the Appropriations Committee likes to do but this is not a new experience. The whole title is not today authorized yet by law.

Mr. BEVILL. The gentleman is correct. We have always worked very close with Chairman FUQUA and the committee. The committee, I am sure, is working out an authorization bill on this. I know the chairman would like your active support on it. The committee has had to get a waiver each year on the Department of Energy's projects. I am sure the gentleman from Pennsylvania knows that Chairman FUQUA and all of us have worked very close together and we will continue to work together, and I support his position.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, the reason why we never get appropriations bills passed is because the Appropriations Committee takes on and does the work. The fact is that everybody knows that if you are in a favored position around here, the fact is that you can get your bill put into an appropriations bill and you do not have to bother with the authorization process. That is part of the problem.

Mr. BEVILL. I would say to the gentleman that we have been waiting 8 years.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and I want to reemphasize something the gentleman from Florida said but in a little different way.

These research awards are not just freebees; it is not just a grant. In the case of the one that I know something about, the grantee has a big investment. They have acquired some of the experts of the country who have been working on this research for years. It is a cooperative project.

As a matter of fact, the non-Federal money may be more than the Federal money involved by the time it is over. I am talking about the research for new materials. Right now, we are dependent—and the administration brought this out a week ago—we are dependent on South Africa and on the Soviet Union for four very critical materials in this country. A lot of our factories could not operate without those materials. It happens those two countries do not get along, but if either one of them were to shut off their exports to the United States, the other one would have a monopoly. We should do something about finding new materials to take the place of those that are so critical and scarce in this country. That is what some of this research is.

It is not the fault of the House Science and Technology Committee, because they have passed authorization bills, but they go to the Senate, and they do not come back. If they do not come back, it is up to the Appropriations Committee to do something about it.

So the Appropriations Committee includes the money for some of these most critical projects. This is the only way we can go ahead. Otherwise, we would give the Senate a veto over all of these research projects. Peer review or nonpeer review. Even if we appropriated money, they could not have peer review if there is no authorization unless it is done in this bill.

So it is very critical that we go ahead at this time with these projects. I urge a vote against the amendment.

Mrs. SCHNEIDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am convinced that the actions that the chairman of the Appropriations Committee has taken and the ranking member of the Appropriations Committee have determined in advance through a variety of different hearings and through great investments of time and energy into the

value of those very few projects that have been delineated for appropriations.

It seems to me that this is definitely the direction in which we ought to be moving based on the discussion that has already gone on during this debate. I rise in strong support of the committee position.

Mr. FOGLIETTA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

If the House approves this amendment, it will be telling the universities and hospitals of this country that it does not want to hear about their needs, that it is not interested in the merits of any projects they might propose to Congress. Now, I ask: Is that the message we want to send? I for one don't think so.

Among the worthwhile projects being attacked by this amendment is a hospital for children in the Pennsylvania, New Jersey, and Delaware tristate region. St. Christopher's Hospital for Children has a long history of providing quality health care for low-income children. However, deteriorating and aging facilities have severely hampered the hospital's ability to meet the increasing medical needs of the children in this region. Through the use of innovative energy technologies, St. Christopher's will construct a low-cost medical facility to provide optimum medical treatment to its patients. At the same time, it will offer its patients reduced hospital bills because the innovative energy technologies provided for in this bill will allow St. Christopher's to keep its operating budget low. The successes of the energy conservation technologies utilized in its construction design, as well as those used to maximize the hospital's energy efficiency in its day-to-day operations, will be shared with other institutions across the country. At the same time, our participation with St. Christopher's Hospital for Children will give to the tristate region a provider of health care, a mainstay of economic development, and a model facility for new and emerging energy utility designs. It has already received generous support from the local business and corporate community, as well as the Pennsylvania State Legislature.

Are we willing to say that the indigent children of the tristate region do not deserve a hospital, do not deserve quality health care, do not deserve an opportunity to receive low-cost medical treatment? That is what we will be saying if this amendment is adopted.

I urge my colleagues to defeat this amendment and endorse the university research and hospital facilities projects contained in this bill.

□ 1368

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. FOGLIETTA. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I think the gentleman's argument is very interesting. There is nothing in this amendment that would do any damage at all to the provision of health care for the children at that hospital. I am a little confused. We are talking about an energy demonstration project here, and the question of this gentleman only is whether or not it is totally innovative and whether or not, if it is truly of a character that it is the most important project in the country, it should not be so judged by the scientific community that can make those judgments, or whether or not, because of political muscle in the House of Representatives, we are going to designate certain projects based upon arguments of the kind the gentleman just gave.

The gentleman's argument is a very emotional argument dealing with the health care of children. That would make a very good point if we were dealing with the medical care of the children. What we are dealing with here is energy research, and I would say to the gentleman that it seems to me that if the project is as worthy as the gentleman says it is, it would have no trouble in peer review. So why do they not go to peer review? Why use political muscle? Why use lobbyists?

Mr. FOGLIETTA. Because, I am saying to the gentleman from Pennsylvania, No. 1, this energy-producing facility will eventually produce lower cost medical services. Those lower cost medical services are provided for indigent children, low-income children, throughout this entire region. That is in my district, and I am fully aware of what is happening there.

I appreciate the gentleman's agreeing that this is an emotional request on behalf of those children. There is no question about that. When you are asking for medical care for children, it is emotional. If we are going to reach the Members in this Congress, we have to be emotional when we are concerned about providing medical care for poor children. And let me just say that I do not believe those children should be allowed to suffer waiting for low-cost medical care while this Congress argues about technicalities as to the whys or wherefores of the procedures involved in providing that low cost hospital care.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. FOGLIETTA. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, the gentleman is serving the children of his area. But what about the children in New York or the children in Lancaster, PA, rather than Philadelphia, PA? And what about the children in Maryland or the children in Florida, and so on? The gentleman is saying that the children in his area are more important than those children because he is taking the money for use in this one particular project.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. FOGLIETTA] has expired.

(By unanimous consent, Mr. FOGLIETTA was allowed to proceed for 1 additional minute.)

Mr. FOGLIETTA. Mr. Chairman, I would like the gentleman from Pennsylvania to know that I am concerned about health care for children throughout the Nation. I am concerned about poor children especially in Lancaster and New York and every other city and State in the United States of America. Right now we are concerned——

Mr. WALKER. If the gentleman will yield, right now he only covers one group of children in this bill.

Mr. FOGLIETTA. Mr. Chairman, the gentleman interrupted me. Let me continue.

Right now we are concerned with this particular amendment which will block these projects, one of which is the St. Christopher's Hospital in Philadelphia, which we are in dire need of for the poor people of that city.

Mr. WALKER. Mr. Chairman, if the gentleman will yield, the problem, however, is that by designating those eight particular projects he is freezing out other projects that may be just as deserving. We are making a political determination that some are more equal than others. The gentleman is contributing to that process, saying that political clout and lobbyists ought to be the determining factor on good science, and I am saying to the gentleman that no one in the academic or scientific community agrees with him.

Mr. FOGLIETTA. Mr. Chairman, may I just answer that by saying that the gentleman saw me running into this room quite out of breath. I just came back from a hearing before the Committee on Armed Services of this body, and I can assure the gentleman that there are sufficient funds in this Nation to provide good health care for all the children in this Nation, especially the poor children of this Nation.

Mr. LUJAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, during the past two decades, national investment in research facilities has declined drastically. As a consequence, academic research facilities have reached a state of obsolescence and deterioration that threatens the quality, and the international standing, of American science

and engineering. The Appropriations Committee is to be congratulated for recognizing this national problem, and providing some of these sorely needed moneys in this bill.

While I support, in principle, what the gentleman from Pennsylvania is trying to accomplish with his amendment, I cannot agree that only scientific merit review of facilities proposals is the total answer. To a large extent, we have been operating on such a system since the end of World War II, and we have seen more and more of the Federal research dollars go to fewer and fewer universities. Data compiled by the National Science Foundation in January of this year shows that in fiscal year 1984, the last full year of available data, over 26 percent of all Federal obligations for R&D went to only 10 universities, 41 percent went to only 20 universities, and 51 percent went to only 30 universities.

The geographical distribution of Federal R&D moneys is even more askew. Three of the top 10 funded universities, and 6 of the top 20 funded universities are located in California; 5 of the top 10 funded universities are located in just 2 States, California and Massachusetts; and 10 of the top 20 funded universities are located in just 3 States, California, Massachusetts, and Illinois. None of the top 20 funded universities are located in the Southeast and the Southwest regions of the Nation—the regions which are growing the fastest.

Clearly, Congress has a role to play in redressing this imbalance. Modernization of national research facilities requires taking factors other than scientific merit into account—including broadening the base of research institutions, developing research potential throughout the Nation, contributions to local and regional economic development, and the willingness of the institution, the State, or the region to share costs. Congress is the unique institution which can consider these additional factors.

Congress also has the responsibility to see that the taxpayers' hard-earned dollars are spent in the wisest and most efficient manner. It is for this reason that I oppose this amendment.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr Chairman, I would like to focus attention on this issue again. We have to understand that a few short months ago, 7 months ago, this body voted a pledge to the American people to reduce the deficit. I think it must be understood by this body and no doubt it is understood in the country at large by our citizen constituents that the most insidious influence over the economic life of Americans today, whether we are talking of trade or domestic economics, is these persistent deficits.

The people have insisted that we resolve these deficits without increasing taxes, and they are demanding spending cuts. I have said before, and I will say again, that I respect and admire the work of the members of the Appropriations Committee. I know it is a fearful task, and I know they have worked hard.

□ 1355

But, before, we have managed to bring appropriations bills under the budget and have seen the deficit grow right before our eyes. By September 1, we must have the deficit down to a $154 billion limit. If we do not, if we have not achieved that, we will suffer an $11 billion surcharge. That means at that time we are going to have to face a terrible constraint in the form of across-the-board, nondiscriminating cuts, of an enormous magnitude that affects all progams of Government spending uniformally.

How can we then at that time say that we were not able to take line item cut recommendations brought to this floor by way of amendments, in this case $69,700,000 of Federal funds in deficit, to build capital resources for State and private institutions? We are really going to have to deal with this problem.

I am not going to get into the merits of the research. I am not going to say it is good research or bad research. I am not going to argue that it is pork-barrel politics, but I can tell you that those arguments will be made.

We have a Member from the other body who has become quite famous for his special awards for foolish Government spending. Can you imagine this gentleman saying that the House appropriated $16,000 to prove that children have energy? I do not know what the research is.

Can you imagine the difficulty, we have an energy crisis in America, yes. Our primary source of energy, petroleum, is in a state of declining price to the point that we are taking wells out of production. How are we to justify in the face of these deficits favored treatment for energy research, when we are not using the energy reserves we have?

We must face this test today and take our little lumps today and along the line parcel these spending cuts out fairly and equitably, focusing attention on spending that is not necessary, that is not needed, that may be counterproductive, or we are going to face a stiffer requirement of larger cuts placed across the board on all program spending, whether it is good or bad, productive or counterproductive to the American people.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I am happy to yield to the gentleman from Pennsylvania, and then I will yield to the gentleman from Oregon.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

I just wanted to emphasize the gentleman's point. He has articulated on a number of occasions the need to do something about the deficits, and I appreciate his rising on my amendment to do the same.

I think it is important to point out that every time we have done this, we have had people come to the floor suggesting, well, the real need is for Congress to set priorities. What we need to do is to take out the wasteful spending and keep the good spending.

Well, again I tell my colleagues, this is the part of this budget that has been labeled by at least one major national organization, Common Cause, as the hog heaven projects. If you are ever going to do something to begin to reduce lower priority spending, we ought to at least start in hog heaven. We ought to at least start in the kind of pork-barrel areas that have been identified across this Nation as being hog heaven. That is what this amendment does.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. ARMEY was allowed to proceed for 1 additional minute.)

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Oregon.

Mr. AUCOIN. Mr. Chairman, I appreciate the gentleman yielding.

The gentleman has stated that because of the magnitude of these deficits and the poisonous effect that they have on the economy, and that is a conclusion that I certainly cannot dispute, I agree with the gentleman, they do have a poisonous effect on the economy, but that this body has to look at all spending requests, including research requests with a very sharp eye and is going to have to start saying no to certain kinds of research.

My question to the gentleman would be, is the gentleman willing to bring that same zeal to the SDI Research Program when it comes before the floor and support some of us who want to freeze that particular pork-barrel research project.

Will the gentleman join me in that?

Mr. ARMEY. Well, if the gentleman will allow me to reclaim my time, I would consider the SDI to be an imperative investment in the security of this Nation.

Mr. AUCOIN. Oh, I see. Well, I thank the gentleman for his explanation.

Mr. ARMEY. I appreciate the gentleman's point. I thought it was very well put, but I would not isolate that research for spending cuts.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

(By unanimous consent, Mr. ARMEY was allowed to proceed for 30 additional seconds.)

Mr. ARMEY. If we fail to make the line-item cuts selective and discriminating and then must resort to an across-the-board cut, I will not vote against the across-the-board cut because SDI is in there. It would be unfortunate, but I would do it because we did vote our pledge to the American people that we would deal with the deficits. I am saying that we will meet that pledge either today or later.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

(At the request of Mr. WALKER, and by unanimous consent, Mr. ARMEY was allowed to proceed for 1 additional minute.)

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

I think it needs to be made as a point that it is always amazing to me that we get the left out here on the floor defending hog-heaven projects, but then they always suggest that the place they want to take it out of the hide is national security. That is a question that some of us really have a concern about, the future long-term prospects for defending this country.

I thank the gentleman.

Mr. ARMEY. Mr. Chairman, I thank the gentleman.

I think it is fair to point out that there is a large contingency of Americans who believe, No. 1, the requisite function of a government is to provide for the common defense and to promote the general welfare.

Mr. SLAUGHTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of the gentleman from Pennsylvania.

In the first place, as has been extensively discussed, the authorizing committee, the Science and Technology Committee, has not authorized these projects. It certainly has not been reluctant to authorize research in the energy field in past years and this year, too, as a matter of fact; but one thing we should consider is what we are going to get for the money. If we are going to change the system of allocating Federal grants for scientific research, it needs more thought than is being given to it here, coming up and sticking in several projects in the appropriation bill, without going through the authorization committee, without the benefit of a study of what is likely to be the impact of this kind of change in allocating scientific research grants.

Now, if we are going to make the changes, there is a study already underway, as the gentleman from Florida [Mr. FUQUA] has referred to, the Science Policy Task Force of the Science and Technology Committee, that will be making a report on this subject in a very few months.

Many arguments can be made for the changes that ought to be made for the results that we ought to get, but we should consider that before junking the present system just by sticking in projects that the members of the Appropriations Committee decide are the best, that the kind of review and scrutiny for the validity of the research to be undertaken should be emphasized, and in the present system it is emphasized by the peer review system. Maybe that system is wrong and maybe it should be changed. Certainly there are changes that I know that I would support; but for the past 40 years this country has been far ahead of any other country in the world in scientific research and development, which means so much to our society, to our economic progress, and to our national security.

So without that kind of review and that kind of consideration, I would say that the spending that this amendment would delete is very much in order. If we let the provision stand and defeat the amendment, spending on these items would indeed have been irresponsible.

I trust my colleagues will support the amendment of the gentleman from Pennsylvania.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Today your Committee on Appropriations has included a few items here in this appropriation bill that were requested, a few of the many that were requested. It was not the intent of our Appropriations Committee to usurp the responsibility of the authorizing committee, not for a moment. We worked very closely with the members of the authorizing committee and only included those which we felt were absolutely essential and could not wait another year.

Now, to the gentleman from Pennsylvania, for whom I have a high regard, we disagree quite often, but usually procedurally and this is one of the procedures where we do disagree. It is not the intent of the Appropriations Committee to include items so that we will never get an authorization committee bill passed. Quite to the contrary, if we included every item, even in this area that was requested, we would have a larger amount of money than this. We would have a great many. We only included those we felt were absolutely essential.

It does interest me when I look at the list that was included here, that Florida State was left out of the amendment of the gentleman from Pennsylvania. The University of California, Princeton, Kansas State University, there were a number of universities that were left out, left out entirely.

It is not the intent of the Appropriations Committee to change the peer process, whatever it is. We are studying that and that is the rightful place in the authorizing committee to make that decision as to what the peer process should be.

I must honestly say, and I think the chairman certainly agrees, I have questioned the peer process when just a handful of universities in our country have qualified in recent years for the eligibility requirements to receive grants for research.

Are we to assume that these great smaller universities because they do not have an input into the so-called peer process cannot contribute and make the fine significant contributions?

It certainly was not the intent of the Appropriations Committee to balance it, to make sure that just the smaller universities were in it. Our only wish was to see that the universities get these projects that were absolutely necessary this year that have not yet been authorized.

But I do note again that a number of projects were left out by the gentleman, that also were not authorized, but we funded them and they will continue to be funded.

So I wonder what process was used here.

My last remark is on the peer process. Accept it or not accept it, but today there is no peer process to decide on Federal facilities, none in existence today. This is what this money is for, for Federal facilities.

So I ask you to vote "no" on the amendment.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for pointing out to this gentleman, I just learned that they buried a number of other projects down here that this gentleman was not aware of.

I had struck out the items that the gentleman named in his bill, and he also names them in the committee report, so I took the money for those things that the gentleman named.

I am fascinated to learn now that they buried a few more down here.

I would like to have it specified to me just exactly where some of those are, because it sounds to me as though the problem is more far-reaching than even this gentleman imagined.

Mr. MYERS of Indiana. Well, the gentleman is usually very good at finding things and reading the committee reports. I pressume the gentleman read pages 91 and 92 supporting research and technical analysis.

Mr. WALKER. That is precisely what this gentleman read.

Mr. MYERS of Indiana. The next to the last item was applied mathematical science, and $11,400,000 for Florida State. Why did the gentleman miss that?

Mr. WALKER. I did not miss those that are included there. I have $69.7 in my amendment. That includes all of the items that are in the committee report that were on pages 91 and 92.

I would hope that we have covered all of those. That was the intent of the amendment, and if there are some more buried down in the bill, gee, I would sure like to know those, because maybe what we need is a committee out here.

Mr. MYERS of Indiana. Well, reclaiming my time, the committee is not burying anything, or I would not be here on the floor right now telling you where they are. Page 92, the gentleman missed one, right there in the pages the gentleman just identified. Why were they left out?

Mr. WALKER. Mr. Chairman, if the gentleman will yield, the only thing that is covered in my amendment is that the amendment cuts $69.7 million and then cuts the things that are named in the gentleman's bill.

It is my understanding that the $69.7 million includes all of the items that were specified in the committee report and in the language of the committee bill. That is the intent of the amendment and is certainly what this gentleman was attempting to do.

Mr. MYERS of Indiana. I have a two-page printout here, "House Appropriation's Committees, Department of Energy Pork Barrel Projects." Is this the gentleman's work or someone else's?

Mr. WALKER. This was work that was done at the Science and Technology Committee.

Mr. MYERS of Indiana. And those items I have identified are not on this list which the gentleman has identified as $69,700,000.

□ 1410

Mr. GREEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should just like to reinforce what the distinguished ranking minority member of the subcommittee has said. This amendment really is quite discriminatory: It picks out some projects in some Members' districts and ignores other very similar projects in other Members' districts. These projects that we funded are not all buried. Instead, they are very clearly identified in the report of the Committee on Appropriations.

There does not seem to be any rhyme or reason to the amendment. There is one hospital project included in the midst of university projects.

I gather that the reason for this amendment is that there is an argument that somehow these projects bypassed a peer review process. It should be willing to agree with the gentleman from Pennsylvania [Mr. WALKER] that we ought to have some sort of peer review process set up and institutionalized for dealing with these construction grants to universities by the Energy Department. But the fact of the matter is that nothing is has been bypassed, because no such process exists for the facilities that are involved here.

Unless we are to bring this effort to a dead halt in the absence of such a process, it is necessary that we proceed as the bill provides. That fact of the matter is that existing law authorizes the appropriation of Department of Energy funds to this kind of institution for the goals that these particular projects are designed to meet. Further, I am told that at least three of the projects were authorizee by name by the Committee on Science and Technology in its consideration of Department of Energy authorization bills, but unfortunately they have not yet made their way into law. I do not think that the gentleman would want these useful facilities, which his committee itself approved, stopped in their tracks because of the fact that the other body has proved an obstacle in this case.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I just heard from the committee why it is that some of the projects were not included in my amendment. Those are in fact the projects that were authorized by the Committee on Science and Technology. The ones that were authorized are the ones that were left out of my amendment where the committee has specifically taken action in order to try to authorize the projects. It is only unauthorized projects that were included in my amendment where the Committee on Science and Technology had taken no action.

Mr. GREEN. Mr. Chairman, if I may reclaim my time, I must respectfully disagree with the gentleman, in the sense that every bit of this is authorized under existing law, which authorizes appropriations of DOE funds for such institutions for such purposes. It is also my understanding that some of the projects that the gentleman has picked out were specifically authorized in a House-passed bill, although they have not passed the Senate.

Mr. WALKER. Mr. Chairman, will the gentleman yield further?

Mr. GREEN. I am happy to yield to the gentleman.

Mr. WALKER. Mr. Chairman, what I am doing is, all of the projects that are included in my amendment are projects that were not ever authorized by the Committee on Science and Technology. The ones that were left out are the ones where the Committee on Science and Technology acted to authorize.

Mr. GREEN. Well, I can only say, if I may reclaim my time, that at least one of the projects that the gentleman attaches here in his amendment, the Columbia University project, was authorized by the House. We had a vote here on the floor on that particular issue a couple of years ago.

Mr. WALKER. If the gentleman will yield further, yes, that is exactly the kind of thing that happens. That project was totally unauthorized by the Committee on Science and Technology, and was put on out here on the floor.

Mr. GREEN. If I may reclaim my time, I think that if the gentleman is saying that when this House has decided something, and the Energy and Water Subcommittee then follows the vote of the House, the Energy and Water Subcommittee is doing something wrong, that rather shocks me. That is something that the House approved. We had a vote on it. We debated the issue. The project was authorized, and the Energy and Water Subcommittee followed the authorization. Is the gentleman now saying to the House, because the House disagreed with the Science and Technology Committee, that the House must stand back and cannot appropriate funds for a project it authorized? I have never heard of anything like that.

Mr. WALKER. If the gentleman will yield further, what this gentleman is arguing is that virtually every academic and scientific community in this country took a look at what we did on the Columbia vote that day and said that it was a horrendous piece of action, that it helped destroy scientific peer review in this country. So if the gentleman is proud of the House's action in that regard, then I would say to the gentleman that he does not have much of an argument with the academic and scientific community. They do not have much pride in what we did.

Mr. GREEN. If I may reclaim my time, again I think that the Members should understand very clearly that that project is a House-authorized project. We debated the issue of that project on the floor of the House. We had a vote, and the House approved that project. I think that it is rather shocking for a Member now to come

here and criticize the Energy and Water Subcommittee and the Committee on Appropriations for including in its appropriations bill money for a project that this House authorized, and that is what we are talking about here.

Mr. DELLUMS. Mr. Chairman, I rise in opposition to the Walker amendment to the energy and water appropriations bill. I believe that this amendment is misguided and ignores the scientific research merits of many of the projects that it targets for extinction.

I am particularly familiar with one of these projects and the merits that justify its inclusion in the bill. The Center for Nuclear Imaging Research, to be located at the University of Alabama at Birmingham, is a fine example of a cooperative program involving Federal, State, and local support.

UAB is nationally known as an outstanding medical research university, and this new center will be dedicated to the advancement of nuclear magnetic resonance and positron emission tomography, two very important technologies for medical research and patient care.

This one-time commitment of Federal funds for construction and equipment will allow this exciting research program to move forward by utilizing existing capabilities and working closely with other university and Federal laboratories with expertise in NMR and PET.

One of these existing centers of expertise is the Lawrence Berkeley Laboratory in Berkeley, CA. A multiprogram Department of Energy national laboratory [LBL] has been in the forefront of technological advances in both NMR and PET development.

Working with universities and corporations, LBL has been responsible for advances that allow more precise imaging of structures in the brain and other vital organs than ever before. The facility proposed for the University of Alabama at Birmingham presents the opportunity to expand further the achievements of these technologies.

I am confident that UAB, by working with organizations like LBL, will develop a highly respected and very productive center for nuclear imaging research, and for this reason I strongly urge the defeat of the Walker amendment.

Mr. GRAY of Pennsylvania. Mr. Chairman, I rise in support of the energy appropriations bill as reported by the Appropriations Committee, and in opposition to the amendment that would strip from the bill funds for certain energy research projects. I think it is a mischievous amendment, and I urge the House to reject it.

I would like to commend Chairman BEVILL and the other members of his subcommittee for the fine job they have done on this bill. I'm not surprised, of course. They do a fine job every year. They deserve the thanks of the House, and I can think of no better way for the House to show its appreciation than to soundly defeat the amendment that seeks to undo so much of the hard work that Chairman BEVILL, the other members of his subcommittee, and the subcommittee's able staff have done.

Mr. SHELBY. Mr. Chairman, I rise to oppose the Walker amendment.

First, funding for the center for Nuclear Imaging Research would enhance health care applications through technology development. The center would develop two new approaches to medical diagnosis—nuclear magnetic resonance [NMR] and positron emission tomography [PET]. NMR and PET would increase our ability to diagnose a variety of human diseases and to make accurate evaluations of the effectiveness of therapies in the treatment of such diseases. Specifically, PET would have immediate medical applications for patients suffering from stroke, Alzheimer's, Parkinson's, and Huntington's diseases. NMR would have particular value in combating cardiovascular disease.

Second, the University of Alabama at Birmingham is uniquely qualified to maximize Federal investment in this center. In its 40-year history, the UAB Medical Center has emerged as one of the Nation's leading centers for health care and biomedical research. The university has proven particularly effective in organizing major research programs which span many academic disciplines, which development of these technologies will require. The center's director, Dr. Gerald M. Pohost, is one of the leading figures worldwide in the development of NMR and its application to cardiology.

Third, the Federal appropriation is a one-time expenditure for a project which has already attracted widespread support and financial commitment. UAB has an established medical imaging research program supported by institution funds, the State of Alabama, corporate financial commitments. With this one-time Federal contribution for construction and instrumentation development, the university will carry the ball in attracting other sources of funding. Efforts are underway to attract other academic participants in the center. The Administration supports the development of this technology.

Mr. ERDREICH. Mr. Chairman, I rise in opposition to the amendment, and want to tell you about a project that would suffer if the amendment was agreed to.

In the Department of Energy budget request for fiscal year 1987, the Department stated that there was an urgent need for development of certain currently unavailable medical technologies, such as whole-body positron emission tomography and nuclear magnetic resonance. The civilian portion of this appropriations bill contains such a project, and it has enormous medical and economic potential.

This bill establishes a Center for Nuclear Imaging Research at the University of Alabama in Birmingham. The purpose of this center will be to develop and house a high-powered whole-body scanner that uses the noninvasive imaging technique of nuclear magnetic resonance. This technique can aid the diagnosis and treatment of many cardiovascular diseases, and can reveal more than is currently known about the physiology of the heart.

The CNIR is cooperating with private industries and other universities, including the prestigious University of California at Berkeley, to develop research and medical applications for these emerging medical technologies. Colleagues, there is no funding for projects like this other than the civilian nuclear program, and the tremendous potential of projects like this will be lost if the gentleman's amendment is agreed to.

The gentleman from Pennsylvania is concerned that this project was not peer reviewed. Let me emphasize that there are no Federal funds available for which the University of Alabama at Birmingham could have applied for support of the CNIR. The great majority of Federal university research support is allocated by some kind of competitive review; for many reasons, not all by any means related to objective merit, most of these funds go to a few institutions in a few States. The Congress serves legitimate national purposes when it determines that a very small portion of these funds be allocated directly to special facility projects of its choosing, such as CNIR.

Such projects broaden the base of university research in the United States; they represent a highly leveraged investment of Federal research funds; and they are usually in areas of great importance, scientifically and economically. These university projects did not come out of thin air, Mr. Chairman. Certainly the proposed Center for Nuclear Imaging Research is founded both in the Department of Energy budget request and the current need for emerging medical technology support that Congress feels is worthy. I urge my colleagues to oppose the amendment to delete these university projects.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 106, noes 315, not voting 9, as follows:

[Roll No. 239]

AYES—106

Archer	Fields	McCain
Armey	Frenzel	McCollum
Badham	Gallo	Meyers
Bartlett	Gekas	Miller (CA)
Barton	Gingrich	Miller (WA)
Bates	Goodling	Monson
Bellenson	Gradison	Montgomery
Bentley	Gregg	Moorhead
Bereuter	Hall (OH)	Olin
Bilirakis	Hansen	Oxley
Boulter	Henry	Parris
Brown (CO)	Hertel	Petri
Carper	Hopkins	Porter
Chandler	Hubbard	Rinaldo
Chappie	Hunter	Ritter
Combest	Hyde	Roth
Courter	Ireland	Rowland (CT)
Craig	Jacobs	Saxton
Crane	Kasich	Schaefer
Daniel	Kindness	Schulze
Dannemeyer	Kolbe	Seiberling
Daub	Kramer	Sensenbrenner
DeLay	LaFalce	Shumway
DeWine	Lagomarsino	Shuster
Dickinson	Latta	Sikorski
DioGuardi	Lewis (CA)	Siljander
Dorgan (ND)	Lott	Slaughter
Dornan (CA)	Lungren	Smith, Denny (OR)
Dreier	Mack	Smith, Robert (NH)
Eckert (NY)	MacKay	Solomon
Fawell	Marlenee	
Fiedler	Martin (IL)	

Staggers
Stump
Sweeney
Taylor
Vander Jagt
Vucanovich
Walker
Weaver
Weber
Whitehurst
Wolpe
Zschau

NOES—315

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Barnes
Bateman
Bedell
Bennett
Berman
Bevill
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Bosco
Boucher
Boxer
Breaux
Broomfield
Brown (CA)
Bruce
Bryant
Burton (CA)
Burton (IN)
Bustamante
Byron
Callahan
Campbell
Carney
Carr
Chapman
Chappell
Cheney
Clay
Clinger
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Franklin
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall, Ralph
Hamilton
Hammerschmidt
Hatcher
Hawkins
Hayes
Hefner
Hendon
Hiler
Hillis
Holt
Horton
Howard
Hoyer
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Kanjorski
Kaptur
Kastenmeier
Kemp
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Lowery (CA)
Lowry (WA)
Lujan
Luken
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Mica
Michel
Mikulski
Miller (OH)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens
Packard
Panetta
Pashayan
Pease
Penny
Pepper
Perkins
Pickle
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sharp
Shaw
Shelby
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert (OR)
Snowe
Snyder
Solarz
Spence
Spratt
St Germain
Stallings
Stangeland
Stark
Stenholm
Stokes
Strang
Stratton
Studds
Sundquist
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitley
Whittaker
Whitten
Williams
Wilson
Wirth
Wise
Wolf
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)

NOT VOTING—9

Borski
Brooks
Fowler
Grotberg
Hartnett
Jones (TN)
Long
Lundine
Moore

□ 1430

The Clerk announced the following pair:

On this vote:

Mr. Hartnett for, with Mr. Borski, against.

Messrs. CONTE, BURTON of Indiana, LIVINGSTON, COBEY, and SWINDALL changed their votes from "aye" to "no."

Mr. McCOLLUM and Mrs. MEYERS of Kansas changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 20, line 12, strike all after the word "; and" through line 17 and the word "Project" on line 18.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, I hope that this will not take very long. What this amendment does is essentially says that the House has just determined you do not want to cut $69.7 million. What this amendment does is say that the five new projects that are started in the bill, to the tune of $53 million of set-asides, that that set-aside by the committee should be eliminated.

Mr. BEVILL. Mr. Chairman, I would like to reserve a point of order.

The CHAIRMAN. The Chair must advise the gentleman from Alabama that the time has passed for reserving the point of order on the amendment.

Mr. BEVILL. We could not hear the gentleman.

The CHAIRMAN. The Chair had recognized the gentleman from Pennsylvania for 5 minutes.

Mr. WALKER. I assure the gentleman that there is no point of order that rests against the amendment. It is simply the second part of the original amendment that I offered.

Mr. BEVILL. Mr. Chairman, we have not seen the amendment; we do not know what the gentleman is talking about; we cannot hear the gentleman.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. WALKER. Let me say to the gentleman from Alabama [Mr. BEVILL] that the amendment at the desk is simply the second part of the amendment that was just defeated. In having the second part of the amendment, what I am attempting to do is at least stop the set-asides being done by the committee.

The committee has gone the route of determining that it is going to be both the authorizing committee and the appropriating committee. I preserve all of the money. There is no money cutback whatsoever in this amendment, so that all the money for energy research is preserved, but we do get rid of, in the bill, the specific set-asides for particular projects.

The reason for that is that because these specific projects tend to get more expensive over the years. If you take a look at the Columbia University project that was put in by this House a couple of years back, it started with a $5 million authorization. Then we did $3 million more the next year, and then another $7.6 million the next year, and now another $4 million this year.

What I am suggesting is, that at the very least let us keep all of the money, but let us not set aside particular projects.

Mr. Chairman, if we are going to keep all of the money, at least let us have the authorizing process of the Congress work. At least let us have the peer review process of the academic community work. Let us not have the Appropriations Committee making determinations that are rightfully the authorizing committee's decisions to make.

This is simply an attempt to stop five new starts in favor of going to the traditional process of allowing any new starts to come out of either the authorizing process or out of the peer review process at the Department of Energy.

I ask for support of the amendment.

□ 1440

Mr. BEVILL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is the same issue that we just voted on. We just spent over an hour on this item. Let us go ahead and vote again without further debate.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Florida [Mr. FUQUA].

Mr. FUQUA. I thank the gentleman for yielding.

Mr. Chairman, in the previous colloquy with the gentleman from Alabama on the amendment, I had offered a substitute to Mr. WALKER's amendment, which was ruled out of order by the Chair. But the gentleman agreed that all these projects would be subject to a detailed project plan and a project validation and review. So they will be reviewed for their scientific merit.

Mr. BEVILL. The gentleman is correct.

Mr. FUQUA. Also for their money, the scientific benefit and all the other things in the interest of science.

Mr. BEVILL. The gentleman is correct.

Mr. FUQUA. So that would apply to the projects that are in here, the new ones.

Mr. BEVILL. The gentleman is correct.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, that is after the fact. We will have appropriated the money to them, and then, after the fact, we are going to take a look and find out, having appropriated the money, that they are good projects. It strikes me that is a total reversal of everything we believe in in the authorizing process in this country.

Mr. BEVILL. The gentleman has covered that very thoroughly. I think we all understand it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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 passenger motor vehicles (not to exceed 33 for replacement only); $1,256,400,000, to remain available until expended: *Provided*, That revenues received by the Department for the enrichment of uranium and estimated to total $1,286,400,000 in fiscal year 1987, 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 section 484, 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 1987 so as to result in a final fiscal year 1987 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 12 for replacement only); $738,400,000 to remain available until expended.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, including the acquisition of real property or facility construction or expansion, $677,649,000, 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.

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. WEAVER: At page 22, line 16, strike the appropriation of $677,649,000 and replace it with $386,449,000.

Mr. WEAVER. Mr. Chairman, this amendment is a selective funding cut. It cuts $291 million from a $677 million appropriation for the studying of nuclear waste repository sites.

What the amendment actually is intended to do, the specific cuts, are shown as follows:

EXPLANATION OF NUCLEAR WASTE REPOSITORIES FUNDING CUT

The amendment removes from the FY 1987 budget request, approved by the Appropriations Committee report, $291.2 million, consisting of First Repository Siting, Exploratory Shafts, and Land acquisition, as explained below.

This will leave $386.449 million for Systems, Waste Package, Repository Development, Regulatory and Institutional, Test Facilities, and Project Management, also explained below. The dividing lines between all of these different categories are not very clear or abrupt, leaving DOE with flexibility to allocate the remaining funds to perform activities not related solely to site characterization at the 3 sites. If anything, the amendment leaves DOE with an abundance of funds for general research and development that is not site-specific. If the amendment is adopted, DOE could return to Congress with a reprogramming request, if necessary for efficient application of the remaining funds.

1. *First Repository Siting:* $150.1 million. This is for "site characterization activities at each of the 3 candidate sites. A significant effort will be focused on analysis of geotechnical data to assist in the preparation of input for the Site Recommendation Report and Draft EIS." It includes borehole drilling, well drilling, groundwater monitoring, geological mapping, geophysical surveys, hydrologic studies, seismic monitoring, tectonic modeling, etc.

2. *Exploratory Shafts:* $133.5 million. This is for drilling of shafts in basalt, tuff, and salt, along with construction of related surface facilities and procurement of instruments for use in shaft monitoring and testing.

3. *Land Acquisition:* $7.6 million. This is for acquisition of land access for non-government owned land in the salt media.

The amendment does not remove these other categories of first repository funding:

1. *Systems:* $22.7 million for data base management system and systems engineering analyses for each of the 3 projects, including computer code benchmarking, validation, documentation, and verification and incorporation of additional laboratory and field data compiled in FY 1986 and FY 1987.

2. *Waste Package:* $41.1 million for waste package design and develpment for each of the 3 sites, including prototype testing, heated model testing, geochemical modeling of interactions with groundwater and brine.

3. *Repository Development:* $87.8 million for "repository advanced conceptual design reports," in including development of repository equipment and testing of repository seals.

4. *Regulatory and Insitutional:* 49.6 million for preparation of license applications, semiannual progress reports, consultation with affected states and Indian tribes, public information programs, and payments in lieu of taxes.

5. *Test Facilities:* $5.2 million for "domestic test facilities" and "cooperative international programs," including analysis of WIPP data and brine migration tests with the West Germany as its Asse Mine.

6. *Project Management:* $44.2 million for project management and support functions, including planning document updates, cost and schedule control systems, financial management and budgeting, procurement and management of subcontractors, legal services, records management, and operation of quality assurance program.

There is still about $386 million left to keep the process going, the nuclear wastes repository site studies. I want to emphasize that this is not a regional fight. The reason for offering this amendment is that the Department of Energy has stumbled badly in the scientific and engineering bases of site selection. In many instances political decisions were made, not scientific and engineering decisions. This amendment is a slap at the Department of Energy saying, "On an issue of this momentous importance, we want you to base it entirely on scientific and engineering data."

I want to point out that such is the disarray that I have here a copy of a work order stoppage issued by the Department of Energy, stopping over 700 activities on research documentation and collation, because they were being improperly done. Over half of the activities of the nuclear waste repository study have been stopped by the De-

partment of Energy because they were being improperly done.

We called the Department of Energy yesterday. They say they do not even know when they will reinstitute work by the various contractors. A stop order issued to Rockwell on May 1, 1986, stopped 700 activities. There have been several other stop orders.

In selecting the sites that they did, the Department of Energy failed to follow either the criteria or the procedures established by the Nuclear Waste Policy Act of 1982. We believe the Department of Energy should be sent back to redo its studies and bring forth recommendations based on solid scientific and engineering conclusions. This was a political decision not based upon science and engineering. If DOE is allowed to make one political decision, it may make others. Your State may be next.

I say a vote for this amendment is a vote against the process now being followed by the Department of Energy in selecting the waste repository sites. Wherever you live in whatever region of this country, if you disapprove of the process in which the Department of Energy is undertaking to select sites, this amendment is a vote for you. It is not a regional fight. If it were a regional fight, we in the West, particularly in the Northwest, could crank up Mount St. Helens, aim it at some other region of the country, and let go. But we do not want to do that. We want to say, let us join together to give the Department of Energy a warning by withholding waste repository study funds, or a part of them, for 1 year.

DOE is already 3 years behind schedule. This nuclear waste will be dangerous for thousands of years. The DOE should get it straight from the start.

On May 28, the Department of Energy [DOE] chose three sites for detailed study prior to selection of one as the Nation's first repository for commercial high-level radioactive waste—the spent fuel emerging from the 100 nuclear powerplants now operating and the additional plants that will begin operating during the next few years.

In selecting these sites, DOE failed to follow either the criteria or the procedures established by the Nuclear Waste Policy Act of 1982. We believe DOE should be sent back to redo its studies and bring forth recommendations based on solid scientific and engineering conclusions.

This was a political decision, not based upon science and engineering. If DOE is allowed to make one political decision, it may try to make others.

Your State may be next.

Let us give a warning to DOE by withholding waste repository study funds for 1 year. DOE is already 3 years behind schedule for recommending a final site. This nuclear waste will be dangerous for thousands of years. The DOE should get it straight from the start.

DOE's rush to arrive at this political decision has also compromised the technical validity of the work done to date at the 3 sites. In May, DOE had to issue stop work orders at the Basalt project—Hanford site, Washington—and the Nevada project—Yucca Mountain site—because the necessary quality level of scientific work was not being met. DOE stated last week:

Work stopped at the Basalt and Nevada Projects has been due to a lack of implementation of an adequate Quality Assurance program by their contractors. The lack of written procedures and the lack of management support for implementation of a formal QA program has led to stop work orders.

At these projects, all field activity has been stopped. There is no drilling of holes, no extraction of cores, no studying of seismic faults. At Hanford, work on 700 activities has been stopped; in Nevada, stop work orders were issued to the U.S. Geological Survey; Los Alamos, Livermore, and Lawrence Berkeley National Laboratories; and other contractors.

In selecting these sites, DOE also ignored concerned citizens, State governments, and Indian tribes in order to arrive at predetermined choices. A recent draft General Accounting Office [GAO] report noted that even officials in the States not singled out as first repository sites believed that "DOE's efforts at consultation and cooperation have not produced credibility in repository siting or promoted confidence in the safety of high-level nuclear waste disposal." A few examples:

First, in December 1984, DOE issued its site ranking methodology without prior input from the States or tribes, despite their requests for consultation starting in early 1983.

Second, in December 1985, DOE rejected the efforts of States and tribes to participate in seven or nine coordinating groups within the Office of Geologic Repositories because the groups covered technical issues.

DOE has refused to provide requested funds to States and tribes for independent data gathering activities. In December 1985, the Ninth Circuit Court of Appeals ruled against DOE, concluding that DOE's internal guidelines on nuclear waste repository funding grants were an unlawful attempt to "undermine the independent oversight role that the Congress envisioned for the States."

All three of the selected sites are highly questionable. Yucca Mountain, NV, is located in a known seismic zone, with both historic and recent activity, including three earthquakes during July along the California-Nevada border, two north and one south of the site. An earthquake could cause substantial environmental damage by collapsing repository tunnels and rupturing the waste casks. No survey of mineral resources has been conducted in the area, even though a primary criterion of the Nuclear Waste Policy Act is that areas with potentially valuable minerals be avoided to reduce the likelihood of accidental future human intrusion into the waste.

At the Deaf Smith site—Texas—repository shafts would penetrate two aquifers, if that proves physically possible to accomplish without uncontrollabe water flows into the repository, including the giant Ogallala aquifer, which provides water for people and farms in seven States with large agricultural economies. DOE also has no plan for storing the huge volume of salt that would be piled on the surface, to be blown across the land by west Texas winds and damage land used for farming and grazing.

The site at Hanford, WA, is located 5 miles from the Columbia River; downstream is Oregon's major population center. Located in a basalt layer, the waste would be saturated with ground water traveling—at unknown speed—toward the Columbia. The National Academy of Sciences Panel on Radioactive Waste Isolation System stated:

A major reason for considering basalt for repositories is its abundance in federal land near Hanford, Washington, not its overall favorable characteristics.

Selection of these three sites was not the outcome of DOE's elaborate methodology. For example, DOE's documented methodology ranked one site as second and another one last in the field of five nominated sites. DOE then put the last-place site in the top three and dropped out the second-place site altogether.

DOE did not follow the criteria set forth in the Nuclear Waste Policy Act for choosing potential repository sites: hydrology, geophysics, seismicity, presence of valuable minerals, distance from water supplies and populations, proximity to sites where the waste is generated, and transportation hazards and cost. DOE has been unable to defend its selection of these sites in hearings in both the House of Representatives and Senate. Nor has DOE cooperated with attempts by Mr. MARKEY to find out exactly how and why DOE jettisoned its own documented methodology. DOE officials claim that all of their deliberations on this important subject were oral and never committed to writing.

Please join with us to end DOE's violations of the Nuclear Waste Policy Act. Our amendment would cut fiscal year 1987 funding for DOE's first repository site characterization activities by $291.2 million—for siting, exploratory shafts, and land acquisition—effectively halting all physical work on characterization of the three recommended sites but not affecting the ongoing nuclear waste repository research and technology development effort. DOE could request restoration of the funds, after announcing its intend to apply a documented methodology for the recommendation of first repository finalist sites, in accordance with the Nuclear Waste Policy Act of 1982.

This amendment is endorsed by numerous public interest and citizen groups, including the Natural Resources Defense Council, the Environmental Policy Institute, the Sierra Club, and the Health & Energy Institute, and essentially all concerned citizen groups in the Pacific Northwest. A letter from NRDC agrees that "All available information indicates that the sites were chosen by DOE in an arbitrary fashion." The Environmental Policy Institute believes that the selection process was unquestionably flawed and that it failed to follow the DOE selection methodology reviewed by the Nation-

al Academy of Sciences. I include these letters in the RECORD at this point.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, July 23, 1986.

Hon. JAMES H. WEAVER,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN WEAVER: The Natural Resources Defense Council (NRDC) strongly supports two amendments you have offered to the Energy and Water Appropriations Bill. First, we support the cut-off of funds for operation of the N-Reactor at Hanford, Washington until safety studies undertaken in the aftermath of Chernobyl are completed. The N-Reactor is strikingly similar to the crippled reactor at Chernobyl. Until the public has been assured by outside, independent experts that a Chernobyl-like accident will not occur at the N-Reactor the facility should not operate. As we understand it, the production of weapons-grade plutonium would not be affected by a shutdown of the N-Reactor during the period in which the safety studies will be completed.

Second, the NRDC supports the cut-off of 93% of funds for characterization of the three sites identified as candidates for the first high-level nuclear waste repository. All available information indicates that the sites were chosen by DOE in an arbitrary fashion. Until DOE provides an adequate and reasonable explanation of its decision-making process, site characterization should not go forward.

If there is anything we can do to aid you further in your work on these important issues, please do not hesitate to contact us.

Sincerely,

DAN W. REICHER,
Attorney, Nuclear Project.

ENVIRONMENTAL POLICY INSTITUTE,
July 22, 1986.

Hon. JAMES WEAVER,
Chairman, Subcommittee on General Oversight, Northwest Power, and Forest Management Committee on Interior & Insular Affairs, Washington, DC.

DEAR MR. CHAIRMAN: The Environmental Policy Institute endorses both of your pending amendments to FY '87 Energy & Water Appropriations Bill concerning the elimination of funds for characterization activities for high-level nuclear waste repositories and the suspension of funds for operation of the N-Reactor at the Department of Energy's (DOE) Hanford Reservation.

(1) We support the elimination of $291.2 million in funding requested by the DOE to begin characterization and land acquisition activities at three potential high-level waste repository sites in Washington, Nevada, and Texas, as you propose.

DOE's selection of these three sites, which was announced in May of this year, was based on inadequate information and upon an unquestionably flawed selection process. DOE has informed the Nuclear Regulatory Commission that it does not even have enough information concerning these sites, to date, to complete plan for site characterization. The DOE site selection guidelines used by DOE are inconsistent with the requirements of the Nuclear Waste Policy Act and are being challenged in court by a large number of first repository, second repository and transportation corridor States (NV, UT, TX, WA, WI, MN, CO, NB, MS) as well as the Environmental Policy Institute, National Parks and Conservation Association, Sierra Club, Environmental Defense Fund, Friends of the Earth and other public interest and citizen groups. Although part of the DOE selection methodology was reviewed by the National Academy of Science (NAS). DOE rejected the ranking of sites based on this NAS reviewed approach.

The House Appropriations Committee has responded to similar flaws in the DOE rationale and site selection procedures for potential repository sites in crystalline rock and for the location of a Monitored Retrievable Storage facility by eliminating funding to conduct site specific activities for those two programs. We believe that in light of the irregularities in DOE's selection of the Texas, Nevada, and Washington sites a similar suspension is fully appropriate for the repository site characterization. We come to this conclusion reluctantly because of our longstanding support for the geologic repository concept. But it is now abundantly clear that the DOE program is fatally flawed and that a reassessment of site selection policies for all high-level waste facilities is in order.

(2) The Environmental Policy Institute also supports the suspension of funds to operate the "N-Reactor" at DOE's Hanford facility pending an independent safety review as required by your second amendment. There are several compelling reasons for this. First, the "N-Reactor" is a graphite-moderated, water cooled design, similar to that which experienced a catastrophic accident in the Soviet Union at Chernobyl. The Hanford "N-Reactor" has even less capability to withstand an explosion involving hydrogen gas than the Chernobyl reactor design.

The "N-Reactor" was started-up in 1963 and even DOE, in its FY 1987 budget request, indicates that this facility may become too dangerous to be operated in the 1990's unless major improvements are made. Moreover, prior to the start-up of the "N-Reactor," the Atomic Safety and Licensing Board of the Atomic Energy Commission expressed serious concerns over the absence of an adequate concrete containment structure which were ignored. We believe that the completion of the National Academy of Science and the National Academy of Engineering reports on the safety of the "N-Reactor" are necessary before resumption of the reactor's operation as provided in your amendment.

Finally, the suspension of "N-Reactor" operation will not jeopardize the DOE's ability to obtain warhead-grade plutonium since there is a substantial backlog of plutonium generated by the "N-Reactor" in previous years. This backlog, as with all "N-Reactor" generated weapons materials, will require chemical separation; a process which itself will take far longer than the completion of the safety reviews. Your amendment provides the Congress with an important opportunity to exercise a responsible and conservative public health and safety policy relative to the "N-Reactor" without harming our national security interests.

Sincerely,

BOB ALVAREZ,
Director, Nuclear Power and Weapons Project.
DAVE BERICK,
Director, Nuclear Waste and Safety Project.

SIERRA CLUB,
Washington, DC, July 22, 1986.

Hon. JIM WEAVER,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE WEAVER: The Sierra Club supports your effort to impose a one year suspension on the high-level waste repository site characterization activities of the Department of Energy. Your amendment to strike $261 million from the waste fund appropriations in the FY '87 Energy and Water Appropriations bill will allow the Department time for a badly-needed reassessment of the repository siting program.

It has become unfortunately clear that recent key decisions in the siting program have been governed by political, rather than technical requirements. Primary among these is the decision to suspend siting activities in the so-called "second round" states, which leaves DOE with all its eggs in the single basket of the three first round sites. However, even these sites seem to have been selected largely as a result of political considerations, with the consequence that the repository selection process is now without any real technical rationale whatsoever.

Simply put, this emperor no longer has any clothes. The public credibility of the program is at an all-time low. The last shreds of a methodical national survey for adequate repository sites have been eliminated. The Department which has allowed the basic direction of the siting program to be overtaken by perceived political necessities is no longer in a position to restore it to a sound technical footing. The time has come for a complete reassessment of the siting program, and for a Congressional reconsideration of the national high-level waste management program.

Sincerely,

BROOKS B. YEAGER,
Washington Representative.

HEALTH & ENERGY INSTITUTE,
Washington, DC, July 16, 1986.

Congressman JAMES WEAVER,
Attn: Mike Phillips, House of Representatives, Washington, DC.

DEAR CONGRESSMAN WEAVER: The Health and Energy Institute supports your efforts to delete the funds appropriated for the Department of Energy's nuclear waste repository characterization, pending reinstatement of site characterization for a second repository. DOE's process for choosing a high-level waste repository has been fraught with scientific, technical, and political problems. No taxpayers' funds should be spent on site characterization until these problems have been corrected. Therefore, the Health and Energy Institute supports your efforts to delete funds for the waste site characterizations at the Hanford Reservation, since Hanford's geology and high water flow make it unsuitable for a high-level nuclear waste dump. DOE's arbitrary decision in May, 1986 to drop the search for a second site was in violation of the Nuclear Waste Policy Act, which mandates that DOE develop site characterizations for two nuclear waste repositories. Therefore, we wish you success in your efforts to prevent money from being wasted on further site characterizations until DOE complies with the Nuclear Waste Policy Act.

Cordially,

KATHLEEN M. TUCKER, Esq.,
President.

STATUS OF OGR STOP WORK ACTIONS
(July 15, 1986)

BASALT PROJECT—RICHLAND, WASHINGTON

DOE-RL Stop Work Letter issued to Rockwell on 5/1/86.

Of the 1,300 Work Activities examined to date, work on approximately 700 has been stopped.

Exempted Activities:

Data gathering for which interruption could cause serious loss;

Upgrades of QA, management, & operating systems;

Safety/maintenance Activities;

Administrative Activities;

SCP preparation;

Activities that are essential or imprudent to stop.

Stop Work Recovery Plan being evaluated now; Readiness Reviews to be used to permit recovery.

Stop Work orders for other Contractors are currently under evaluation (RKE/PB, et al.).

NEVADA PROJECT—LAS VEGAS, NEVADA

DOE/NV Stop Work Letters issued to:

USGS;

Sandia Laboratories;

Los Alamos National Laboratory;

Lawrence Livermore National Laboratory;

Lawrence Berkley Laboratory;

Science Applications International;

Reynolds Electrical & Engineering Company Inc.;

Exemptions similar to Basalt Project (above).

Lifting of suspension of Stop Work Orders:

Approval of proposed corrective action and schedule;

Approval of QA plan and procedures;

Completion of indoctrination and training.

SALT PROJECT—COLUMBUS, OHIO

No Stop Work Orders issued or expected at this time.

Causes

Work stopped at the Basalt and Nevada Project has been due to a lack of implementation of an adequate Quality Assurance program by their contractors. The lack of written procedures and the lack of management support for implementation of a formal QA program has led to the stop work orders.

Future action

The projects will permit work to be restarted only after corrective action has been taken by the contractor and a verification of the corrective action by QA audits or surveillances, has been performed by the projects. HQ-OGR personnel will participate in the verification activities. NRC observers will also be invited to observe the surveillances and audits.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

(By unanimous consent, Mr. WEAVER was allowed to proceed for 5 additional minutes.)

Mr. WYDEN. Mr. Chairman, will the gentleman continue to yield?

Mr. WEAVER. I yield to my friend from Oregon.

Mr. WYDEN. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for an excellent amendment. There is no question that the Department of Energy has ignored the dictates of the Nuclear Waste Policy Act; it has ignored the interests of the States, and it has ignored the protests of the Congress.

In my view the repository program has become like some kind of Radioactive Godzilla which rampages through the States, and tosses aside guidelines and laws like they were match sticks.

What Mr. WEAVER's amendment does is to correct this abuse of power. It is one where we can bring some objectivity back to this process.

I think the last point I want to make in behalf of the amendment of the gentleman is about why Members from other than the three affected areas ought to be concerned. No matter what the Department of Energy says today, the figures show that sooner or later the Department of Energy is going to come looking for a place to put a second repository. When that day comes, and it may be soon, every State in the Union is going to be at risk. If the Department of Energy thinks it can break the law and violate the dictates of the Nuclear Waste Policy Act, every single State will be at risk. I think it is time to change this monster, this Radioactive Godzilla.

Mr. WEAVER's amendment is one way to go about doing it. I urge all Members to support the amendment before the Department of Energy does something to affect their State.

Mr. WEAVER. I want to commend and congratulate my friend from Oregon, Mr. WYDEN, for his excellent leadership on this issue. He has dug in on his own committee and got out material few other people have seen and brought it to the light of the public. He has been on the spot at all times and works diligently, and we owe him a lot.

Mr. SWIFT. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I yield to my friend, the gentleman from Washington.

Mr. SWIFT. I thank the gentleman for yielding.

Mr. Chairman, I think one of the things that we have to recognize here is that a lot of Members from other parts of the country in which there is no likelihood of there ever being a waste repository have quite understandably not been following this with care. They might view the amendment of the gentleman from Oregon as being somewhat extreme.

Let me assure my colleagues there is nothing whatever extreme about this amendment at all. Those of us who sit on the subcommittees with oversight responsibilities of DOE and who have been following this specific issue with some care for a long time have been appalled at how unresponsive DOE has been to the States in question, and here I would recommend to my colleagues a review of the hearing record of the Energy and Commerce—Energy Subcommittee when we had the eastern States in, and they were concerned about the second repository. Every State told the same story about an absolute unwillingness on the part of DOE to give even a modicum of cooperation to the States who were potential candidates for the second repository.

That has been the experience in the West with the States that are candidates for the repositories there. The irony is that each State thinks it is the Lone Ranger. New Hampshire thought it was the only State that had this kind of a problem. Other States that came before us thought they were the only State that had the problem.

The fact is that the track record of the DOE with regard to the entire process of siting the nuclear waste facilities has been one of ignoring the interests of every single State that they have been in contact with. That does not mean that anyone can have any confidence that this decision has been made on a rational and scientific and objective basis. In addition to which the decisions made by DOE on this issue just a few weeks ago are inherently inconsistent. Let me make the point so that people who have not been tracking this issue will understand what it is we are talking about.

There were five sites being studied in the West. They picked one that had a salt base, one that had a different base and then skipped over two and went to a more expensive, less safe alternative that was No. 5, it came in five. But they chose it. Their argument was that "we had to do it because we needed an alternative medium." They wanted the basalt. OK, the law permits them to do that. They then said we will not have a second repository, which meant that is no way that they will ever get to a granite medium for study. The decision is inherently inconsistent. If you fail to follow your own procedure, because you say you have to get to basalt and then say we are not going to follow the rest of the procedure which is required by law, so we can get to granite and study it as a potential repository, you will have, on the face of it, an inherently inconsistent decision which the Department of Energy in no way can seriously say was objective, was scientific or in any way meets the kind of rigid requirement that every State should expect if it is going to end up being a repository of nuclear waste.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. WEAVER] has again expired.

(On request of Mr. SWIFT and by unanimous consent, Mr. WEAVER was allowed to proceed for 5 additional minutes.)

Mr. SWIFT. Mr. Chairman, will the gentleman continue to yield?

Mr. WEAVER. I yield to the gentleman from Washington.

Mr. SWIFT. I have never taken the position that there are no circumstances under which nuclear waste would come to my State. I do not think that is responsible.

What I have said is that any State that gets it ought to be able to be presented with convincing evidence that that is the best place in the Nation for that waste to go.

And the process is already so flawed by DOE, so incredibly political, so nonobjective, so hidden that there is no way that they are going to be able to demonstrate that to Texas or Nevada or Washington or any of the States that may end up as the site of the second repository.

The proposal of the gentleman from Oregon is a responsible and restrained response to outrageous irresponsibility on the part of the Department of Energy. And what it will say is: start over again and do it right.

We have no objection to it being done right. We have no objection to our States being part of what is examined and analyzed. But we do have serious objections to the procedures that have been followed by DOE, which are irresponsible, nonobjective, unscientific and will lead to having a nuclear waste repository for this Nation placed somewhere for all the wrong reasons, essentially bureaucratic momentum, rather than on a scientific basis.

□ 1455

I commend the gentleman for his amendment, and I thank the gentleman very much for the generosity of yielding his time.

Mr. WEAVER. Mr. Chairman, I would like to say to the gentleman from Washington that the gentleman goes to the very heart of it. The gentleman has elaborated decisively and conclusively what the problem is.

I think the gentleman would agree that a vote on this amendment is a vote on whether or not you feel waste repository studies have been done properly, not on any particular site.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I yield to the gentleman from Washington.

Mr. BONKER. Mr. Chairman, I thank the gentleman for yielding to me, and I would like to thank him for offering this amendment. I also associate myself with the remarks of my colleague, the gentleman from Washington [Mr. SWIFT].

I would like to ask the gentleman, the sponsor of the amendment, about his amendment. As I understand it, the gentleman intends to strike the money in the bill from the $677 million that would be expended for the acquisition of real property or facilities construction or expansion for a waste disposal site. Is that the intent of the gentleman's amendment, to merely strike the money?

Mr. WEAVER. That is correct. It strikes $291 million out of a $677 million appropriation in the bill. We have listed and presented for the RECORD exactly what the $291 million covers, and the majority of it is in the category the gentleman from Washington has mentioned.

Mr. BONKER. Mr. Chairman, if the gentleman will yield, I would like to inquire further.

The process is still underway, as I understand it, for the Department of Energy to conduct its study for the determination of a final site. Am I led to believe that if the money offered in the gentleman's amendment is stricken that it really would not disrupt the ongoing process for making an ultimate determination?

Mr. WEAVER. Absolutely not.

Over $386 million is left in for the ongoing, underlying studies, the computer systems, and all kinds of studies that are underlying the whole process. As a matter of fact, that is exactly what we want them to do, to use that time and money to get their act in order.

Mr. BONKER. I think it is a very reasonable amendment.

As the gentleman has noted, as well as my colleague from Washington and others in the Northwest, there are outstanding questions that need to be resolved before we take this process a step further. At the same time, there are still sufficient funds here for the Department of Energy to conduct its work pursuant to Public Law 97-425.

I think it is a responsible amendment. It will help us deal with some of these related questions and, at the same time, we can save a few million dollars in this session of Congress. I support the gentleman's amendment.

Mr. WEAVER. I thank the gentleman.

Mr. BONKER. Mr. Chairman, as I stated earlier, I support the amendment offered by the gentleman from Oregon [Mr. WEAVER] to cut $291.2 million from the Department of Energy's budget for selecting the Nation's first nuclear waste repository.

The Department of Energy [DOE] has ignored the mandate of the Nuclear Waste Policy Act of 1982 and so politicized the search for a final burial site of the Nation's high-level radioactive waste that it has lost all credibility. The process must be halted and put back on the right track to ensure that decisions relating to nuclear waste, which will remain deadly for millenia, are based on the best scientific and technical information, not on political expediency. This amendment would effectively halt all physical work in the site selection process without affecting nuclear waste repository research and technology development.

Let me make clear that I believe it is important that we proceed quickly, but carefully, with plans for the means to store or permanently dispose of the Nation's growing stockpile of nuclear waste. With some 15,000 metric tons of high-level civilian reactor wastes already being stored at reactor sites, there is an urgent need for a safe disposal plan. But because this waste will remain deadly for hundreds of thousands of years, we owe it to future generations to base our decisions relating to nuclear waste disposal on technical merit, not politics.

In response to the growing problem of nuclear waste, Congress enacted the Nuclear Waste Policy Act, which called for an eastern and a western repository and established a methodology of selection intended to result in the selection of the safest and best sites in the nation. DOE ignored this mandate by "indefinately postponing" the search for the second, eastern repository. In addition, the selection of the three western sites that will be studied intensively, or "characterized," was not based on the elaborate methodology required by the act. Hanford, which was rated last among the five sites on DOE's short list was moved up to No. 3 and Richton Dome was dropped despite the fact that DOE's own methodology ranked it the second best site.

Confidence in the process has been so badly damaged by DOE that strong corrective steps are needed to get it back on track. I support the recommendation of Washington State's Governor, Booth Gardner, that we temporarily halt the selection process, extend the deadlines in the act, ensure that outside experts oversee the selection process, reinitiate the characterization selection, and review the need for a second repository. Early construction of a monitored retrievable storage [MRS] facility is essential for safe storage of nuclear wastes until a final solution is in place. In addition, research into such promising alternatives to deep geologic disposal as subseabed disposal should be stepped up, rather than cut back.

Mr. REID. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I yield to the gentleman from Nevada.

Mr. REID. Mr. Chairman, I want to thank the gentleman and applaud the gentleman for his amendment. I rise in support of the amendment the gentleman has offered.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. WEAVER] has again expired.

(On request of Mr. REID, and by unanimous consent, Mr. WEAVER was allowed to proceed for 5 additional minutes.)

Mr. REID. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I yield to the gentleman from Nevada.

Mr. REID. The future placement and storage of high-level nuclear waste is one of the most serious and challenging problems that we face in our country today. The health and safety implications of any decision concerning transportation and storage of nuclear waste are grave and far-reaching. As for the State of Nevada, my record is clear. I will not accept a dump in my State under any circum-

stance. However, today we are focused on the flawed methodology that DOE has used to select the sites, and all States should be concerned about a process that has been predetermined and politicized.

The site selection process for the first repository was pursued and three sites selected without the benefit of geologic and hydrologic characterization studies. The DOE has continually used the criteria that Congress set forth in the Nuclear Waste Policy Act to suit its own agenda. For example, the act considered geological diversity a minor criterion for site selection, yet DOE, on its own and in clear defiance of the law, has decided that geological diversity is a major consideration, and thus we now have three sites selected in the West. Then, DOE went further by "indefinitely postponing" the site selection process for the second repository. Another willful attempt to sidestep the law. The DOE now has arrogantly avoided Chairman ED MARKEY's inquiries into the site selection process, and worse, the DOE has gone so far as to destroy vital evidence that would have shed light on how these decisions were made.

Because of DOE's incompetence and clear desire to politicize the entire site-selection process, I am forced to wonder whether we can ever build a safe repository in this country at all. However, today we can do something about the DOE's refusal to comply with the act. We can vote for this amendment which would cut funding for the first repository site characterization activities by 90 percent. This action would effectively halt all physical work on the sites until such time DOE can document methodology for the recommendation of first repository finalist sites in the way Congress intended and set forth in the Nuclear Waste Policy Act of 1982.

I would like to again congratulate the gentleman on his wisdom and foresight in offering this amendment.

Mr. WEAVER. Mr. Chairman, I thank the gentleman from Nevada, who has been a strong leader in this and who has made an astute statement.

If we are successful, it will heavily rest on the good work the gentleman has done.

Mrs. VUCANOVICH. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I am delighted to yield to my other dear friend, the gentlewoman from Nevada.

Mrs. VUCANOVICH. Mr. Chairman, I rise in support of the amendment. Mr. Chairman, the disposal of nuclear waste could very well be the most important issue facing us today.

In 1982 this body passed the Nuclear Waste Policy Act to provide a schedule for the disposal of high-level nuclear waste. The act also provided criteria to be used for the selection of the sites. The Department of Energy has elected not to follow this carefully constructed schedule. On May 28, 1986, DOE announced the three site recommendations for the first repository and also announced selection for the second repository has been indefinitely postponed.

I believe this is a blatant violation of the spirit and intent of the act.

The site selection process is the single most important aspect of the act, and the single most important aspect of the process should be safety. I believe the DOE manipulated the criteria to achieve the results it wanted. I am not at all convinced that safety was of primary importance to DOE when the selection were made.

This amendment would halt all physical work on the characterization of the three recommended sites, but will not affect the on-going repository research and development efforts. At the time that the DOE decides to strictly comply with the Nuclear Waste Policy Act of 1982, by applying a documented methodology to the recommendation of the first repository finalist sites, it can then request restoration of the funds.

The selection should not be based on economics, expediency and, most of all, politics. We are affecting thousands of future generations of Americans. We owe it to them to put nuclear waste in the safest place possible.

I urge Congress to adopt this amendment. Thank you.

Mr. WEAVER. Mr. Chairman, I want to thank the gentlewoman from Nevada for her very good work on this issue. I appreciate very much the gentlewoman's very fine remarks.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. WEAVER] has again expired.

(By unanimous consent, Mr. WEAVER was allowed to proceed for 1 additional minute.)

Mr. WEAVER. Mr. Chairman, the DOE's rush to arrive at this critical decision has compromised the technical validity of the work done today at three sites.

Here is what the DOE itself said:

> Work stopped at the Basalt and Nevada projects has been due to a lack of implementation of an adequate quality assurance program by their contractors.

That is DOE's statement in announcing a work stoppage that continues to this day.

So I tell my friends that all field activity has been stopped now by the DOE. There is no drilling of holes, no extraction of cores and no study of seismic faults because of this DOE work stoppage.

A vote on the waste repository amendment that I offer today not only saves $291 million, but it is a vote for you to say they are not doing a good job.

Mr. AUCOIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to tell my colleagues that this is a good amendment. I am very pleased to rise in support of the amendment offered by the gentleman from Oregon [Mr. WEAVER].

□ 1505

I stand in support of this amendment because the Department of Energy simply must be called to account by this Congress for its arrogance in the process it has followed in selecting a site for storing this Nation's high-level radioactive wastes.

DOE is implementing an irresponsible, reckless policy for the disposition of these wastes. The Pacific Northwest is only one of the potential victims because of the way the Department is dealing—or double-dealing—with this question. I refer, in the Northwest, to the Hanford Reservation which I think has been given the most irresponsible treatment of all.

Mr. Chairman, Congress explicitly took politics out of the siting process when we passed the Nuclear Waste Policy Act of 1982. Two key elements are fundamental to that delicately balanced law. One is that the selection must be based on merit; and two, that there be two sites nationally selected.

Well, I want to tell my colleagues that it took the Department of Energy 3 years to totally unravel that law. This law first ignores the facts in selecting the three finalists for the initial repository, and second, it unravels the law by dropping altogether the process for selecting a second national site.

In short, I think this Congress and the American people have been betrayed by the Department of Energy and by the administration. Congress took the politics out and the Department of Energy put it back in. It is pure and as simple as that. All you have to do is look at the Hanford Reservation in Washington to see the truth of this.

In the Department's own evaluation, as Mr. WEAVER and others have mentioned, of the five sites it considered for initial repository, Hanford, WA, came in dead last, in both short-term and long-term suitability, as a repository site. The Department's own report which I have read and I commend to my colleagues says this, it says, "The Hanford site is, in all cases, ranked fifth." My friends, that means fifth out of five, regardless of the relative weight assigned to the preclosure and postclosure utilities.

The Department goes on in its report: "This is so because it is ranked fifth for all sets of assumptions in both the preclosure and postclosure analyses."

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In effect, Mr. Chairman, the Department of Energy has invited the last-place team into the World Series. This is only one example of the problems that have gone on in this process DOE has followed.

Now, one can say, "How have we arrived at this state? How did the Department bring us to this point?" I have got to tell you, I do not know the answer to that question, Mr. Chairman. In fact, there is not a Member of this body who can tell us. I will tell you why that is so: It is because DOE has no written records. Imagine that. No written documents, records available to Congress to inspect to see what their decisionmaking was.

In fact, they have told the Congress and the committees that have jurisdiction over their decisionmaking that they did all their work verbally! That they dealt with one of the most important environmental questions facing this Nation all on a verbal basis! I can just see them kicking up their feet on the coffee table, sitting around one afternoon and deciding how this selection process should go forth! Who believes that?

My point is simply this: If that is the process, if you really believe there is no written record, that is one thing. If there is written record the agency's covering up, that is yet another. My point is on the basis of either of those scenarios, is that any basis on which to put our trust in DOE?

The answer is clearly no. The Congress wrote a law and the DOE did not follow it. We ought to rebuke the DOE by adopting the amendment of the gentleman from Oregon.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. I yield to the gentleman from Washington.

Mr. DICKS. I was just wondering, this reminds me a lot of other situations, and I wonder if we have asked the shredder if all these documents were actually never in place and that all these arguments were simply oral.

I find it very hard to believe. I think the gentleman from Oregon has given an outstanding presentation. All of these documents, all of this justification that went into this very complicated decision all of a sudden is vanished.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. AUCOIN] has expired.

(By unanimous consent, Mr. AUCOIN was allowed to proceed for 1 additional minute.)

Mr. AUCOIN. Mr. Chairman, I continue to yield to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. I appreciate the gentleman yielding.

Mr. Chairman, I just think that there has got to be more to this than meets the eye.

Mr. AUCOIN. The gentleman is right. The gentleman knows that what we are talking about here is volumes of radioactive wastes that would be the equivalent of 70 truckloads a day for 20 years, moving from their current sites to the final repository.

Are the Members willing to believe that the Department of Energy just simply, verbally kicked around this question one afternoon and arrived at a decision and that there are no written records to document how they arrived at these decisions? You know that is not true; you know that DOE is not playing truthful with the U. S. Congress which wrote the law. You know the process is flawed and on the strength of that, I hope that my colleagues will adopt the amendment of the gentleman from Oregon.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

No one is particularly happy with the possibility of having a nuclear waste dump located in their State. However, the residents of Washington have a long history of association with nuclear facilities, and we recognize the necessity of providing a safe disposal site for the Nation.

It is becoming crystal clear to us, however, that the siting decision was not on the basis of safety or geology, but on the basis of politics, and that makes it entirely unfair and unacceptable.

In the preliminary stages of site analysis, DOE ranked the five sites under consideration for the first repository in a number of different categories. Whether you look at preclosure or postclosure categories, you find some very distressing evaluations.

In the preclosure area, in looking through the rankings, you can see that in the area of public safety, whether they are comparing repository worker fatalities, transportation fatalities, or public fatalities, Hanford consistently ranked last out of the five sites. It ranked well in esthetics, because no one actually lives on the reservation to see the repository, and in short-term environmental impacts, again because of the isolation of the area, but came in dead last when considering transportation safety, costs, or any other important category.

The postclosure evaluation is even more distressing. Postclosure is important because it refers to the 10,000 years the repository is expected to hold the waste. In this area, DOE looked at both expected conditions and probability of significant disruptive events, such as earthquakes, and again Hanford came in last in the evaluation.

Finally, DOE did a composite analysis, where they combined pre- and postclosure rankings, weighed the criteria, and ranked the sites again. This composite analysis also resulted in a ranking of last for Hanford.

Despite this evaluation DOE itself did, Hanford has somehow made the list of top three candidates for characterization, and frankly, we are baffled at how that could have happened. DOE cannot explain it, and neither can anyone else. When asked to produce drafts of earlier stages of the evaluation, or memos explaining the decision, the Department has stated that none are available, that all working materials leading up to the ranking decision have been destroyed. To me and to many of my constituents, destroying important documents such as these sends a pretty strong signal that they contained information the Department did not want us to see, such as the real, political basis upon which the rankings were based.

Then, adding insult to injury, DOE casually announces they have "indefinitely postponed" the search for a second repository. Now, I understand the relief that was felt by my colleagues from the States that were under consideration for the second repository at no longer facing the prospect of becoming the Nation's second nuclear waste dump, particularly if the second evaluation proceeds like the first has. However, the fact of the matter is that there were very good reasons for including the second round of selections in the Nuclear Waste Policy Act.

One of these is the transportation question. The overwhelming majority of nuclear waste in this country is being produced in the eastern part of the country, yet we are planning to now ship every bit of that waste to the west coast for disposal. This route could potentially touch every city in the country, and I am sure they have serious concerns about the safety of thousands of truckloads of waste going through their downtown areas.

A second reason for beginning the search for a second repository was to provide a backup for the search for the first. Each of the three first sites has significant problems associated with it that could easily preclude it from final selection. Hanford is located right next to the Columbia River, a major source of water for the entire region; Yucca Mountain in Nevada is near our underground nuclear test facilities and could be subject to penetration; and the Deaf Smith site in Texas is located right in the middle of the largest argicultural acquifer in the region. If these potential problems prove insurmountable, the time and money we spend to characterize these sites could easily go down the drain. And if we have no other sites available as backups, we face the serious possibility of reaching full capacity at our

onsite holding ponds with no place to transfer the waste.

The Nuclear Waste Policy Act was originally a carefully drafted compromise between all regions of the country which attempted to ensure that everyone's rights would be protected, and that we would develop a repository site that was the safest possible. If we are now faced with a different set of facts that require us to change our minds about a second repository, we should do it with the same care and attention that went into the original act. Congress has barely had time to hold any hearings on the question of postponing the second site, and the hearings that have been held have raised some serious questions about DOE's methods and justifications.

The Governor of Washington has made a series of suggestions for revising the act to ensure that it does what it originally was intended to do, and that is bring the decisionmaking process out of the realm of politics and back into the scientific arena. Until this legislation can be considered by Congress, it does not make any sense to continue spending money on a flawed selection process.

For this reason, I would urge my colleagues to support the Weaver amendment and return the repository selection process to the impartial evaluation that was intended when the act was originally passed, and ensure that we select the safest site in the Nation to deposit our nuclear waste, not mere the most politically expedient.

□ 1515

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 3 additional minutes.)

Mr. SWIFT. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to my colleague, the gentleman from Washington.

Mr. SWIFT. Mr. Chairman, I think the important point to be made with regard to the eastern States is this: They appeared before our committee in testimony, and we found DOE to be absolutely unresponsive to the legitimate concerns they raised. That is the same experience we found in the West.

I share with the people from the eastern part of the country a concern that they are going to enter into a process with an agency that is not going to give them the time of day as States. They will not talk to the Governors, they will not talk to the Governors' head energy people in any of the States. When I say they will not talk to them, I mean that all they do is talk, but they will not provide information or they will not consult in any kind of rational fashion.

So I think we need to be clear here and understand that every State in the country is in the same boat, and that if we do not do something to get a strong signal to the Department of Energy, every single State in this Nation, with the possible exception of Hawaii, is in a position to be at the mercy of this agency when it starts scanning around for where it is going to put nuclear waste.

Mr. DICKS. Mr. Chairman, the gentleman has made a very important point, and that is that the States in the East and the States in the West are faced with an administration that is deciding this issue purely on politics, and the thing that we need to do is to go back and revisit this legislation. I think the gentleman from Washington [Mr. SWIFT] has provided some very important legislative suggestions about how we can restore fairness and scientific integrity to this entire process.

Mr. SWIFT. Mr. Chairman, if the gentleman will yield further, it is not just politics. I think what we have is a triumph of technologists over the political process. Whether you are Republican or Democrat, this particular agency is refusing to deal with people because they do not think anyone but they are capable of understanding what is at issue. So I think, yes, there were some politics in the decision, I think that is clear, but it is not just that. The agency is out of control, and it is out of control across regional lines and out of control across party lines.

Mr. WYDEN. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to my colleague, the gentleman from Oregon.

Mr. WYDEN. Mr. Chairman, to follow up again on this point about the issue as it relates to States, none of us are free unless all of us are free, and the arbitrariness and the capricious way in which the Department of Energy is going about making this decision is going to come back and hurt every State.

I just want to say again that no matter what the Department of Energy says today, all the figures, absolutely all of them, indicate that at some point, the Department of Energy is going to go looking for a place to put a second repository. So when that day comes—and I think it may come fairly soon—the arbitrariness and the capriciousness that is being used today by the Department of Energy is going to hurt every State in this country, and I think the point really must be that none of us are free unless all of us are free as far as having a scientific process in this area.

Mr. DICKS. Mr. Chairman, I thank my colleague, and I appreciate his comment.

Mr. Chairman, I do not want to take too much further time, but I would only say that we should remember that as far as Hanford, WA, is concerned, we have already accepted millions of gallons of military waste. We think we have done our part. We have serious problems in dealing with that military waste in a responsible way.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has again expired.

(On request of Mr. WEAVER, and by unanimous consent, Mr. DICKS was allowed to proceed for 1 additional minute.)

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, on the point that the gentleman just made, I just got an article in today's Portland Oregonian, a news article that comments on what is going on now at Hanford, and this is what it says:

> In dealing with 149 single-walled tanks containing the highly radioactive remnants of 40 years of military work at the Hanford Nuclear Reservation, one of the biggest questions is the danger of explosion.
>
> Some say small explosions already have occurred. * * *
>
> Scientists argue about the danger of an explosion that could send a deadly radioactive cloud high into the air. * * *
>
> Department officials cite a study last year by Battelle Pacific Northwest Laboratories that concluded that there was a "remote" chance of explosion.
>
> "I am not aware of any explosions in the tanks. We have had some things we call 'burps,'" says the local operations waste manager, Jerry White.
>
> He described burps as small gas bubbles formed when steam is released inside the tanks.
>
> "His 'burp' is a small explosion," counters Don Provost, technical director of the state's Office of Nuclear Waste Management. * * *

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has again expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 1 additional minute.)

Mr. DICKS. Mr. Chairman, I just want to respond to the point made by my colleague, the gentleman from Oregon.

Mr. Chairman, I have served on this subcommittee, and we have had great cooperation from the chairman and the staff, which has done a great job, and from our ranking Republican, the gentleman from Indiana [Mr. MYERS], but one issue we have not been able to deal with squarely is the proper handling and solidification of that waste.

We are talking about a multibillion dollar proposition. They are out there right now coming across with all kinds of proposals about how to deal with it. It should have been dealt with a long time ago. We should pay as we go as it relates to the disposal of nuclear waste.

The point I am making to my colleagues is that Washington State and the Pacific Northwest have already

paid a big price. As far as the Columbia River is concerned, there have been incursions of that radioactive waste already into the Columbia River. So when we talk about the geology, when we talk about the environmental record, we know what we are talking about because we have dealt with this waste for the last 40 years.

Mr. Chairman, I urge my colleagues to support the Weaver amendment. We are in solidarity. I think it is a good amendment. I hope we can have a vigorus debate on this issue and send a message to the Department of Energy that we do not appreciate the way we have been treated.

Mr. BOULTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I am in support of this amendment, and I think it is important to recognize a few things.

First of all, my support for this amendment does not indicate any disagreement with the Nuclear Waste Policy Act. A vote for this amendment is not a position against the Nuclear Waste Policy Act of 1982. And it is not an antinuclear statement to be for this amendment.

To support this amendment, Mr. Chairman, is to vote against a process that thus far has been characterized by incompetence, by highhandedness, by condescension, and by disdain for the 1982 Nuclear Waste Policy Act itself, and as a result of that process the whole thing has blown up in the face of the Department of Energy.

I think that is a shame in a way because if there is any project that we need to do right, it is this project, it is to decide the question of what we are going to do with high level nuclear waste. But it has blown up in the face of DOE because people do not have faith in the process, and it is right that they do not have faith in the process because the DOE process has not merited that faith.

Why do I say that? Because of the decision announced on May 28 to postpone indefinitely the second site selection. It has been said here today that this is not a regional fight. Well, it is not, but if you want to see it turn into a regional fight, just wait until all the Western States understand that this stuff is going to be transported from where it is produced through their States. So far it is not a regional fight, but this indefinite postponement, Mr. Chairman, indicates that the process has not been followed based on scientific principles. It is not based on geology, it is not based on safety, and when we are talking about generations for the next 10,000 years, Mr. Chairman, the American people, and especially those in the States involved, are entitled to believe that their location is the best in terms of the Nation's interests.

A second thing that makes me not have faith in this process is the fact that by using DOE's own methodology as approved by the National Academy of Sciences, a site in Richton Dome, MS, should have been among the three finalists chosen for site characterization. But it was not. Why not?

Third, why is it that when the subcommittee chaired by the gentleman from Massachusetts [Mr. MARKEY] requested documentation from the Department of Energy to demonstrate its decisionmaking process, the Department responded that it did not retain those documents, that it does not have any of the documents? What is the deal there, Mr. Chairman? I would ask my colleagues to seriously consider that question.

I am not making a backyard argument. I have never said that under no circumstances should this thing go into the Panhandle of Texas, but I tell you what: when DOE is talking about drilling two 12-foot-diameter shafts through the Ogallala aquifer that supplies about nine States, when so far they do not even have the technology to do a 1-foot diameter shaft successfully, although they say it is right around the corner, we have to raise some serious questions.

□ 1525

My farmers are no better off than any other farmers in the Nation. I am not saying under no circumstances, but I am saying that if we put it there, please let us understand that it was in the Nation's best interests and that that was the most safe place to put it, and that has not been demonstrated.

So a lot of us want to restrain the process. We want to restrain the Department of Energy because it is that Department's responsibility and it is our responsibility to see to it that that Department does not cut corners or deals in making decisions that affect our descendants for thousands of years to come.

Mr. MORRISON of Washington. Mr. Chairman, will the gentleman yield?

Mr. BOULTER. I yield to the gentleman from Washington.

Mr. MORRISON of Washington. Mr. Chairman, my support for the Weaver amendment to reduce funding for the characterization of first round high level nuclear waste sites is an attempt to gain leverage to reinstate funding for second round siting and monitored retrievable storage. The delicate balance of the Nuclear Waste Policy Act was destroyed with the Department of Energy's decision to indefinitely postpone second round site work. This is particularly unfair to first round States, like Washington. The monitored retrievable storage is a vital element of nuclear waste handling, and provides the opportunity to offset losses in the beginning years of the nuclear waste timetable. It is vitally important that site characterization, the key site-specific research upon which repository decisions will be based, is not unrealistically pressured by an adequate amount of time for thorough, scientific evaluation.

Mr. ROBERT F. SMITH. Mr. Chairman, will the gentleman yield?

Mr. BOULTER. I yield to the gentleman from Oregon.

Mr. ROBERT F. SMITH. Mr. Chairman, I rise in support of the amendment offered by my Oregon colleague, Mr. WEAVER.

By eliminating the money which DOE would be using to begin its physical studies for locating a nuclear waste repository, I hope we can force this agency to abandon its arbitrary approach to one of this Nation's most serious problems.

I openly admit that I think the Department was all wrong in its selection of Hanford, WA, as one of the three sites for location of this repository.

I have joined nine of my Northwest colleagues on a bill to stop the funding of any repository siting at Hanford.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(At the request of Mr. ROBERT F. SMITH, and by unanimous consent, Mr. BOULTER was allowed to proceed for 5 additional minutes.)

Mr. ROBERT F. SMITH. Mr. Chairman, will the gentleman yield further?

Mr. BOULTER. I yield to the gentleman from Oregon.

Mr. ROBERT F. SMITH. Mr. Chairman, I will not take that long. I thank the gentleman from Texas for yielding.

The facts of this case are simply that we have no facts.

After years of conversations, ranking or proposed nuclear waste sites, restudying and deliberation, the Department of Energy on May 28 of this year announced three possible waste repository locations.

One is in an earthquake zone. One is in the center of this Nation's largest aquifers, serving seven Midwest and Southwest States. And one is within view of the most important waterway west of the Mississippi.

Then, they "lost" all of the last generation's documentation, leaving only questions to a doubting public and Congress.

Next, they've asked for millions to complete site selection and make the understandably difficult decision between these three sites.

What is this Congress to do?

I suppose we might be gentlemanly about it and simply accept their excuse that the dog ate their homework, and by the way, I do not think they were shredded, the dog ate the homework; but when it comes to transportation of this very sensitive material and burying the high level waste

from 100 or so nuclear reactors across the country, then I think it is time for us to say that we cannot trust them. I admit in this case I am not going to be much of a gentleman, nor will I wager that any of you are going to be.

So I urge you to join me and the rest of these people in the Northwest in supporting this amendment, which I think is a good idea.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this country has a problem. Forty years into the nuclear age, it is going to take some vision and some statesmanship to solve that problem and I have not seen much of either around in these last few months, particularly on the part of the administration and the Department of Energy.

I remember standing at the White House in December in 1982. We had pulled off a miracle. We had actually gotten the waste policy bill through. I stood there with the Sierra Club and the Audubon Society and some of the good conservation organizations and with the nuclear industry people, we all had our arms around each other. We were going to solve this problem. We did a pretty good job, I thought.

Sometimes in legislation it is impossible to pass a bill that solves the problem, but you can set up a structure and a procedure by which the decision will be reached on schedule and at an appropriate time. What we did was to set up a schedule for two repositories. We provided, and it was certainly my intention and I have been pretty hard-nosed about it, but we were not going to run over the States. We are going to invite them in. States rights were going to be protected. The States were going to be considered at every stage of the process. If they did not have the money to hire the engineers, the geologists, and experts, the Federals would find the money to do that.

It seemed they were a little slow getting geared up and seemed a little slow getting off the starting blocks. I was concerned, but they were just beginning to roll. They finally got a good executive who needs all the backing he can get. We were just getting under way.

For what I consider some very unfortunate political reasons, the second repository was suddenly dumped; but that second repository had been the key to a number of the compromises we had to make.

Nuclear waste is being generated in the Eastern States. We thought that might change if nuclear were to go to 1,000 reactors instead of 100 in the way we were contemplating just 15 years ago.

The Western States said, and this was part of the backlog that prevented us from moving forward for a long time, the Western States said, "You are not going to do this to us. You are not going to generate all the waste in Maine, in Connecticut, in Massachusetts, and Pennsylvania and then ship it out here."

We do have the problem of satisfying our communities that the shipping can be done safely. We are going to hold hearings. We have already held hearings on this in the past. I had some hearings scheduled on waste disposal previously.

But this problem is not going to go away. We are going to have a waste dump and it is going to go into one of the 50 States. I do not know which one now.

The Department has postponed for 10 years any further action on the second repository.

If you shoot this one down today, if you pass this amendment, it will knock out all the money that is supposed to go to begin to drill in and find what is there and to characterize the sites so that the President and the Congress can make the final decision.

We give the States a veto on this legislation. We say to the States, "If you are finally picked, we are going to have a scientific process and get the best people we can and when we finally get down and the President of the United States says about 10 years from now is the timetable that this is the best of all the sites, the Governor of the State can veto that decision by the President and the Congress, both Houses would have to vote to override the decision."

So the States are going to get due process. It is going in one of them. My friends in the East, if you are seduced by these arguments in this amendment, this is designed to end for at least a year any progress toward construction of this facility. Having put the gun to the head of the second repository in the political action just a few weeks ago, we are in real bad shape.

Let me emphasize again, this waste is here. You can dump all the nuclear weapons in the ocean tomorrow, put all the waste from nuclear electric plants on rockets and shoot them out to the Sun the next day, but you still have got a problem. You have 40 years accumulation of this junk sitting in tanks in West Valley, NY, and all over in places like Hanford and places in Nevada and South Carolina.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

(By unanimous consent, Mr. UDALL was allowed to proceed for 3 additional minutes.)

Mr. UDALL. So, Mr. Chairman, let me understand what we are doing. A vote for this amendment to cut out the $300 million will bring to a grinding halt both tracks that we were on for nuclear waste. If you take it out of Oregon, Washington, and Nevada, if you go along with them that they should have no part in this, it just multiplies the possibility of it going to your State. I do not think there are many people who want to volunteer for it. That is why we had to have this compromise in this decisionmaking process.

Mr. WEAVER. Mr. Chairman, will the gentleman yield for just a brief question?

Mr. UDALL. I yield to the gentleman for Oregon.

Mr. WEAVER. The chairman agrees and has made an excellent statement that the Department of Energy has not followed the law that the chairman is the father of and the author of; is that not correct?

Mr. UDALL. That is right.

Mr. WEAVER. I submit to the chairman that we are not trying to halt the process. The money is still in there for the underlying process. We are trying to tell the Department of Energy, which has already issued a stop order for much of the work that is going on now, that they have not done a good job. That is really the impact of this amendment; DOE should get their act in order and start doing a good job. Is that not correct?

Mr. UDALL. But we overreact. It is a tough problem to build one of these repositories. You have to start with the drilling and you have to get the engineers. You have got to get the hydrologists.

I do not defend the DOE. I think they have had a poor performance.

We have oversight in our committee. We have hearings scheduled on this. I promised to go out and look at some of the transportation problems in places like Colorado where they have mountain tunnels and they would have real difficulty with an accident inside one of these tunnels, but by cutting off all the money, you say it is just for 1 year, but you do not put together a team at the DOE or a team out in the field to carry out a project of this kind in 6 months or 1 year so you can stop and start.

For all practical purposes, if you take away the money, the DOE is going to have to go back to the drawing board and maybe come to us for additional authority.

We really ought to be responsible. Choices have got to be made. If anybody has a better idea how to make this choice, I would welcome it; but the whole idea of setting up a timetable, pick nine, cut it down to three and in a certain number of months do this and that, provide for court review, provide money for the local people so they can keep up their experts with yours.

We had a good system. I hate to see it destroyed. My judgment is that the passage of this amendment will either destroy it or very heavily damage it.

Mr. ROEMER. Mr. Chairman, will the gentleman yield for a question?

Mr. UDALL. I am glad to yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding.

As a representative of a state that for a time was considered on the list as a potential repository site, I come to the discussion with some trepidation.

I wonder if the chairman would give us an assessment of the effect of this amendment, if passed.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

(At the request of Mr. ROEMER, and by unanimous consent, Mr. UDALL was allowed to proceed for 2 additional minutes.)

Mr. ROEMER. Mr. Chairman, will the gentleman yield further?

Mr. UDALL. I yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, would the gentleman give us his best estimate as to the practical effect of this amendment on those States that have been considered in times past, but are now off the list? One of the dangers of the amendment, as I see it, Mr. Chairman, is that we might have to start the process all over again from scratch. Does the gentleman agree, or do I overreact?

Mr. UDALL. I agree. I think if I were from one of the States not directly affected, I would have concern, if you let them off the hook, the three States that were picked.

We have gone a pretty good way down the road in this process. The President had picked the one in Texas, the one Nevada, and the one in Washington, and God knows in Washington these good folks in Washington have done more than their share over the years.

Mr. ROEMER. Well, Mr. Chairman, if the gentleman will yield further, I am not knocking any State. I do not want to get into that, because I do not feel that way. It would not be fair nor honest of me. I know every State has concerns, and I respect that; but part of my job is to represent Louisiana and we have our concerns, too. I wanted the gentleman to assess the practical effect of the amendment.

Mr. UDALL. Well, let me hit that directly. If this amendment passes, it is my judgment that probably they will go to court or the Energy Secretary has got to reverse himself. If the court says the procedure was flawed, they are going to say to go back to square one and we are back where we started.

Mr. ROEMER. Mr. Chairman, I thank the gentleman.

Mr. UDALL. And there will be risk to Louisiana and Arizona. We had one of these turkeys ourselves.

Mr. SWIFT. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Chairman, the gentleman discussed the second repository. I believe it is a fact, is it not, that there is more waste predicted to be generated than one waste depository is going to be able to contain. Is that not correct?

Mr. UDALL. Well, we do not know really. One may be enough. That is why I could not understand the hysteria in New England. They were I thought going to run everybody out of town on this.

Mr. SWIFT. Well, the chairman knows all the reports indicate that that is not the case. The DOE leaned very heavily on that thin reed.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

(At the request of Mr. SWIFT, and by unanimous consent, Mr. UDALL was allowed to proceed for 2 additional minutes.)

□ 1540

Mr. SWIFT. Mr. Chairman, will the gentleman yield further?

Mr. UDALL. I yield to the gentleman from Oregon.

Mr. SWIFT. Mr. Chairman, the fact is that the estimates that were made originally have not changed that much. The idea that there is not going to be a second repository is pretty much pie in the sky, and I think that the chairman has to agree with that. And the idea that the action today is going to cause people that now think that they are off the hook to go back on the hook I think is a little fallacious, because when the second repository finally comes, when that need becomes apparent and they can no longer hide behind a political rationale, then all of those States are back in jeopardy, if you will.

All that will happen if the Weaver amendment today is passed is that we are going to send a signal to DOE that they have to be more responsible in how they go through their site-selection process. I do not know what the experience is in the gentleman's committee, but on our committee it is very difficult to suggest that DOE has even begun to be responsible.

Mr. UDALL. I suspect that we are never going to have a second repository, because we were talking about 1,000 nuclear plants by the end of the century. We are going to have 100, and new plants are not being ordered. We were going to have reprocessing. So you have less waste produced when you reprocess the old way.

My judgment is that given the present situation, we probably will not even go down this second track eventually, but Congress should make that decision, and not the administration on some political basis.

Mr. WEAVER. Mr. Chairman, will the gentleman yield briefly?

Mr. UDALL. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, speaking of the second repository, and the third, and the fourth, there are 120,000 tons of military waste right now. The first respository will only hold 70,000 tons. We are talking about now in the military waste alone 120,000 tons. That would fill up almost two respositories. The faster this process goes, and the more helter-skelter it goes—and as the chairman has agreed, it is going helter-skelter—the faster you are going to get a second respository, a third, and a fourth.

The CHAIRMAN. The time of the gentleman from Arizona [Mr. UDALL] has again expired.

(By unanimous consent, Mr. UDALL was allowed to proceed for 1 additional minute.)

Mr. UDALL. Mr. Chairman, we set up a system that we thought would last for thousands of years and take care of thousands of years of deterioration of these wastes. They have very long half-lives.

I was very pleased, and I still think that the system will work if we will shake up DOE. I think that we were on the right track. But it now looks like it is not going to last 1,000 days, this great compromise and agreement that we reached.

I think Members make a drastic mistake if they take the action to pass this amendment. I think that we run real risks not only for the prospects of finding a solution, finding a repository, but for dealing with what I think is one of the most severe environmental problems that we will ever have.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, at the outset I want to congratulate the gentleman in the well, my good friend the gentleman from Arizona [Mr. UDALL], for his fine statement, and not only that, but for all the hard work that he has done on this issue and so many other issues affecting this great Nation of ours. He is one of the finest men, that I have ever met, and one of the most talented Members that I have ever met in the Congress.

Mr. Chairman, I strongly oppose this amendment. As one of the earliest supports of congressional efforts to resolve the problems associated with nuclear waste disposal, I think that this amendment would do serious damage to our efforts to solve that waste disposal problem.

Mr. Chairman, the Department of Energy has concluded, after significant study and consideration, that a second nuclear waste repository is not required at this time. The projected demand for disposal capacity is running significantly below what had

been anticipated at the time the Nuclear Waste Policy Act was enacted. Under those circumstances, it would be inappropriate, and furthermore, wasteful, to continue to appropriate money and direct activity on an enterprise that will not be needed in the forseeable future. For that reason, the committee deleted funding for the second repository—an action that was certainly sound in light of present budgetary difficulties.

While the second repository is clearly not needed at this time, there can be little question that the need for the first repository is immediate and critical. The amount of spent nuclear fuel continues to grow, although at a lower rate than had been previously anticipated, in temporary storage facilities. The capacity to provide such temporary storage, in a safe and economical manner, is extremely limited. It is essential that we proceed as quickly as possible to complete the site selection and characterization process for the first repository and get on with the business of addressing this serious need.

Perhaps most important, I think that we should realize that the issues of the first versus the second repository are not related. There is no question that the first one is needed, and that work should proceed. Given that fact, there is no justification—and in fact it would be irresponsible—to hold up work on the first repository pending a resolution of the controversy over the second one.

I urge the defeat of the amendment.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from Oregon.

Mr. WEAVER. I thank my friend, the gentleman from Massachusetts, for yielding.

Mr. Chairman, the gentleman says that there is no need for the second repository. Is the gentleman aware that the President made a decision last year that military waste will go into this nuclear repository, and that military waste presently is 120,000 tons, and the repository only holds 70,000 tons? Is the gentleman aware that the President made this determination?

Mr. CONTE. Mr. Chairman, I am aware of that, but it is my understanding that the waste has not been reprocessed as yet, and that is way down the road.

Mr. WEAVER. The President made the determination that military waste will go into this repository. It is 120,000 tons now, and the first repository will only hold 70,000 tons. So you are already, under the President's determination, way over. The requirement for a second repository should be announced imminently, perhaps right after the election.

Mr. CONTE. I doubt that very much. I think that those estimates are very high.

Mr. WEAVER. That is the actual Department of Defense figures.

Mr. CONTE. As I said, it has not been reprocessed. After it is reprocessed, it could be minimal compared to your figures.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Oregon [Mr. WEAVER]. I do so with some hesitation, but I do believe that it is a necessary step that we take at this time, a dramatic step, because the program at the Department of Energy has degenerated to such an extent that we have to turn off the spigot and force DOE to rethink and completely rehabilitate this entire program.

Is this a dramatic action that we are about to take here and to decide upon? Yes, without question. But this is just 1 year out of the next 10,000 years. Because this site for 10,000 years will have the nuclear waste of the United States of America. So let us put it in the perspective of the decision and the impact upon the people of whatever State is finally designated, and the States through which these materials will be transported, over generations that are almost uncountable.

In looking for this country's first nuclear waste repository, the Department of Energy has failed miserably. They have destroyed key documents. They have selected the top three finalist sites in deep secrecy. They have continually frustrated efforts by Congress and the States to oversee and participate in the waste program. They have taken a decision which was to be based solely on technical and geological considerations and mired it instead in political controversy.

As chairman of the Subcommittee on Energy Conservation and Power, I have conducted five hearings on the Department's High-Level Radioactive Waste Program and am all too familiar with the Department's inept handling of this program. At each hearing, I have become increasingly appalled at the performance of the Department, my doubts only deepening with each new revelation.

At one of the very first hearings held by my subcommittee, on August 1, 1985, the Director of the Office of Civilian Radioactive Waste Management, Mr. Ben Rusche, informed the subcommittee that documents relating to the methodology used to select sites for the purpose of the draft environmental assessments had not been retained. In other words, key documents were destroyed. It appeared to be the first time, but it would not be the last. The destruction of documents has become a recurring theme at the Department. This lack of documentation was especially troubling because the methodologies chosen to select tentatively the Nation's first nuclear waste repository were severely flawed. The National Academy of Sciences, an agency not prone to overstatement, had reviewed the methodologies and found them "unsatisfactory, inadequate, undocumented, and biased."

So the Department of Energy, at the urging of the subcommittee and the States, went back to the drawing board. A new selection methodology was devised, this time with the help of the Academy. After a few stumbles, the Department looked at the five top contenders once more and applied the new methodology. The new methodology ranked the sites in a different order: Nevada, first; Mississippi, second; Texas, third; Utah, fourth; and Washington, fifth. Let me quote from the Department's final document:

> The overall ranking of sites is Yucca Mountain, [Nevada], Richton Lome [Mississippi], Deaf Smith [Texas], Davis Canyon [Utah] and Hanford [Washington] * * *. Certain patterns are clear and stable under a wide range of assumptions. The Hanford site is in all cases ranked fifth . . . regardless of the relative weight assigned to the preclosure and the postclosure utilities.

The old flawed methodology used in the draft environmental assessments had ranked the Nevada, Texas, and Washington sites as the winning top three sites, with the Mississippi and Utah sites ranked as fourth and fifth. So there was one remarkable difference between the old and the new improved methodology, Washington had dropped from the top three to last position when the new methodology was used.

But a very funny thing happened to the Washington site on its way to the final decision at DOE headquarters. Despite the fact that Washington had come in last, the DOE picked Washington to be one of the three sites for characterization. It appears that the Department went through the motions of applying a new methodology but decided to stick to the very same results they came to under the old flawed methodology.

What's more, the Department insisted on keeping its deliberations on the application and choice of the final three sites wrapped in secrecy. The States tried to get in, and couldn't. Congress tried to get in, and couldn't. I think we now know why no one at the DOE wanted anyone looking over their shoulders. They are having a very difficult time explaining why they picked the Hanford, WA site.

In fact, as incredible as it seems, Mr. Ben Rusche, the director of the program, could not even recall the final rankings of the sites when asked at the Department's press conference announcing the decision. When asked why the Hanford, WA, site was picked

since it came in last, Mr. Rusche merely responded that that information was incorrect. One day later at a briefing for congressional staff, Mr. Rusche responded that he could not remember the ranking of the sites.

Most disturbing are the concerted actions of the Department to wipe out any trace of their decisionmaking process. The gentleman from Washington [Mr. SWIFT] and I recently asked the Department to supply the subcommittee with all memoranda relating to the decision to recommend the top three sites. And do you know how many memoranda the subcommittee received as a result of that request? Not one memorandum. What's more, the Department admitted that they threw away all drafts leading up to the final recommendation report.

It's simply outrageous that the Department is embarking on a project that could ultimately cost the taxpayers $60 billion, a project that will put a nuclear waste dump in someone's backyard for 10,000 years, and there is not one internal memorandum to back up how this decision was made.

I am left with only two possible conclusions: Either the Department is engaging in a coverup or incompetence has become the hallmark of this program. Either way, it is well past time to put the breaks on this program, and take a second sober look at the site selection process.

The American public cannot continue to tolerate the Department's antics. Nuclear waste is a serious issue and it must be dealt with in a manner which assures the public and Congress that the safest possible site will be chosen. Congress never intended for this decision to take place behind closed doors in smoke-filled rooms. But that is exactly what has happened.

In 1982, when the Nuclear Waste Policy Act was passed, I believed that the search for a permanent solution to disposing of nuclear waste was critical and of paramount importance to the Nation. But I refused to support a bill which included a proposal to build a monitored retrievable storage facility. I believed that the option of choosing a MRS would thwart efforts to site a permanent repository. I also believed that if the Department's program was not a success that the pressure would mount for constructing a monitored retrievable storage facility, and to scuttle the permanent repository program. I would hate, having to tell you, "I told you so."

So I would urge my colleagues to join together on this issue, to realize that discharging our national responsibilities to find a site to dispose of our waste, should not be accomplished by opting for a MRS. Setting aside our political problems by settling for a MRS is the easy way out for our generation, but not for our future generations. We have to make the tough decisions today and stand by them. And we should be united rather than divided in our opposition to a program that is riddled with incompetence and failure. There is probably nothing more appealing to the Department than to generate a battle which pits the first round States against the second and all parties against the State of Tennessee. "Not in my backyard," is a battle cry I will not take up. I ask you to stand together, and to stand firm, in demanding that we find the best site for disposing of nuclear waste and not the politically easiest. Finally, I ask you to put the national interest above your parochial interests when it comes to assuring the safe and lasting disposal of our nuclear wastes.

On one other matter, the report accompanying this bill expresses support for the Nuclear Regulatory Commission's actions to limit the openness of its meetings pursuant to the Sunshine Act. This Commission action has been roundly criticized in over 50 editorials across the Nation. Our Subcommittee on Energy Conservation and Power held hearings on this issue, and many members of the subcommittee as well as public witnesses, and even one Commissioner, criticized the Commission's proposal. Therefore, the legislative history of this bill should reflect the fact that the attempt by the Commission to close their deliberations is not endorsed by the Commission's authorizing committee.

□ 1550

The CHAIRMAN pro tempore (Mr. HALL of Ohio). The time of the gentleman from Massachusetts [Mr. MARKEY] has expired.

(By unanimous consent, Mr. MARKEY was allowed to proceed for 4 additional minutes.)

Mr. WEAVER. Mr. Chairman, the gentleman is supporting the amendment, is he not?

Mr. MARKEY. I am supporting, and I do so reluctantly because it, in fact, makes clear that the process thus far has been flawed. We have to perfect it and then go forward and let the chips fall where they may.

Mr. COMBEST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am sure that my taking the opportunity to speak in support of the amendment of the gentleman from Oregon [Mr. WEAVER] does not come as a surprise to anybody in this body because I am one of the three Members of Congress who has a potential repository site, at least one of the three characterizations, in my congressional district.

I intentionally waited until a number of others have spoken, only one of whom has a site, the gentlewoman from Nevada, in her congressional district, in order to, again, prove some of the points that were made earlier. That is, it is not strictly a regional and not strictly a not-in-my-backyard fight which we are today supporting the amendment of the gentleman from Oregon.

Rather, it is one in which, in my opinion, and to those who have asked of me if I am going to support this amendment and why, that I have indicated yes, that I would like to address for just 1 moment because it is the only alternative we have.

□ 1600

There have been a number of very, very good arguments; arguments I think we should take to heart as to the process and why the process is flawed, and why the process has to be changed.

The gentleman from Texas who joins my district on the north, Mr. BOULTER and I went to the Rules Committee to ask for a rule in which we could delay funding to a project until certain criteria were met. That rule was not granted; therefore, this is the only option we have left. I would have preferred it the other way; however, it is not, we do not have that option.

I want to emphasize the fact that I am not antinuclear repository; I am not antinuclear. I am, rather, prosafety and I feel that in fact with the conditions, with the concerns of the individuals who will be living above this repository, wherever it may be located, that if it takes us 1 additional year or 2 years to return some credibility, to return some confidence into the process and to exactly what it is that we are trying to do, that it is well worth the delay.

We have waited for years and years while the nuclear waste was building up; I think we can wait a few more to make in fact for sure that for 10,000 years into the future it is safe whenever it is planted.

It is not a regional fight; it is not one that one should consider only in terms of, "Well, if it does not go to one of those three sites, then my State potentially is going to get it."

If in fact in the end one of the sites that has been chosen for characterization is the site, then I think that if it is done so with confidence, then we will accept that. However, I think there are a number of areas that have been overlooked, and I think that there has got to be the confidence to the American people, that that final site is one which is the best regardless of how long it takes for us to get to that point.

I urge my colleagues, in an effort to return some credibility, in an effort to return some confidence to the system and to the process, that they strongly support the amendment of the gentleman from Oregon, and I rise in support of his amendment.

Mr. FOLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I strongly support the Weaver amendment. I compliment the gentleman from Oregon in offering this amendment, and I think, as the gentleman from Massachusetts [Mr. MARKEY] has stated very well, this process has been flawed; it has been poorly administered by the Department of Energy, and it is in the interests of every State in the Union that this process, an important process, go forward under the terms and conditions envisaged by the Congress and the landmark legislation which the gentleman from Arizona [Mr. UDALL] sponsored.

The action of the Department of Energy has not been correct on this issue; and this amendment will send a strong signal that we intend, that the intention and the proper administration of the act be carried forward by the Department of Energy.

I strongly urge my colleagues to support the amendment of the gentleman from Oregon [Mr. WEAVER].

Mr. SIKORSKI. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Oregon [Mr. WEAVER] is a distinguished and capable Member of this body, and it is with great reluctance that I speak in opposition to his amendment.

I am reluctant because I fully sympathize and agree with his reasons for offering it. The Department of Energy's nuclear waste program has been fraught with error and characterized by incompetence. It has been noted for its imperviousness to citizen participation, its callousness towards local governments, its scientific studies have been widely criticized by qualified geologists and engineers; and all along its secretive demeanor has reminded us more of the Soviets at Chernoble than an executive agency in the world's greatest free nation.

All around the country, the nuclear waste program has generated massive citizen opposition. Not just because no one wants a nuclear dump in their backyard, but because the Department failed to talk to them, work with them, and convince them of the scientific basis of their decision.

It simply descended on a multitude of American towns and cities, virtually at random, and told the citizens of those places that their futures were in jeopardy, their communities under fire, and the hostility to this invasion can be largely attributed to DOE's failure to let them know exactly what was going on before the troops arrived.

I sympathize with the gentleman from Oregon [Mr. WEAVER] and others who have spoken because of their problems in dealing with the DOE, are much like the ones we had. In fact, they are identical in the second round States.

Just recently the gentleman from Massachusetts [Mr. MARKEY], as he pointed out, the chairman of the Subcommittee on Energy Conservation and Power on which I serve, and the gentleman from Washington [Mr. SWIFT], a distinguished member of the subcommittee, requested documents from DOE relating to its selection of the first round sites. They also requested documents related to the suspension of the second round sites.

In an incredible response, the Department claimed that it destroyed all of these important, decisional documents; and as the chairman has said, that is either a coverup or a terminal case of incompetence; and with this program, either possibility is likely and probably both.

Now while DOE stonewalls, those of us in second round States are left with a strange mixture of relief and anxiety. We are relieved that DOE has opted to save the taxpayers billions of dollars by suspending the second site search for the indefinite future; but we are anxious that DOE could renege on its decision at any time, and their failure to release documents related to the second site suspension indicates that they want to continue holding the cards.

While they hold the cards, our communities are left in doubt and fear about their ultimate future. If we cut funding for the first site, as this amendment proposes, then we could give DOE the perfect excuse to play those cards it holds.

Last October at a hearing in Minnesota our subcommittee was told by the Department of Energy that if the first site process is aborted, the second sites are in the ball game alone.

They looked at crystalline rock deposits, the second site. The kind of medium being studied by DOE for the second nuclear dump; and they are found throughout the country. Such granite formations stretch up the Appalachian spine; from Alabama, Georgia, Tennessee, South Carolina, North Carolina, Virginia, Pennsylvania, New York, Vermont, New Hampshire, Maine. They stretch into Michigan, Wisconsin, Minnesota. They are found at the core of the Wyoming and Idaho Rockies, and the center of Arizona; there are also deposits located in South Dakota, Texas, and Oklahoma.

Preventing the Department of Energy from proceeding with the first site characterization, as this amendment would do, will make vast regions of the Nation subject to the uncertainty and fear associated with this search.

I support the efforts of the first round States to hold DOE accountable for its actions. I believe that their response to the Department's Nuclear Waste Program is grounded in the mistakes DOE has made in pursuing the search for a permanent nuclear waste storage facility, second or first round; but I do not want to pay for that concern by putting the citizens of virtually every other State under the radioactive spotlight once again.

The science, not politics, as everyone agrees, has to be the basis of this process. East and West, North and South are together that the process be technically sound, fair, open, and above board, and it is not now. The amendment will not spare the citizens of Western States from a nuclear dump. It will simply spread their fears and the defiance to the country at large.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the Congress very wisely, back in 1982, decided that we had to establish a procedure, guidelines and law, to provide for the future repository for our growing nuclear waste.

Under the leadership of our able chairman who spoke earlier, Chairman UDALL, it was anticipated we might have an argument just like this. For that reason the guidelines, the criteria for establishing this were made into law.

Accusations this afternoon have been, I think, somewhat recklessly thrown around. Such things as: "arbitrary, capricious, incompetence, highhandedness, betrayal, coverup, deceit, sock in the face, politicizing"—the list goes on—at best, the process was "flawed."

Yet, no specifics, nothing specific where the law was violated, has been stated this afternoon; I have examined the act of 1982, the Nuclear Waste Policy Act. The act provides that five sites shall be nominated, and from an examination then the Secretary shall recommend to the President by January 1, 1985, three sites for site characterization. Exactly what was done.

The suggestion was that these sites were ranked; but my examination of what has been released by the Department of Energy in our discussions with them, in our hearings, there was not a ranking, but the sites were given a numerical evaluation.

The top five sites received a numerical rating of more than 99 on a scale of 0 to 100. Those top sites all had over 99. Generally with statistics you cannot really get that close, so they had to make some final decision and the final decision was, again pursuant to law, to narrow it down, as required by law, for three for site characterization.

□ 1610

And the law is very clear on this. Section 113 of Mr. UDALL's bill, I read from the act, "The Secretary shall

carry out in accordance with the provisions of this section appropriate site characterization activities beginning with the candidate sites that have been approved under section 112 and are located in various geologic media."

Now, of the five sites under consideration that were nominated three were in salt. One was in tuff. A fifth site was in basalt. That is the one that seems to get most of the attention.

Your subcommittee, anticipating the problem, visited the Hanford site about 10 days ago and looked at the site. We did not go down any holes because they do not have a hole deep enough. But the test borings—now, this is basalt—indicating—the one that seems to be most in issue today. It is a very tough material, a rock material that is, under my examination, very tough, very hard. But again the three sites had to be selected, according to what the law said, from various geologic media. They had only three geologic media, salt, tuff, and basalt. So three of them were salt. So the Department of Energy has done exactly what the letter of the law requires that it do, prescribes that it do. Now, I can understand, we can all understand the emotion today which rests here. I suppose any of us, because of the unknown, might be concerned about the site that is going to be selected. But no selection has been made yet. We have not decided the final site for the first repository.

Now the issue of the second repository, again the statute says that we shall select, nominate a site, a possible site, nominate the five by January 15, 1989. And because of the restraints on spending this year, we have not appropriated money for consideration of the second repository. But that does not mean we will not have a second repository, that in the future Congress and this committee will not consider a second site. But the work that is being done now is site characterization. What is there? What is needed? What must we have to make a safe respository?

All of us believe in safety. I hope we do. We want a safe respository. But that is what this examination, what this money will be spent for. It would be wrong; if you are concerned about nuclear waste, getting rid of it, you had better not vote for this amendment, as well as it is intended. We all understand.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Texas.

Mr. COMBEST. I thank the gentleman for yielding.

Mr. Chairman, the gentleman knows how much respect I have for him. One of the concerns that I would bring up to the gentleman from Indiana is simply what he has stated.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana has expired.

(On request of Mr. COMBEST and by unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 2 additional minutes.)

Mr. COMBEST. Mr. Chairman, will the gentleman continue to yield?

Mr. MYERS of Indiana. I yield to the gentleman from Texas.

Mr. COMBEST. I thank the gentleman.

The characterization process itself, obviously we are all looking at it from the areas which we know best, which happen to be our homes. But we have tremendous questions that the technology is not even available to drill a shaft, two 12-foot shafts through a water formation that up to this point they have not even been able to drill a single 1-foot shaft through there successfully.

Additionally, is the salt which is going to come out from under there; if in fact at some point in the future that site in Deaf Smith County is no longer on the list, what is going to become of that? What is going to happen to the land around it? It is not just the repository itself, it is simply that they do not have the technology to characterize that site.

Mr. MYERS of Indiana. Well, the gentleman makes the point that you do not know. Neither does the Department of Energy. That is what this site characterization is all about, to make the evaluation, so we can make a sound, right determination.

What letter of the law has not been carried out? That is what we have to go by, not what we might like for the time. We have to follow the law. That is the reason Congress back in 1980 passed this act, because we envisioned this might happen. As far as I know, no one on the committee has specified or has cited a specific violation of the law.

Mr. COMBEST. Mr. Chairman, will the gentleman yield further?

Mr. MYERS of Indiana. I yield to the gentleman from Texas.

Mr. COMBEST. That is a question which we are looking closely into which has arisen. If in fact the letter of the law was followed or in fact if there has been a violation? We think those determinations have to be made prior to site characterization. We think those sites have been chosen and are all ready for work. We think those questions need to be answered first. I appreciate the gentleman yielding.

Mr. SWIFT. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Washington.

Mr. SWIFT. I thank the gentleman for yielding.

Mr. Chairman, the gentleman asks what violations of law? There are a number of specific deadlines contained in the law that have not been met. That is a violation of law. That has happened several times. I will point another one out to you. Another point that I want to make clear is that those of us who have had repeated oversight hearings with the Department of Energy on this specific issue have found that the Department of Energy is totally unresponsive, will not even share with the Congress information that we have absolutely every right to have. And they have done it on repeated occasions. In addition to which we have had close to 1½ dozen States that have come before—both first- and second-round States—that have come before our committee.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. MYERS] has again expired.

(On request of Mr. SWIFT and by unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 3 additional minutes.)

Mr. MYERS of Indiana. Mr. Chairman, I am going to object after the second one if no one else does.

Mr. SWIFT. Mr. Chairman, will the gentleman continue to yield?

Mr. MYERS of Indiana. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Chairman, everyone of those States has shared with us the fact that they get no cooperation, no consultation, cannot get the kind of thing that was envisioned in the law and was the clear intent of Congress.

The final point is this: if you want one clearcut, absolute violation of law, it is that the law says there shall be a second repository and the administration said, "We won't have one," clearcut, unequivocal violation of the law.

Mr. MYERS of Indiana. Section b: "Subsequent to such nomination, the Secretary shall recommend to the President three of the nominated sites on January 1, 1985."

Now, the second repository: "Not later than July 1, 1989, the Secretary shall nominate five sites for the second repository." That is 1989, 3 years from now. So there is a lot of time. I cannot speak—there will probably be another administration by that time.

Mr. SWIFT. The administration said they simply will not do that.

Mr. MYERS of Indiana. Well, there may be another administration by that time.

Mr. NEAL. Mr. Chairman, will the gentleman from Indiana yield?

Mr. MYERS of Indiana. I yield to the gentleman from North Carolina.

Mr. NEAL. I thank the gentleman for yielding.

Mr. Chairman, the gentleman said he had visited one of the sites.

Mr. MYERS of Indiana. And we will visit the other two between now and——

Mr. NEAL. Has the committee visited them before?

Mr. MYERS of Indiana. The staff has, but the members have not.

The chairman and I visited Hanford about 10 days ago. He will visit the other sites, I assure the gentleman.

Mr. NEAL. I thought the gentleman had been there.

Mr. MYERS of Indiana. The staff has.

Mr. NEAL. It seems to me I'm not sitting on the right committees to know in detail about this, but it seems to me that the ideal site might very well be that one in Nevada next to an area that had been contaminated and will have to be watched for a long, long time anyway.

I hope to have some response on that, but let me ask another question: was not the decision made——

Mr. MYERS of Indiana. You can give me a chance to answer the first one, if you like.

Mr. NEAL. Please, yes.

Mr. MYERS of Indiana. Well, I do not think Congress can make that decision. I hope we will not have to, unless under the procedure, the Governor and the legislature were to object, Congress would have to be injected into that point.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. MYERS] has again expired.

(By unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 1 additional minute.)

Mr. NEAL. Mr. Chairman, will the gentleman continue to yield?

Mr. MYERS of Indiana. I yield to the gentleman from North Carolina.

Mr. NEAL. I thank the gentleman.

My second question had to do with the way the decision was made originally to require a second site. As I understand it, once the first site would contain more than 70,000 metric tons, then there is a requirement that there be a second site. Seventy thousand metric tons is about a football field about 8 or 10 feet deep. Was that not a political decision as opposed to a decision based on good scientific data?

Mr. MYERS of Indiana. I guess you would have to ask the chairman of the Committee on Interior and Insular Affairs when they wrote the bill. I was on the floor at the time. I do not recall exactly what went into it, but you must remember the waste that we have now is in liquid. When it is reprocessed, and this provides for vitrification, when it is reprocessed much of that will be extracted, the liquid will be extracted, and the weight is going to be reduced. So 70,000 tons is a lot of tonnage. I do not think people realize you are not just going to dump the liquid that is now in tanks in Hanford and elsewhere and stored often on the sites throughout the country. We have rods now stored outside. France stores their waste in vitrified form outside in a concrete block building.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I yield to my good friend and colleague from Oregon [Mr. WYDEN].

Mr. WYDEN. I thank the chairman for yielding. I thank Chairman BEVILL. I want to go over very briefly this question of why the second repository is going to be needed and why it is so important that we have fair procedures.

Last year the President decided not to create a separate respository for military high-level waste. So the Waste Policy Act therefore requires that the military waste go into the commercial repository. Right now military high-level waste at Hanford, even if solidified, exceeds 50,000 tons of solid high-level radioactive waste. According to the draft environmental impact statement, by 1995 Hanford will produce another 71,000 tons of high-level radioactive waste. That is a total of 121,000 tons of high-level radioactive waste. That makes the case crystal clear that we are going to need a second repository. Those are from documents, from the draft environmental impact statement and from the act.

Mr. BEVILL. Mr. Chairman, I will make my remarks very brief. We have spent a lot of time on this amendment. Of course, I think everybody who has spoken has made quite a contribution here for the Members, and everybody knows what they feel about it and how they want to vote. But I do just want to take 1 minute here to point out that the man, in my judgment, that is the most outstanding chairman in the U.S. Congress, Congressman "MO" UDALL of Arizona, whose committee, a very outstanding committee, the Committee on Interior and Insular Affairs of the House, worked 8 years putting a bill together here that sets up the procedure to handle this matter, and here in just a few minutes we are faced with the possibility of destroying that act and starting all over. And, I am quoting Chairman UDALL again on this because he is the author of the bill, and actually dismantling and destroying this act that took 8 years to put together and then go out to the 48 States again and start all over again, considering what States this high-level waste material, which could be more than 3 square miles underground of waste. This is a very serious question. I do not think anybody wants to do away and dismantle probably one of the most important pieces of legislation passed by this Congress this century. That is what the chairman says this amendment would do; the Weaver amendment would destroy that act.

So I urge everybody to vote "no" on the Weaver amendment because we do not have the time, considering the waste that is accumulating now, high-level radioactive nuclear waste in this country, to start all over again. It would be a disaster.

So I urge everyone to vote against this amendment.

Mr. WEAVER. Mr. Chairman, I ask unanimous consent for 1 minute in order to sum up.

The CHAIRMAN pro tempore. Without objection, the gentleman from Oregon is recognized for 1 minute.

There was no objection.

Mr. WEAVER. Mr. Chairman, everyone is agreed the Department of Energy has been incompetent, has covered up, they have severely flawed the process. They have violated the law, and it is time now for the Congress to speak, to say we will not tolerate this.

Now, every State in the Union is at risk. We know that the amount of radioactive waste out there is more than enough for one repository. A political decision was made, "You are next." Get on the record now as saying, "We don't like the process, the incompetence, the coverup by the Department of Energy."

Vote for this amendment and tell the Department of Energy that.

I thank the Chairman.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with Mr. WEAVER and Mr. UDALL, I am one of the people that helped put together the legislation for setting up nuclear waste repositories. My initial reaction was that, even though the administration has not fully complied with that act, that we ought not do the deletion of the funds because at least it would give them the ability to go ahead and do part of the job that they were mandated to do. But I think a very persuasive case has been made that they have so completely strayed from the process that the act mandated that we ought to do this amendment and send them a message to go back to square one and start over again and do the job right the first time. So I am going to support Mr. WEAVER.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oregon [Mr. WEAVER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. UDALL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 68, noes 351, not voting 11, as follows:

[Roll No. 240]

AYES—68

Andrews
Archer
Armey
AuCoin
Bartlett
Bates
Bedell
Bonker
Boulter
Boxer
Bryant
Chandler
Chapman
Chappie
Clay
Coleman (TX)
Combest
Conyers
Craig
Crockett
de la Garza
DeLay
Dellums
Dicks
Dymally
English
Fields
Florio
Foley
Gonzalez
Hall (OH)
Hall, Ralph
Jones (OK)
Kramer
Leath (TX)
Leland
Levine (CA)
Loeffler
Lowry (WA)
Luken
Markey
Mikulski
Miller (CA)
Miller (WA)
Mitchell
Morrison (WA)
Ortiz
Owens
Pickle
Reid
Schaefer
Seiberling
Smith, Denny (OR)
Smith, Robert (OR)
Solarz
Stallings
Stenholm
Sweeney
Swift
Traficant
Vucanovich
Waxman
Weaver
Weiss
Williams
Wilson
Wright
Wyden

NOES—351

Ackerman
Akaka
Alexander
Anderson
Annunzio
Anthony
Applegate
Aspin
Atkins
Badham
Barnard
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bosco
Boucher
Breaux
Broomfield
Brown (CA)
Brown (CO)
Bruce
Burton (CA)
Burton (IN)
Bustamante
Byron
Callahan
Campbell
Carney
Carper
Carr
Chappell
Cheney
Clinger
Coats
Cobey
Coble
Coelho
Coleman (MO)
Collins
Conte
Cooper
Coughlin
Courter
Coyne
Crane
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
Derrick
DeWine
Dickinson
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Early
Eckart (OH)
Eckert (NY)
Edwards (CA)
Edwards (OK)
Emerson
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Fiedler
Fish
Flippo
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Gray (IL)
Green
Gregg
Guarini
Gunderson
Hamilton
Hammerschmidt
Hansen
Hatcher
Hawkins
Hayes
Hefner
Hendon
Henry
Hertel
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Miller (OH)
Mineta
Moakley
Molinari
Mollohan
Monson
Montgomery
Moody
Moorhead
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert (NH)
Snowe
Snyder
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stokes
Strang
Stratton
Studds
Stump
Sundquist
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Watkins
Weber
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Wirth
Wise
Wolf
Wolpe
Wortley
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NOT VOTING—11

Barnes
Borski
Brooks
Edgar
Frost
Gray (PA)
Grotberg
Hartnett
Jones (TN)
Lundine
Moore

□ 1645

Messrs. HAWKINS, STRANG, MONSON, WHEAT, SLATTERY, and KASTENMEIER, and Mrs. COLLINS changed their votes from "aye" to "no."

Mr. ORTIZ and Mr. LELAND changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the last word.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I rise today to commend Chairman BEVILL and my other colleagues on the subcommittee for their fine work on H.R. 5162, the energy and water approrpriations bill for fiscal 1987. I especially want to show my appreciation to my colleagues for their inclusion of funding for flood control efforts in Mahwah, NJ.

H.R. 5162 contains $170,000 to continue an ongoing engineering study by the Army Corps of Engineers for flood control measures along the Ramapo River in Mahwah, NJ, and Suffern, NY. This provision is an important step in our efforts to keep the Ramapo River basin free from the periodic flooding which has caused millions of dollars in damage. In addition to protecting the health and safety of residents in northern New Jersey, an adequate flood control program is vital to preserving northwestern Bergen's economy; 220 homes in the Ramapo River basin near Mahwah can be protected from periodic flooding through a program of channel modifications and retaining wall construction.

I wish to, once again, congratulate my colleagues on their efforts, and express my expectation that the other body will swiftly approve similar legislation which includes this important provision for Mahwah, NJ.

Mr. LAGOMARSINO. Mr. Chairman, I want to thank the chairman of the subcommittee and the gentleman from Indiana, along with the rest of the committee and its fine staff people, for the very diligent consideration they have given in this bill to projects proposed in my district. Each of these projects is very deserving and critical to the people of the 19th Congressional District, and in their behalf, I want to express my heartfelt appreciation for the work of the committee. If I may, Mr. Chairman, I would like to inquire about one project which was not included in the committee bill this year, involving a small reclamation project loan to the United Water Conservation District for its Freeman diversion project.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the subcommittee chairman.

Mr. BEVILL. Certainly, the gentleman is most welcome for his kind words. The reason that no funds were included by the committee for the United Water Conservation District project is because the Secretary of the Interior has not yet approved the application.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman. May I inquire further, if the Secretary does sign the loan application, would the subcommittee chairman consider accepting the project in conference, assuming that the Senate has accepted it?

Mr. BEVILL. If the Senate puts the project in its bill, and the application has been signed, I certainly would consider accepting the project in conference, and I appreciate the gentleman's interest in this project, which I understand will help repel seawater intrusion in the Oxnard plain.

Mr. LAGOMARSINO. Mr. Chairman, I thank the subcommittee chairman again for his consideration.

AMENDMENT OFFERED BY MR. AU COIN

Mr. AuCOIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. AuCoin: Page 22, at the end of line 21, add: "*Provided*, That, of the funds available, $2,500,000 shall be provided to the State of Oregon for the purpose of researching, with respect to nuclear activities carried out at the Hanford Federal Reservation in Richland, Washington, the effects of such nuclear activities on the health of the people of Oregon and on the environment of Oregon;".

Mr. AuCOIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. CARPER). Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. AuCOIN. Mr. Chairman, I offer this amendment to ensure that the State of Oregon, whose borders lie just a few miles from the Hanford Reservation in Richland, WA can join with the State of Washington in participating in the review and evaluation of the Department of Energy's civilian nuclear activities at Hanford.

The relative proximity of Oregon to the Hanford site makes Oregon a State affected by the activities at Hanford, in fact if not in law. This small sum—$500,000 per year for 5 years—will help the State of Oregon monitor activities at Hanford and assess their impacts on the lives, health, and safety of Oregonians. The Department of Energy and the State of Oregon have been working toward an agreement to provide these funds. I would hope that this body would give its seal of approval to this effort.

Mr. Chairman, I believe this amendment is acceptable to the chairman of the subcommittee and to the ranking minority member.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I am pleased to yield to my friend, the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, we are familiar with this amendment. We agree with the gentleman that it is a good amendment, and we have no objection to it.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the ranking minority member.

Mr. MYERS of Indiana. Mr. Chairman, the minority accepts the amendment.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, I just want to compliment my colleague, the gentleman from Oregon [Mr. AuCOIN], for his great leadership on this issue. This is something that is badly needed, and I appreciate the gentleman's work.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oregon [Mr. AuCOIN].

The amendment was agreed to.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

ATOMIC ENERGY DEFENSE 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 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 344 of which 320 are for replacement only) including 36 police-type vehicles; and purchase of five aircraft, three of which are for replacement only, $7,693,900,000, to remain available until expended: *Provided*, That funds provided in this paragraph for the Strategic Defense Initiative may be used only in the amount and in the manner provided for in fiscal year 1987 authorizing legislation.

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEAVER: Page 23, line 9, strike the appropriation of $7,693,900,000 and replace it with $7,673,900,000.

Mr. WEAVER. Mr. Chairman, what this amendment does is cut $20 million from the appropriation for the purpose of stopping core irradiation at the N-Reactor at Hanford.

Like the destroyed Soviet nuclear plant at Chernobyl, the Department of Energy's aged, graphite-moderated N-Reactor at the Hanford Reservation in the State of Washington, on the banks of the Columbia River upstream from most of the people of Oregon, is an accident waiting to happen.

The blast and core meltdown at Chernobyl caused thousands of immediate injuries and unknown future casualties and contamination of vast areas of city and farmland. Like Chernobyl, and unlike commercial nuclear powerplants in the United States, the N-Reactor has no containment dome to withstand explosions or hold in radioactivity.

Mr. Chairman, as I say, it has no containment dome. It is defenseless, it is open. The N-Reactor is potentially dangerous to the Pacific Northwest and the Nation and the world. Furthermore, it is not needed. It is not needed to produce power, although it does. We have a surplus of power in the Northwest.

Mr. Chairman, the N-Reactor is potentially extremely dangerous to us all. It produces power, but the power from the steam is in surplus in the Northwest.

Before my Subcommittee on General Oversight, Northwest Power, and Forest Management, the Bonneville Power Administration testified that they do not need the energy. As a matter of fact, it only contributes to the surplus, and the surplus contributes to the difficulty of selling energy in markets that have dried up. It would actually facilitate power sales out of the Northwest, if we did not have this excess power.

But the most important thing the N-Reactor does, of course, is to produce plutonium to make atomic weapons. It adds to our huge stockpile of 100 tons of plutonium that is now beyond any immediate use that is needed today. Consequently, we should remove funds for maintaining core criticality at the N-Reactor, until Congress has had the time to consider the results of safety studies now underway by the National Academy of Sciences and the General Accounting Office.

□ 1655

Now, we have held several hearings on the N-Reactor in the subcommittee I chair. Witness after witness, scientists from all over the country have testified that it is more dangerous than the graphite-moderated reactor at Chernobyl.

The graphite in this 23-year-old plant has already swelled up and warped to the point where the rods that go in have had to bend by as much as 9 inches. DOE has admitted that the metal in these rods after 23 years has become very brittle. If a seam burst and this radioactivity exploded out of it, the fuel, which is metallic uranium, far more dangerous than the uranium oxide at Chernobyl, could easily cause an eventual hydrogen explosion which would blow the core. Without a dome, without any containment, radioactivity could spread far beyond what Chernobyl did.

Now, they say, certainly we have boron balls ready to drop in a shield around any such seam burst, but I tell you, we have no idea whether that curtain could work. One rupture of one pipe could knock out 70 of the 1,003 rods.

The CHAIRMAN pro tempore. The time of the gentleman from Oregon has expired.

(By unanimous consent, Mr. WEAVER was allowed to proceed for 1 additional minute.)

Mr. WEAVER. That one pipe bursting, and this is beyond the emergency core cooling systems, so there could be

no emergency core cooling, that one pipe could destroy 70 of the rods out of the 1,003 and send us into a potential meltdown.

Emergency core cooling water will have to be pumped in case of such an accident into the ponds that are already full.

The Columbia River lies only a few yards away. Down river, not many miles away, lies the largest population center in Oregon, the Portland metropolitan area, making the Columbia River a radioactive sewer.

I would not sleep at night knowing that N-Reactor was now operating. It is an accident waiting to happen. Its products, both energy and plutonium, are not needed. We should shut it down until safety studies show that it is safe. I do not believe any study could possibly prove that this dangerous graphite moderated reactor, like Chernobyl, could possibly be safe.

The N-Reactor is potentially dangerous to the Pacific Northwest and elsewhere and is not needed to produce power or to add to our existing huge stockpile of 100 tons of plutonium for nuclear weapons. Consequently, we should remove funds for maintaining core criticality at the N-Reactor until Congress has had time to consider the results of safety studies now underway by the National Academy of Sciences and the General Accounting Office.

According to recently disclosed Atomic Energy Commission reports, General Electric Co. decided to build the N-Reactor with an unusual "confinement" system, instead of a full containment dome to capture radioactivity resulting from an accident, "because of its lower cost." The AEC's Advisory Committee on Reactor Safeguards concluded: "Several of its features raise questions as to the possibility of larger releases from a severe accident than are believed credible for commercial power reactors."

N-Reactor safety systems are questionable. In November 1985, workers discovered that bolts and valve parts had detached into the primary cooling system, slamming into and damaging the steam generators. Fuel failures at the N-Reactor have become more frequent, including holes in fuel elements. The tubes running through the reactor are bending, as the graphite block swells from long exposure to radioactivity. A DOE official at Hanford stated in May 1986: "The tubes are getting distorted. It is getting more and more difficult to push fuel into them. Some tubes are becoming more and more embrittled."

Recent inspections show deterioration of value discs, needed to assure coolant flow and avoid fuel damage. DOE's own fiscal year 1987 budget request stated:

> The raw water supply system to the Graphite Shield Cooling System cannot now withstand seismic forces postulated for such an accident. Should such an accident occur, water may not be supplied to the system, increasing the potential for core meltdown.

Studies on the safety of this old and potentially dangerous reactor, operating since 1963, are now underway by the National Academy of Sciences and the General Accounting Office. We seek to remove funding for resuming or maintaining core criticality at the N-Reactor, so Congress will have the results of these ongoing safety studies in hand before allowing operation to resume.

At my subcommittee's May 19 hearing, independent experts on graphite reactors testified that an N-Reactor accident on the scale of the Chernobyl disaster, causing thousands of injuries, was distinctly possible. The experts identified several unresolved safety problems, including:

First, reaction of the uranium metal fuel with water to produce hydrogen and the potential for explosion. The N-Reactor has no system for monitoring the presence of explosive gases.

Second, the possibility of single pipe failures that could disable both the primary and emergency core cooling system and lead to melting of 70 fuel rods per failure.

Third, ignition of a self-sustaining graphite fire by the heat of melting fuel. DOE's Technical Safety Appraisal of the N-Reactor, released July 1986, stated that N-Reactor supervisors had inadequate knowledge that graphite can burn or that the accident at Britain's Windscale reactor in 1957 involved burning graphite, as did the recent disaster at Chernobyl.

Fourth, contamination of the Columbia River by operation of the once-through emergency core cooling system.

Fifth, multiple pressure spikes rendering the filtered confinement system ineffective and resulting in unfiltered releases of radioactivity.

Sixth, absence of seismic support appropriate for the region.

Seventh, possible core overheating due to release of Wigner energy stored in the cooler portions of the graphite core and reflector.

Eighth, the absence of tested emergency planning for serious accidents releasing radioactivity beyond the Hanford Reservation, including no secondary control panel capable of shutting down the reactor.

Ninth, the lack of control room habitability during an accident, where operators may face toxic chlorine gas and have to communicate while wearing face masks and pressurized air tanks.

Tenth, other problems, such as redundant cables routed through the same spreading room, broken valve parts caught in the cooling system, and lack of adequate neutron monitoring equipment.

DOE's recent Technical Safety Appraisal pointed out additional problems, including these:

First, inadequate emergency planning system, with insufficient training, "lack of fundamental knowledge" on the part of emergency directors, alarms which cannot be heard in all parts of the plant, malfunctioning equipment, and lack of effective internal or external review of the plans.

Second, no monitoring of combustible gas in the confinement area, even though it was probably combustible gas (hydrogen) that caused the explosion at Chernobyl.

Third, reduction of quality control inspections and verifications.

Fourth, an operator training simulator that cannot simulate an accident involving loss of cooling to a single process tube, although the N-Reactor has 1,003 such tubes.

Fifth, a general "mind-set" against reducing radiation exposures to workers to a level as low as reasonable achievable.

The administration is pursuing an unprecedented expansion in the production and stockpiling of plutonium for weapons, including operation of the N-Reactor to produce 600 kilograms of weapon-grade plutonium per year. Prior to 1981, the N-Reactor was used primarily to produce power for the Bonneville Power Administration (BPA). We completely disagree with the administration that the United States needs to expand its nuclear arsenal. But we can still shut down the N-Reactor and still get an equal amount of plutonium in other ways, such as:

First, recycling plutonium in retired warheads. We already have 100,000 kilograms of plutonium in existing weapons—160 times the annual production of the N-Reactor. Plutonium has a half-life of 24,000 years. It does not wear out.

Second, more efficiently using plutonium scrap. The existing scrap may be equal to as much as 10 years of N-Reactor production.

Third, expanding plutonium production at the Savannah River reactors in South Carolina, which already produce about 1,500 kilograms of plutonium annually and are less vulnerable than the N-Reactor to catastrophic accident.

Fourth, reprocessing the existing stockpile of fuel-grade plutonium at Hanford. This alone could fully occupy Hanford's Purex fuel reprocessing plant for several years.

Nor do we need the N-Reactor for power. BPA has testified that:

First, its power surplus is expected to last for at least another 10 years and that, in the meantime, BPA probably won't be able to sell the surplus power for a price appreciably higher than it must pay DOE for the power (presently 16–18 mills per kilowatthour, escalated for inflation).

Second, continued operation of the N-Reactor may cause BPA either a net revenue gain or a net revenue loss, depending upon load growth and the price of oil and natural gas.

Third, neither BPA nor the Northwest Power Planning Council includes the N-Reactor in its long-term regional power plan.

Fourth, Pacific Power & Light Co. stated in a letter to me that it had no objection to halting operation of the N-Reactor while safety studies are done. PP&L gets 14 percent of the power produced by the N-Reactor. Operating since 1963, the N-Reactor is now in the 23d year of its expected 25-year life. It cannot operate beyond the mid-1990's, because expansion of the graphite core due to irradiation cannot be accommodated by the existing structure. Extending its life by 10 years by replacing the graphite core would cost billions of dollars and leave the people of the Pacific Northwest exposed to catastrophic accidents.

This amendment is endorsed by the Federation of American Scientists, the Natural Resources Defense Council, the Environmental Policy Institute, the Union of Concerned Scientists, Committee to Bridge the Gap, Physicians for Social Responsibility, Environmental Action, Public Citizen, the Health and Energy

Institute, and numerous other groups. I ask consent to include these letters of support in the RECORD. In the Pacific Northwest, this amendment has been endorsed by the Affiliated Tribes of NW Indians, the Coalition for Safe Power, the Hanford Education Action League, the Oregon League of Women Voters, the Washington League of Women Voters, Forelaws on Board, Greenpeace, SANE, the Oregon Wildlife Federation, the Hanford Clearinghouse, the Oregon Hanford Oversight Committee, and the Fellowship of Reconciliation.

Don't wait for an American Chernobyl. Let's examine the N-Reactor first. We have nothing to lose, while we protect the people of the Pacific Northwest and the Nation.

Mr. Chairman, I include the following correspondence:

PRINCETON UNIVERSITY,
SCHOOL OF ENGINEERING/
APPLIED SCIENCE,
Princeton, July 7, 1986.

Chairman JIM WEAVER,
Subcommittee on General Oversight, Northwest Power, and Forest Management, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN WEAVER: We would like to offer our support for your amendment to the FY 1987 Energy and Water Development Appropriations bill to prohibit any expenditure of funds on the operation of the N Reactor at the Hanford Reservation until the Department of Energy and the National Academy of Sciences have completed their safety reviews and Congress has had 120 days to consider their results.

Even if the N Reactor was shut down for one year, we estimate that this action would result in the loss of only about 600 kilograms of weapon-grade plutonium, approximately 0.6 percent of the 100,000 kilograms of plutonium available for U.S. nuclear weapons.

Although most of this 100,000 kilograms is in the tens of thousands of U.S. nuclear weapons already in the nuclear stockpile, as old weapons are retired, the plutonium contained in them becomes available for recycle into new weapons. Also, there is currently an estimated 1,500 to 2,000 kilograms of new weapon-grade plutonium produced each year in addition to the amount produced annually by the N Reactor. The lost plutonium production from the N-reactor therefore would only slightly reduce the plutonium available for new weapons.

In any case, since less than 10 percent of the number of weapons currently in the U.S. nuclear arsenal would be sufficient to assure the U.S. a devastating second strike capability, we see no potential hazard to the nation's security from the proposed shutdown.

An alternative to a temporary shutdown of the N-reactor is a permanent shutdown. This could be done as part of an agreement in which the Soviet Union would shut down one of its military production reactors in addition to the potential dual-purpose reactor that they recently retired (Chernobyl Unit #4). This could be a first step toward a verifiable bilateral cutoff in the production of fissile material for nuclear weapons. Such a cutoff was a U.S. arms control objective during the Eisenhower, Kennedy and Johnson Administrations, and is an arms control measure in which the Soviets have recently expressed interest.

Sincerely yours,

David Albright, Staff Specialist, Federation of American Scientists; Harold A. Feiveson, Research Policy Analyst, Princeton University; Theodore B. Taylor, Independent Consultant; Frank von Hippel, Professor, Princeton University.

NATURAL RESOURCES
DEFENSE COUNCIL,
Washington, DC, July 23, 1986.

Hon. JAMES H. WEAVER,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN WEAVER: The Natural Resources Defense Council (NRDC) strongly supports two amendments you have offered to the Energy and Water Appropriations Bill. First, we support the cut-off of funds for operation of the N-Reactor at Hanford, Washington until safety studies undertaken in the aftermath of Chernobyl are completed. The N-Reactor is strikingly similar to the crippled reactor at Chernobyl. Until the public has been assured by outside, independent experts that a Chernobyl-like accident will not occur at the N-Reactor the facility should not operate. As we understand it, the production of weapons-grade plutonium would not be affected by a shutdown of the N-Reactor during the period in which the safety studies will be completed.

Second, the NRDC supports ther cut-off of 90% of funds for characterization of the three sites identified as candidates for the first high-level nuclear waste repository. All available information indicates that the sites were chosen by DOE in an arbitrary fashion. Until DOE provides an adequate and reasonable explanation of its decision-making process, site characterization should not go forward.

If there is anything we can do to aid you further in your work on these important issues, please do not hesitate to contact us.

Sincerely,

DAN W. REICHER,
Attorney, Nuclear Project.

ENVIRONMENTAL POLICY INSTITUTE,
July 22, 1986.

Hon. JAMES WEAVER,
Chairman, Subcommittee on General Oversight, Northwest Power and Forest Management, Committee on Interior and Insular Affairs, Washington, DC.

DEAR MR. CHAIRMAN: The Environmental Policy Institute endorses both of your pending amendments to FY'87 Energy & Water Appropriations Bill concerning the elimination of funds for characterization activities for high-level nuclear waste repositories and the suspension of funds for operation of the N-Reactor at the Department of Energy's (DOE) Hanford Reservation.

(1) We support the elimination of $291.2 million in funding requested by the DOE to begin characterization and land acquisition activities at three potential high-level waste repository sites in Washington, Nevada, and Texas, as you propose.

DOE's selection of these three sites, which was announced in May of this year, was based on inadequate information and upon an unquestionably flawed selection process. DOE has informed the Nuclear Regulatory Commission that it does not even have enough information concerning these sites, to date, to complete plans for site characterization. The DOE site selection guidelines used by DOE are inconsistent with the requirements of the Nuclear Waste Policy Act and are being challenged in court by a large number of first repository, second repository and transportation corridor states (NV, UT, TX, WA, WI, MN, CO, NB, MS) as well as the Environmental Policy Institute, National Parks and Conservation Association, Sierra Club, Environmental Defense Fund, Friends of the Earth, and other public interest and citizen groups. Although part of the DOE selection methodology was reviewed by the National Academy of Science (NAS), DOE rejected the ranking of sites based on this NAS reviewed approach.

The House Appropriations Committee has responded to similar flaws in the DOE rationale and site selection procedures for potential repository sites in crystalline rock and for the location of a Monitored Retrievable Storage facility by eliminating funding to conduct site specific activities for those two programs. We believe that in light of the irregularities in DOE's selection of the Texas, Nevada, and Washington sites a similar suspension is fully appropriate for the repository site characterization. We come to this conclusion reluctantly because of our longstanding support for the geologic repository concept, but it is now abundantly clear that the DOE program is fatally flawed and that a reassessment of site selection policies for all high-level waste facilities is in order.

(2) The Environmental Policy Institute also supports the suspension of funds to operate the "N-Reactor" at DOE's Hanford facility pending an independent safety review as required by your second amendment. There are several compelling reasons for this. First, the "N-Reactor" is a graphite-moderated, water cooled design, similar to that which experienced a catastrophic accident in the Soviet Union at Chernobyl. The Hanford "N-Reactor" has even less capability to withstand an explosion involving hydrogen gas than the Chernobyl reactor design.

The "N-Reactor" was started-up in 1963 and even DOE, in its FY 1987 budget request, indicates that this facility may become too dangerous to be operated in the 1990's unless major improvements are made. Moreover, prior to the start-up of the "N-Reactor," the Atomic Safety and Licensing Board of the Atomic Energy Commission expressed serious concerns over the absence of an adequate concrete containment structure which were ignored. We believe that the completion of the National Academy of Science and the National Academy of Engineering reports on the safety of the "N-Reactor" are necessary before resumption of the reactor's operation as provided in your amendment.

Finally, the suspension of "N-Reactor" operation will not jeopardize the DOE's ability to obtain warhead-grade plutonium since there is a substantial backlog of plutonium generated by the "N-Reactor" in previous years. This backlog, as with all "N-Reactor" generated weapons materials, will require chemical separation; a process which itself will take far longer than the completion of the safety reviews. Your amendment provides the Congress with an important opportunity to exercise a responsible and conservative public health and safety policy relative to the "N-Reactor" without harming our national security interests.

Sincerely,

BOB ALVAREZ, *Director,*
Nuclear Power and Weapons Project.
DAVE BERICK, *Director,*
Nuclear Waste and Safety Project.

COMMITTEE TO BRIDGE THE GAP,
Los Angeles, CA, July 8, 1986.

Hon. JIM WEAVER,
Chairman, Subcommittee on General Oversight, Northwest Power, and Forest Management, Committee on Interior and Insular Affairs. House of Representatives, Washington, DC.

DEAR CHAIRMAN WEAVER: I am writing to urge that operation of the N reactor at the Hanford Reservation be suspended, pending the outcome of the several safety studies which are now being performed.

The Committee to Bridge the Gap is a public interest group concerned with nuclear reactor safety. We have focused on the hazards of graphite reactors, including the majority of the sixty or so NRC-licensed research reactors, the commercial nuclear power plant at Fort St. Vrain, and the dual purpose N reactor.

One of the major revelations of the Chernobyl accident is that reactor fires, and graphite fires in particular, are credible accidents. While this would seem to be obvious enough, especially in light of the 1957 Windscale reactor fire, it is a fact which has been ignored by those responsible for nuclear reactor regulation. Thus none of the U.S. reactor facilities which use graphite has prepared a response plan for dealing with a graphite fire. This alone is sufficient grounds, we believe, to suspend operations. Just as the Soviets learned from Three Mile Island that it is prudent to provide containments for their reactors, we should learn from Chernobyl that plans for fighting a graphite fire are best developed before the event occurs.,

But the graphite problem is only one of several significant safety questions associated with the N reactor. In view of the potential dangers involved, we urge you to act to prohibit further operation of that reactor until the new safety studies have been completed, and the public and the Congress have had the opportunity to review them.

Yours sincerely,

STEVEN AFTERGOOD,
Executive Director.

UNION OF CONCERNED SCIENTISTS,
Washington, DC, July 16, 1986.

Congressman JIM WEAVER,
Chairman, Subcommittee on General Oversight, Northwest Power Committee on Interior and Insular Affairs, House of Representatives, Washington, DC.
Attn: Mike Phillips.

DEAR CONGRESSMAN WEAVER, thank you very much for informing us of your intention to submit an amendment to the FY 1981 Energy and Water Appropriation bill to prohibit expenditure of funds on operation of the N-Reactor until Congress has had time to consider the results of DOE, and GAO and NAS studies on the safety of the plant. The Union of Concerned Scientists agrees that attention to the safety problems of the N-Reactor is long overdue and, in view of Chernobyl, can no longer be prudently delayed. We therefore endorse the approach you outline.

Very truly yours,

ELLYN R. WEISS,
General Counsel,
Union of Concerned Scientists.

PUBLIC CITIZEN,
July 15, 1986.

Congressman JAMES WEAVER,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE WEAVER: I am writing on behalf of Public Citizen to express our support for your proposed amendment to the FY 1987 Energy & Water Development Appropriations bill. Your amendment would prohibit—at least temporarily—the expenditure of funds for the operation of the N-Reactor at the Hanford Reservation in Washington state.

As you probably know, Public Citizen is a national consumer and environmental organization founded by Ralph Nader in 1971. Its Critical Mass Energy Project works to promote safe alternatives to nuclear power.

Following the accident at the Soviet nuclear reactor in Chernobyl, Public Citizen joined more than a dozen safe energy groups in calling for the Department of Energy to close its nuclear reactor at the Hanford Reservation. As you know, the N-Reactor bears a striking resemblance to the Chernobyl reactor. More important, the N-reactor lacks any type of containment to prevent radiation releases into the environment during a serious accident.

Further, inasmuch as the facility is regulated by the Department of Energy, it falls far short of the minimal safety requirements imposed by the Nuclear Regulatory Commission on commercial nuclear reactors. In addition, this plant is notorious for frequent and excessive releases of radiation into the surrounding environment. The plant thus poses a present danger to thousands of citizens and should be closed at least until appropriate changes have been made to prevent both an accident—if that is actually possible.

We commend the approach you propose as being measured and reasonable under the circumstances. It would risk neither a disruption of local electricity supply nor the production of materials which might arguably be necessary for weapons manufacture. Moreover, it would insure public safety while the responsible agencies conduct their studies, and Congress subsequently reviews their findings.

We appreciate your efforts on behalf of public safety and would be happy to support your amendment in any way we can.

Sincerely,

KEN BOSSONG,
Director, Critical Mass Energy,
Project of Public Citizen.

ENVIRONMENTAL ACTION,
Washington, DC, July 16, 1986.

Hon. JAMES WEAVER,
Longworth House Office Building,
Washington, DC.

DEAR REPRESENTATIVE WEAVER: Environmental Action strongly supports your amendment to prohibit the expenditure of funds on the operation of the Hanford N-Reactor until pending safety studies are reviewed by Congress.

The Department of Energy repeatedly tells us that a Chernobyl-type disaster "could not happen here." Such claims were also asserted by U.S. nuclear regulators before Three Mile Island and by Soviet authorities immediately before Chernobyl.

Prudent public policy should require that the N-Reactor operation be halted until the safety of area residents is assured. The lack of an on-going, independent safety oversight by a separate body, such as the Nuclear Regulatory Commission, is a serious flaw in the manner in which the federal nuclear program is regulated. That lack of independent review should require operations be halted while the current claims of safety standards are substantiated by impartial investigations.

Sincerely,

RUTH CAPLAN,
Executive Director.

HEALTH & ENERGY INSTITUTE,
Washington, DC, July 16, 1986.

Congressman JAMES WEAVER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WEAVER: The nuclear reactor disaster at Chernobyl in the Soviet Union has demonstrated that a major nuclear meltdown is possible. Consequently, the Health and Energy Institute supports your efforts to delete funding for the operation of the Hanford N-Reactor until safety studies are performed in order to determine that it could be safe to operate the N-Reactor. We support a shutdown of the N-Reactor for the following reasons:

1. The N-Reactor is similar in design to the Chernobyl reactor, for it uses graphite as the neutron moderator.

2. The N-Reactor is not subject to independent licensing and review by an outside agency. The Department of Energy is responsible both for the operation and regulation of nuclear weapons production facilities. The Nuclear Regulatory Commission has admitted that the N-Reactor could not meet NRC reactor licensing.

3. The NRC has admitted that there is a 50 percent probability of a nuclear meltdown occurring by the year 2000 at a commercial nuclear power plant. Since the N-Reactor lacks many of the safety devices required for commercial nuclear reactor operation, most notably the lack of any "containment" structure, the probability of a serious accident at the N-Reactor will undoubtably be higher.

The Health and Energy Institute has been circulating a letter to President Reagan urging the closure of the N-Reactor, and 4 weapons productions reactors at the Savannah River Plant, until safety studies have been performed to demonstrate that these reactors can be operated without endangering the health and safety of the surrounding communities. We should not needlessly put American citizens at risk by operating old and dangerous reactors such as the N-Reactor, and consequently wish you success in your efforts to delete funding for its operation until it can be proven safe to operate the N-Reactor.

Cordially,

KATHLEEN M. TUCKER, ESQ.,
President.

HANFORD EDUCATION ACTION LEAGUE,
Spokane, WA, June 23, 1986.

Representative JIM WEAVER,
Chairman, Subcommittee on General Oversight, Northwest Power, and Forest Management, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN WEAVER: HEAL heartily endorses the amendment you will propose in July to the FY 1987 Energy & Water Development Appropriations bill to prohibit the expenditure of funds on operation of the Hanford N-Reactor until Congress has had at least 120 days to consider the results of safety studies to be conducted by the Department of Energy and by the National Academy of Sciences.

On May 2nd, HEAL called for the shutdown of the N-Reactor until an independent investigation could be conducted to address the similarities between the Hanford reactor and Chernobyl #4 as well as other fac-

tors that weigh on the safety of the plant. On June 9th, HEAL formally asked of Washington Governor Booth Gardner, U.S. Senators Slade Gorton and Daniel Evans, and Rep. Thomas Foley that they appeal to the Secretary of Energy to comply with the Federal Advisory Committee Act in conducting the proceedings of the group appointed by the Secretary to review N-Reactor. Unfortunately, the group continues to meet in closed sessions. This not a good thing.

HEAL continues to stress many of the points you have emphasized about N-Reactor's questionable safety and questionable need to operate. We will continue to take these arguments wherever we can. Any further information your staff can provide to help us make our case will be greatly appreciated. A preliminary report we've published and distributed about N-Reactor will soon be updated and reissued. It would be valuable for us to have copies of the memoranda you've uncovered revealing the discussions of the Advisory Committee on Reactor Safeguards with regard to the design of N-Reactor. Would you please send them and any other additional material which bears on the issue?

HEAL greatly appreciates your attention to this vitally important issue.

Sincerely,

TIM CONNOR,
Staff Researcher.

CITY OF PORTLAND, OR,
OFFICE OF PUBLIC AFFAIRS,
Portland, OR, July 2, 1986.

Hon. JIM WEAVER,
Chairman, Subcommittee on General Oversight, Northwest Power, and Forest Management, Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN WEAVER: I want to thank you for providing the opportunity for me and other Portland citizens concerned about the N-Reactor to testify before your subcommittee on May 19, 1986. We appreciate your courtesy in holding the hearings in Portland, the major city that could be vitally affected by a Chernobyl-type disaster at the N-Reactor or by the leaking into the Columbia River of Hanford's radioactive waste.

An increasing number of Portlanders are critical of the U.S. Department of Energy's operation of Hanford's N-Reactor, worried about the storage of existing defense radioactive wastes, and adamantly opposed to the proposal to designate Hanford as the nation's only civilian radioactive waste repository. The week of June 16-25th was "Hanford Awareness Week" in Porland and included, among many civic events, a City Club address on radioactive waste storage by the U.S. Department of Energy.

Rearding the N-Reactor, that citizen concern is reflected in a Portland City Council resolution of May 4, 1986. The City Council unanimously approved a resolution supporting Senator Mark Hatfield's request for an independent and expedited U.S. General Accounting Office investigation of the N-Reactor.

In addition, on May 19, 1986, I requested that scientists and engineers concerned about nuclear safety be put on the National Academy of Sciences panel examining the safety of the N-Reactor. In that letter I named a number of such professionals.

Therefore, I strongly support your amendment to prohibit the expenditure of funds on operation of the N-Reactor at the Hanford Reservation until Congress has had at least 120 days to consider the results of safety studies to be conducted by the Department of Energy and the National Academy of Sciences. That is the least, in terms of attention to their regional economy and their public health and safety, that Pacific Northwest citizens have a right to expect from their leaders and their government.

Thank you again for your hard work in assuring that Oregon remains an excellent place in which to live and do business.

Sincerely,

MIKE LINDBERG,
Commissioner.

Mr. MORRISON of Washington. Mr. Chairman, I move to strike the requisite number of words. I rise to oppose the amendment. I do speak in opposition of the amendment offered by the gentleman from Oregon.

The N-Reactor is a proud part of our defense production facilities in the United States. It is a star performer. In fact, just ask some of the people who work there.

It does sell byproduct steam. It is America's only dual purpose reactor, 860 megawatts, contributing $55 million a year to lower the costs of its defense production. It is a significant contribution. It makes a great buy for American taxpayers, as well as a good buy, we admit, for ratepayers in the West.

It has been operating since 1963, a proud record of performance and safety.

Admittedly, like any complicated one of its kind machines, it has had its problems, but I am proud to report on behalf of the Department of Energy that their attitude has been that if there is a problem, find it, turn the machine off, repair it and get on with its productive record.

In fact, there are over 2,000 different automatic systems that will shut that reactor down in just a matter of a few seconds.

One of the issues, of course, is the containment. If you look at this system, you will find that the vented containment which it incorporates is ideal for this particular type of reactor, so there is confinment, a confinement system that if there was any sort of a radioactive buildup inside the reactor, it would be filtered out, rather than exposing anyone in the area to it; very obviously dramatically different than the Chernobyl reactor which brings this issue to us.

I personally live in the shadow of the N-Reactor, the issue of this amendment. The gentleman from Washington [Mr. FOLEY] and I represent the people who work there and the people who live there, the ones who are obviously most concerned with the safety of this reactor.

I agree that we should not operate the N-Reactor if it is found to pose a health or safety risk to the public. If that is the conclusion of the studies that are under way, obviously we would quickly agree with that.

I would like to mention a letter from the Secretary of Energy, dated today, which we just have, which I will submit for the record later on when we are in the full House, that letter indicating that the intent is to continue to operate the N-Reactor as in the past, and if they find anything wrong from the studies, which indicates a problem, that they will immediately shut down the reactor, but do not do it now.

The gentleman from Oregon [Mr. WEAVER] in his amendment would close down the reactor immediately because the Soviets made a tragic mistake. He disregards completely the fact that, first, the basic design of the N-Reactor is dramatically different than the Soviets, and second, that we have made major safety investments through the 23 years of operation. In fact, this year's budget includes a full 25 percent of the N-Reactor appropriations, $50 million for maintenance and upgrade.

You will find that America can be very proud of the fact that we have made that investment virtually each year through the years of life of this facility.

So it has operated safely for a number of years. There have been no nuclear accidents with any significant consequence or offsite impacts.

So why turn it off now? There is no justifiable reason.

The N-Reactor also is very important to America from a defense material production point of view. I trust that some members of the armed services will report on that.

The N-Reactor also meets all applicable regulations, design and operations meet all Department of Energy and Environmental Agency and other applicable regulations.

It is not licensed by the Nuclear Regulatory Commission, does not have to be, but we have asked them through the years for various oversights.

The confinement system meets by a wide margin the Nuclear Regulatory Commission requirement for protection of the public in the event of a severe accident.

There are a number of safety reviews ongoing, three of them by the Department of Energy have been completed. The General Accounting Office has just completed its work. None of them recommend shutdown of this reactor.

Yes, they have some positive suggestions for improvements and those will be followed through as we maintain this magnificent machine. The N-Reactor should continue to operate.

THE SECRETARY OF ENERGY,
Washington, DC, July 23, 1986.

Hon. SID MORRISON,
House of Representatives, Washington, DC.

DEAR MR. MORRISON: We at the Department of Energy are very cognizant of the

fact that the recent accident at Chernobyl in the Soviet Union has raised public concerns about the safety of the Department's N-Reactor at Hanford, Washington. As you know, I accelerated scheduled safety studies and asked for additional ones in order to address these concerns.

I wish to reiterate to you that in the event any of these studies reveal a deficiency in the N-Reactor that warrants a shutdown, I will not hesitate to order such an action. This is in keeping with DOE's policy over the last 23 years at Hanford. When problems have arisen, we have suspended operation until the problems were fixed.

I firmly believe that we can provide for the national security requirements of the nation without endangering the health of our citizens. The Department, under my direction, will continue to abide by this approach to our weapons production complex.

Yours truly,

JOHN S. HERRINGTON.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to my colleague, the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to underline the point that the distinguished gentleman from Washington just made, and it is that a GAO report requestsed by a Member of the other body and by the distinguished gentleman from Oregon [Mr. WEAVER] has come up with the conclusion that the N-Reactor need not be shut down; is that not correct?

Mr. MORRISON of Washington. That is my understanding, that they did not recommend a shutdown.

Mr. DICKS. I was briefed today by the GAO over the phone because of the graciousness of the chairman and the GAO said that they are not recommending that the N-Reactor be shut down.

Mr. MORRISON of Washington. That is the same report that I got.

The CHAIRMAN pro tempore. The time of the gentleman from Washington has expired.

(At the request of Mr. DICKS, and by unanimous consent, Mr. MORRISON of Washington was allowed to proceed for 3 additional minutes.)

Mr. MORRISON of Washington. Mr. Chairman, I thank the gentleman for raising that particular point. We got the same report from the General Accounting Office by phone, and quick to report that a list of deficiencies which have been circulated have been the findings of the Department of Energy itself and we are proud that a number of those are included in the budget for improvements. They are not the sort of thing that are threatening, but in fact are justifiable improvements that we should approve.

Mr. DREIER of California. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from California.

Mr. DREIER of California. Mr. Chairman, I thank my friend for yielding.

I simply would like to say that I, too, am very concerned about this connection that is being made to that tragic Chernobyl accident. I was wondering if the gentleman might be able to give us a couple of examples as to the kind of safety requirements that are imposed in the Soviet Union, juxtaposed to the litany that he has just gone through of all the different agencies that have been involved in this instance.

Mr. MORRISON of Washington. Well, I certainly cannot pretend to be a technician.

We do know that the Soviets have now indicated that this was an unauthorized experimentation that caused their problem.

We get the impression that the Soviet approach is if the state declares that it is safe, then it is in fact safe from their point of view.

Mr. DREIER of California. So there is no independent operation that the gentleman is aware of that will be monitoring, as there has been in the United States?

Mr. MORRISON of Washington. Certainly not in the case of my constituents who operate this reactor; they are very quick to tell me and the Department of Energy when they feel there is a problem, they work there, they live there, and we can be very proud of the massive improvements that have been made as the state of the art improves in operating defense production reactors.

Mr. DREIER of California. Mr. Chairman, I thank the gentleman.

Mr. LOWRY of Washington. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Weaver amendment. The disaster at Chernobyl was serious. I mean, it was serious. The contamination was serious.

There are about 6 million people in the Northwest living within an area of which that contamination could be extended to.

I find it ludicrous that we would argue that today, in light of the Chernobyl disaster, we should not take this amendment that the gentleman from Oregon has made to give us time to be on the side of safety rather than on the side of hoping that we are right.

I have been to two hearings that have been called under the leadership of Congressman WEAVER. I have listened to people testify on the safety at the N-Reactor at Hanford.

I want to read who some of those people are who testified and what they said.

Daniel Hirsh, is the director of program on nuclear policy at the University of California at Santa Cruz.

James Warf is professor emeritus of chemistry, University of Southern California, former group leader of the analytic and inorganic chemistry sections of the Manhattan project.

W. Jackson Davis is professor of biology and environmental studies at University of California at Santa Cruz.

Boyd Norton, a reactor physicist.

Jim Lewis is a research chemist associate with our nuclear policy program at the University of California at Santa Cruz.

Roland Finston is chief of health physics and radiation safety at Stanford University.

On May 18, the first three of these gentlemen that I mentioned took a tour of Hanford and came back and made a review and made a report, together with the second three gentlemen I mentioned. The six of them in their review testified before the Weaver hearing in Portland the following:

The similarities between Chernobyl and Hanford are substantial and make a Chernobyl-type accident at Hanford a distinct possibility.

Now, I ask the Members of this body, will you review the credentials of the six gentlemen I just named and say that when they testify that a Chernobyl-type accident at Hanford is a distinct possibility, that this body does not have an extreme responsibility to take that very seriously?

Support the Weaver amendment, be on the side of safety until we have the answers.

Now, the independent National Academy of Sciences and National Academy of Engineering are conducting the study asked for by the Secretary of Energy. That report will be in this coming spring.

There is absolutely no need for the N-Reactor at Hanford to be operating today. To say that it is for plutonium production has got to be a bad joke. I mean, 1 year's production at Hanford is about one-half of 1 percent of our existing stockpile. I cannot believe anybody thinks that we need more than that now.

Second, for the energy production, the Bonneville Power Administration testified at the Weaver hearing that there is a surplus now and they do not need it over the next year.

So we have a situation in which there is no argument at all for the N-Reactor at Hanford operating now. We have eminent scientists who have raised the serious question about the safety at Hanford now. They have shown the relationship to Chernobyl.

□ 1710

Let me tell you what they say about Chernobyl, and again remember the credentials of the men I just read:

The Chernobyl reactor was not the crude device some have tried to make it out to be. It had the principal safety features found at the N-Reactor, including two emergency core cooling systems, an inert atmosphere

within the reactor, and the presence of backup diesel generators, for example.

This is a direct quote from the review team of the eminent scientists that I have previously mentioned.

Chernobyl also had a number of safety features not found at Hanford, among them: two sets of pressure suppression pools, a substantially lower power level, and, something that has not been well covered in the West, two sets of containments for key areas of the plant. Furthermore, all of Chernobyl's components were 20 years younger than the aging N-Reactor. While none of these features prevented the Soviet catastrophe, the absense of some of them at the Hanford reactor and its greater age cannot be said to make the likelihood or consequences of such an accident less here.

It is 150 miles from Portland.

The CHAIRMAN pro tempore. The time the gentleman from Washington [Mr. LOWRY] has expired.

(On request of Mr. WEAVER and by unanimous consent, Mr. LOWRY of Washington was allowed to proceed for 1 additional minute.)

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. LOWRY of Washington. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, I want to ask my distinguished colleague, who has been courageous and perservant in this fight to safeguard his constituents and the rest of the people of this country on issue such as this—and this is to my mind the most dangerous single nuclear issue that we face today—I want to ask him, why should the people of the Northwest take this risk every day that this plant is operated in order to produce more bomb-grade plutonium?

Mr. LOWRY of Washington. There is absolutely no reason at all. The amount of weapons-grade plutonium that would be produced is less than one-half of 1 percent of our existing stock over the next year, plus there is a power surplus. So we are operating before we should be operating for no reason at all. It is extremely irresponsible. The Weaver amendment is the responsible thing for this Congress to adopt, and I plead with Members to do that. Think about our 6 million people who live out in the Northwest.

Mr. WEAVER. One more question, if the gentleman will yield. Does this plant have any containment at all? If there were an explosion, would it just send radioactivity throughout the Northwest and the country?

Mr. LOWRY of Washington. Well, I of course have no more qualification to answer that than any other Member of this body, except that the six scientists whose names I just read, like the head of the nuclear program at UCSC, said no, it does not, it is very dangerous.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Weaver amendment. I have been listening very closely to this. Let me briefly summarize where we are.

The distinguished Congressman in whose districts this project is located and has been successfully operated for 23 years, has told you that the project is safe. Would he advocate this if there was any danger involved to his constituents? There is not a Member of this Congress that is more familiar with that project. No Member has been there and visited the project and actually seeing what is going on more than the distinguished gentleman from the State of Washington whose district this project is located.

When the Chernobyl event happened, this subcommittee immediately called hearings and had everyone in our Federal Government who is connected with nuclear energy come before the subcommittee to give us the benefit of their expertise on the danger involved. That grouping consisted of the leaders of the U.S. Department of Energy, and we spent about a day with them, and a day with the five Nuclear Regulatory Commission members. Not one person would say that the reactor was unsafe.

As a matter of fact, they said that they were making an immediate investigation which subsequently showed no problems. There were a number of additional studies conducted and two more are going on now.

What this amendment asks us to do is to close the plant down. It could be closed down in a matter of seconds. We know of no problem there. Everybody that has knowledge of the situation, including the Congressman from that area, has pointed out that the reactor is not unsafe. The five-member Nuclear Regulatory Commission has made this point.

I do not think that we should jeopardize our defense program, and it would jeopardize the defense program to close this plant. The plant has been operating safely for 23 years, and there is no reason to think that it will not operate safely for another 23 years, if that is necessary. So I ask the Members to vote no on this amendment.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this subcommittee certainly was concerned about the issues brought up by the author of this amendment and others who have spoken about the safety of the operation of the N-Reactor and all of our reactors, for that matter.

As Chairman BEVILL has said, under his leadership, immediately, within a week after the Chernobyl incidents, we had 1 day of classified hearings, and then the second day of public hearings on what could happen to our reactors. We were completely satisfied with the testimony given, and we had invited all people.

First, the comparisons made here today of the Chernobyl and the N-Reactor operating now at Hanford, WA, show that they are similar in the fact that both of them are graphite-moderated. That is about the end of it right there, because there is a tremendous difference from that point forward.

The purpose of the N-Reactor is not to produce electric power as the purpose of Chernobyl was. The purpose of the N-Reactor is to produce the nuclear material for our weapons, and a byproduct is the sale of electricity from the excess steam that does come off. The purpose is entirely different.

The fuels have already been identified as being different. The Chernobyl reactor operates on an oxide fuel, and at the N-Reactor we use a metallic fuel. The metallic fuel is much safer. The ability to accept the heat and to transport the heat is much different and much better, much more safe in the metallic fuels.

Another difference is that to operate for the generation of electricity, you have to operate with a different type of fuel. It is enriched at 2 percent or more. The Chernobyl fuel was enriched at 2 percent or more. Generally the fuel used at the N-Reactor is less than 1 percent.

They sometimes, for effect, do spike, temporarily, up to maybe 1.25 the fuel used at the N-Reactor, but that is only temporary.

Mr. WEAVER. Mr. Chairman, will the gentleman yield on the fuel question.

Mr. MYERS of Indiana. Yes, certainly, I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, is it not true that they use metallic uranium at N-Reactor, and uranium oxide at Chernobyl, and scientists say that metallic uranium could be much more dangerous and much more likely to cause——

Mr. MYERS of Indiana. I do not know which scientists you are using. We have been recently and are still conducting some investigation in Idaho where we have shut down the cooling completely on metal fuel, metallic fuel, safely have cut the water off entirely and operated safely. So the metallic fuel has already been proven by those who know to be much safer.

On the safety systems, since the gentleman brings up the safety systems, we do not know exactly what safety systems were used at Chernobyl, but we know that whatever was used was not safe. The safety systems at N-Reactor are tripled. We first have the primary cooling that goes through the core, goes through the graphite. We also have the cooling for the elements

themselves that can bring the steam out—that is the primary cooling system. We have a secondary cooling system. If that should fail, we have an emergency cooling system that floods the whole thing. So it is completely, much different from the Chernobyl.

Now the issue was brought up that the shutdowns required, of course, they are horizontal, the tubes are horizontal at N-Reactor. Each tube where there is a nuclear rod going through is monitored by computer, and if there is a slight deviation in the temperature in any one of those tubes, it is shut down immediately, and the water systems begin to work and the fuel is inserted, stopping a nuclear reaction.

The argument is made about containment versus confinement. We do not have containment as you would have at a regular commercial site for a nuclear reactor at N-Reactor, but we do have confinement, about 3 to 4 feet of concrete on each side of the building containing N-Reactor. In the roof there are a series of vents, steam vents, in case there should be a change of pressure; they are filtered vents letting the pressure escape quickly, they are filtered so there would be no nuclear escape, but it would not be an explosion in that effect, so you do not need containment, but you do have confinement, which works out to much more.

In closing, there is little similarity between Chernobyl and the N-Reactor. The N-Reactor is needed. It is a valuable asset to our system. If we should close it down, we have been told by the Department of Energy that we would have to add another $64 million to this appropriation, because that is what is realized now coming in from the sale of electricity from this N-Reactor.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would like to add my opposition to the Weaver amendment.

Mr. Chairman, long before the nuclear disaster at Chernobyl, Members of the Congressional delegations representing the States of Washington and Oregon became very concerned about operations under way at the Hanford Nuclear Reservation, not only at N-Reactor, but with all nuclear processes that have an adverse impact on the environment. N-Reactor is the United States' only light water graphite reactor within a confinement building. It is a dual purpose reactor which has been operating safely for 23 years. Its primary mission is the production of plutonium for national defense, and it also provides the steam to produce 860,000 kilowatts of electricity.

While I understand the need for materials production for weapons systems, I do not believe this production should come at the expense of the environment in the area. This is particularly true in the case of Hanford, where proximity to the Columbia River ensures that contamination will not only impact the immediate area but could spread far from the original source and place many miles of both Washington and Oregon at risk.

It is for this reason that, as a member of the Appropriations Committee that works very closely with the Energy and Water Subcommittee, I have personally supported every possible appropriation for environmental programs at Hanford. There is still a great deal of work that needs to be done in this area, but I think we are making progress in elevating Hanford to the high-priority status it deserves for environmental funding.

This is the reason I find it particularly difficult to oppose my colleague Mr. WEAVER in the amendment he is offering to cut off funds for N-Reactor operations. I can certainly understand the concerns that prompted his amendment. The disaster at Chernobyl has served to highlight concerns about all nuclear power operations around the world, and the similarities between the N-Reactor and the Soviet reactor have made it especially subject to review. There are two areas where N-Reactor is most similar to the reactor at Chernobyl, the use of graphite to control the nuclear reaction within the core and the lack of a containment dome. At the same time, however, there are numerous substantive differences between the two systems, differences which are designed to provide the same type of multiple backup capabilities other American reactors contain and prevent a Chernobyl-type disaster.

While both reactors use graphite to control the reaction in the core, N-Reactor's fuel is loaded horizontally into the core when the reactor is shut down, while fuel at Chernobyl was loaded from the top while the reactor was running. The fuel itself at N-Reactor is a 1-percent enriched metallic uranium that is only irradiated for 1,000 megawatts days per metric ton before it is unloaded. Cooling water within the core is kept at a higher internal pressure and therefore does not produce steam inside the reactor.

At Chernobyl, the fuel was a 2-percent enriched uranium oxide fuel that was irradiated for 18,500 megawatt days per metric ton before it was unloaded. This means the fuel was irradiated for as long as 3 years before unloading, compared to about 3 months at N-Reactor, creating much more radioactive fission product that could be released in case of an accident. Steam was produced inside the core during operation.

While neither reactor has a containment dome around the entire facility, N-Reactor has a containment system around the core of several feet of reinforced concrete, and a cylindrically shaped confinement system of vents and filters designed to control and minimize a radioactive release. At Chernobyl, the reactor was designed in squares and rectangles, which do not handle pressure well, and had no containment structure.

The cooling system at N-Reactor is made up of multiple independent systems with both oil-fired boilers and electric motors to drive the pumps. All reactor and primary cooling areas are equipped with a water spray system that would automatically activate to provide a dense cooling water fog steam to reduce pressure buildup. There is enough water in basins outside the plant to cool the reactor for 2 hours, and after that water can be pumped directly from the Columbia River.

And finally, N-Reactor has three independent systems for shutting down the reactor itself. Two separate sets of boron rods can be driven mechanically into the sides of the reactor core while a third system dumps boron balls into the top of the reactor by force of gravity. The reaction can be shut down in 1.5 seconds, while the Chernobyl plant required as long as 20 seconds to shut down.

I mention these points because I believe it is important to take both similarities and differences between the two systems into consideration when attempting a comparison intended to measure risk of operations. Upon learning of the Soviet disaster, at least five special safety reviews of N-Reactor were initiated to review both the operations of the reactor and the safety of the systems themselves, so that we could intelligently evaluate the risk of continued operations and decide, on a reasoned basis, whether the potential for disaster exists. These include both internal reviews conducted by DOE scientists because of their knowledge of system operations and ability to move quickly, and outside, independent reviews intended to be more thorough and therefore expected to take longer to complete.

The first evaluation, a safety review of the graphite, the containment system and the potential for explosive hydrogen buildup was conducted in May and did not uncover any reason for concern with continued operation of the reactor. A second, 3-week review of N-Reactor operations themselves provided a detailed evaluation of the plant operators and their procedures, and this review also found no problem with the N-Reactor that would necessitate even a curtailment of operations. Two additional reports are expected to be completed later this month. One is a design review of N-Reactor and the other is a report being prepared by the Roddis group, a collection of independent experts conducting a safety assessment at the direction of the Secretary. While these last two are still in the process of collecting data, we have no indication that either might have uncovered any substantial risk to the public from continued operations.

Finally, the GAO conducted a safety survey of N-Reactor in June, and the National Academies of Sciences and Engineering will be conducting a safety analysis of all DOE reactors greater than 20 megawatts during the course of the next year. The GAO report is not yet completed, but I have spoken directly to the investigators preparing the review and have been assured that the report will not include any recommendation to close or curtail N-Reactor operations, but only suggestions to improve the long-term upgrade of the reactor that DOE is considering for the next decade.

The panels which will be conducting the review undertaken by the Academies of Sciences and Engineering are being selected and the scope of work being developed by the Academies at the present time. I was one of the key members that called for the review by the Academies, because of my belief that such an unbiased scientific review was essential if the public was to have any confidence in the findings. I can assure my colleagues, that

if this or any other review brings to light evidence of substantial risk to the public from continued operation of the N-Reactor, I would be one of the first to call for its shutdown. But I cannot justify calling for this same shutdown while all of the evidence we do have before us confirms the reactor's safety and the remaining evidence is not yet in. If we are going to have an independent review, let's not prejudge its findings without some basis for doing so.

For this reason, I would urge my colleagues to defeat the Weaver amendment, thus maintaining the integrity of the process by allowing the reviews to proceed without prejudice, and without final judgment until there is some indication that a shutdown is warranted.

□ 1720

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oregon [Mr. WEAVER].

The amendment was rejected.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. MARKEY: Page 23, line 9, strike out "$7,693,900,000" and insert in lieu thereof "$7,693,899,999".

Mr. MARKEY. Mr. Chairman, the amendment I am offering would restore a total of $16.25 million to the Department of Energy's budget for verification and control technology and nuclear safeguards and security.

During its markup of the energy and water bill, the committee cut $18 million from the budget for these programs—$7 million from nuclear safeguards and $11 million from verification and control technologies. My amendment would restore the $7 million cut from the nuclear safeguards budget, and provide nearly $9.3 million in funding for four high priority nuclear test ban research programs that were either unfunded or underfunded in the original budget request.

We often talk about the need for verifiable arms agreements and safeguards against nuclear proliferation. But are we willing to do more than just talk? Are we willing to actually maintain a level of funding that will support programs that would assure the verifiability of nuclear testing agreements and help safeguard us against nuclear terrorism and nuclear proliferation? When we are faced with a budget crunch—as we are today—will we sacrifice these programs first or last?

My amendment proposes to transfer $16.25 million out of the $3.4 billion weapons activities operating expenses account and into nuclear safeguards and nuclear test ban verification research programs. Transferring these funds out of the nuclear weapons R&D and production accounts will have a minimal impact on U.S. strategic and tactical weapons programs, but will greatly enhance our efforts to assure the verifiability of arms agreements and protect us against nuclear terrorism and nuclear proliferation.

In many ways, these programs will do much more to insure our national security than providing additional funds for a nuclear weapons buildup that has already exceeded the requirements for deterrence.

Since parliamentary restrictions prevent me from spelling out precisely where the additional funds would go in the amendment text itself, I would like to take this opportunity to detail for the legislative history what programs would be funded if my amendment is adopted.

Seven million dollars of the total would go toward restoring the cuts made in the nuclear safeguards and security budget up to the level of the request. These funds are used to support efforts to assure that our nuclear weapons, nuclear materials, and nuclear facilities are secure against theft, sabotage, and terrorist activity. They also support the development of technical safeguards against the proliferation of nuclear weapons.

I believe that if this program is of sufficient importance that it merits full funding by the Congress, then we can understand, in fact, the nature of the threat to this country.

Preventing nuclear weapons and nuclear materials from getting into the hands of terrorists, and preventing the spread of nuclear weapons to other countries is of sufficient importance to our national security that they should not be sacrificed on the altar of Gramm-Rudman.

The most difficult problem in assembling a nuclear weapon is obtaining the requisite amount of plutonium or highly enriched uranium. We need a vigorous safeguards program to prevent the diversion of these special nuclear materials into unauthorized hands, and to support international efforts to prevent the spread of nuclear arms.

Pakistan's recent moves toward a nuclear capability highlight the importance of maintaining and improving our safeguards capabilities.

The remaining $9.25 million would be used to increase for four priority nuclear test ban verification research programs that are either underfunded or unfunded in the FY87 DOE budget request.

Two million dollars should be earmaked for the continued operation of the Regional Seismic Test Network [RSTN]. This network consists of 5 specially designed seismic stations in the United States and Canada that have been operating since 1981.

Under current plans, this network would either be shut down and warehoused or sold off at the end of this fiscal year due to a lack of funding. I believe that this would be a tragic mistake. As Deputy Assistant Secretary of Energy for Security Affairs Edward V. Badolato testified earlier this year, this network has a "proven value for both treaty verification and nontreaty purposes."

The Regional Seismic Test Network has provided a wealth of data that has enabled researchers to better understand the difference between the underground signals produced by nuclear explosions and those generated by earthquakes, or mine excavation activities.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts [Mr. MARKEY] has expired.

(On request of Mr. MCCURDY and by unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. MARKEY. Mr. Chairman, it has helped the U.S. gain experience on the performance and reliability of unmanned high technology seismic detection equipment operating under field conditions with minimum maintenance. I have found in discussions with the scientific community that continued operation of this system has support across the spectrum, from weapons scientists who have deep reservations about a CTB, to outside experts who strongly endorse such an agreement, there is a broad consensus that shutting down this test monitoring system is a bad idea, from both a scientific and national security standpoint.

In general, the money that we are taking and putting into this particularly small but highly important account is for the purpose of ensuring that nuclear materials are not diverted from civilian purposes into military purposes around the world; and second, that in the event that it is possible for us to verify a comprehensive test ban treaty with the Soviet Union, that we have the technologies in place that assure that it is verified and that the Soviets are not cheating.

For those of you who support a comprehensive test ban treaty, support this because it gives us the chance to ensure that we have the state-of-the-art technology to verify what the Soviet activity is.

If you oppose a comprehensive test ban treaty in the off chance that, in fact, some arms control regime is put in place, let us at least have the state-of-the-art technology to give the American Government the proper degree of knowledge.

If you have traditionally opposed arms control because you are unsure of the verification capacity of the United States, this is your chance to vote to enhance our capability to be able to understand the technologies that will be needed in order to put that regime in place.

□ 1730

Mr. McCURDY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment by my colleague from Massachusetts to restore the funding for Nuclear Safeguards and Verification Research.

As Chairman of the Oversight and Evaluation Subcommittee of the Intelligence Committee, I have just completed a year-long series of hearings on intelligence support to arms control with a special focus on our ability to monitor present and future arms control agreements.

While the committee has not yet issued its findings, the hearings made clear to me that if we are to maintain and improve our capability to monitor arms control agreements with high confidence in the face of changing Soviet offensive nuclear capabilities, we must continue a strong, vigorous and inventive research and development program in monitoring technologies.

If you believe, that verifiable arms control agreements contribute to our national security, then you need to support this amendment. Because this amendment will make a substantial contribution to this end by restoring the funding necessary to continue the development by our national nuclear laboratorys of several very promising monitoring technologies.

In this age of terrorism and growing danger of nuclear proliferation, we must insure that congressional funding is adequate to continue to make our nuclear weapons safe from terrorists and sabotage as well as to improve our technical safeguards against the proliferation of nuclear weapons. This amendment will also restore the funds necessary for these supports.

I urge my colleagues to support the adoption of the Markey amendment.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as you know, this is just putting some legislative history in the record. The amendment actually strikes $1 and puts some history in the record and actually is inconsistent with what the Congress has done. The Armed Services Subcommittee, for example, has recommended an authorization that is lower than the amendment would provide.

It recommended increasing the funding for safeguards and security and the verification and control program. Our subcommittee has consistently supported these programs. As a matter of fact, we have increased verification and control by nearly 20 percent in the last 2 years. We have increased actual safeguards and security from approximately $400 million to approximately $800 million since 1983.

I think there is actually such a thing as too much; particularly with Gramm-Rudman and the effort we are making to cut the deficit. I urge Members to vote against this amendment.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman.

Mr. MYERS of Indiana. I certainly concur in what the chairman has said. The committee is very much concerned about this, and we have examined the verification and control programs, and we feel confident—we have, as the chairman said, increased it substantially in the last 2 to 3 years.

So, Mr. Chairman, I completely concur and I do not think this amendment would accomplish what the gentleman's intention ultimately was.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman.

Mr. MARKEY. I thank the gentleman for yielding.

Mr. Chairman, the point that I am trying to make with this amendment is that in these four high-priority program areas, that in fact the money that is needed is just not sufficient; and in general; yes, there may be large amounts of money in a whole array of progams, but in these programs, this narrow range of programs dealing with the specialized technologies needed in order to verify an arms control agreement, the money is still woefully inadequate.

Especially when compared with the fact that the committee is going to fully fund the x ray laser and other nuclear-driven technologies, to $570 million; $75 million for the special isotope separation facility; $10 million for a new artillery shell; $10 million for a new high-yield Trident II warhead.

What we are saying is that in that whole scheme of things, that if we could just find $16 million in order to try to build in a better verification regime in the off chance that we might be able to get a treaty between us and the Soviet Union, that it would be the best, most cost-effective expenditure of money that we could make in this entire day.

Mr. BEVILL. The committee feels that increasing safeguard and security from approximately $400 million in 1983 to approximately $800 million in 1987—doubling the money, is enough.

Mr. Chairman, I ask for a "no" vote on this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 263, not voting 15, as follows:

[Roll No. 241]

AYES—152

Ackerman	Gonzalez	Oberstar
Annunzio	Goodling	Obey
Aspin	Green	Owens
Atkins	Guarini	Panetta
AuCoin	Hall (OH)	Pease
Bates	Hamilton	Penny
Bedell	Hawkins	Petri
Beilenson	Hayes	Rahall
Berman	Henry	Rangel
Biaggi	Hertel	Ridge
Boland	Howard	Rodino
Bonior (MI)	Jacobs	Roemer
Borski	Jeffords	Russo
Bosco	Johnson	Sabo
Boxer	Kastenmeier	Savage
Brown (CA)	Kennelly	Scheuer
Brown (CO)	Kildee	Schneider
Bruce	Kleczka	Schroeder
Burton (CA)	Kolter	Schumer
Carper	Kostmayer	Seiberling
Clay	LaFalce	Sharp
Collins	Lantos	Sikorski
Conte	Latta	Snowe
Conyers	Leach (IA)	Solarz
Coughlin	Lehman (CA)	Spratt
Coyne	Leland	St Germain
Crockett	Levin (MI)	Staggers
Daschle	Levine (CA)	Stark
Daub	Long	Stokes
Dellums	Lowry (WA)	Studds
Donnelly	Luken	Swift
Dorgan (ND)	MacKay	Synar
Downey	Markey	Torres
Durbin	Matsui	Torricelli
Dwyer	Mavroules	Towns
Dymally	McCloskey	Traficant
Early	McCurdy	Udall
Eckart (OH)	McKinney	Vento
Edwards (CA)	Meyers	Visclosky
Evans (IL)	Mikulski	Walgren
Fascell	Miller (CA)	Waxman
Fawell	Miller (WA)	Weaver
Feighan	Mineta	Weiss
Florio	Moakley	Wheat
Foglietta	Monson	Williams
Ford (MI)	Moody	Wirth
Ford (TN)	Morrison (CT)	Wise
Frank	Mrazek	Wolpe
Garcia	Neal	Wyden
Gejdenson	Nowak	Yates
Glickman	Oakar	

NOES—263

Akaka	Chandler	Eckert (NY)
Alexander	Chapman	Edwards (OK)
Anderson	Chappell	Emerson
Andrews	Chappie	English
Anthony	Cheney	Erdreich
Applegate	Clinger	Evans (IA)
Archer	Coats	Fazio
Armey	Cobey	Fiedler
Badham	Coble	Fields
Barnard	Coelho	Fish
Bartlett	Coleman (MO)	Flippo
Barton	Coleman (TX)	Foley
Bateman	Combest	Franklin
Bennett	Cooper	Frenzel
Bentley	Courter	Fuqua
Bereuter	Craig	Gallo
Bevill	Crane	Gaydos
Bilirakis	Daniel	Gekas
Bliley	Dannemeyer	Gephardt
Boehlert	Darden	Gibbons
Boggs	Davis	Gilman
Boner (TN)	de la Garza	Gingrich
Bonker	DeLay	Gordon
Boulter	Derrick	Gradison
Breaux	DeWine	Gray (IL)
Broomfield	Dickinson	Gregg
Bryant	Dicks	Gunderson
Burton (IN)	DioGuardi	Hall, Ralph
Bustamante	Dixon	Hammerschmidt
Byron	Dornan (CA)	Hansen
Callahan	Dowdy	Hatcher
Campbell	Dreier	Hefner
Carney	Duncan	Hendon
Carr	Dyson	Hiler

Hillis	Miller (OH)	Skeen
Holt	Molinari	Skelton
Hopkins	Mollohan	Slattery
Horton	Montgomery	Slaughter
Hoyer	Moorhead	Smith (FL)
Hubbard	Morrison (WA)	Smith (IA)
Huckaby	Murphy	Smith (NE)
Hughes	Murtha	Smith (NJ)
Hunter	Myers	Smith, Denny (OR)
Hutto	Natcher	Smith, Robert (NH)
Hyde	Nelson	Smith, Robert (OR)
Ireland	Nichols	Snyder
Jenkins	Nielson	Solomon
Jones (NC)	Olin	Spence
Jones (OK)	Ortiz	Stallings
Kanjorski	Oxley	Stangeland
Kaptur	Packard	Stenholm
Kasich	Parris	Strang
Kemp	Pashayan	Stratton
Kindness	Pepper	Stump
Kolbe	Perkins	Sundquist
Kramer	Pickle	Sweeney
Lagomarsino	Porter	Swindall
Leath (TX)	Price	Tallon
Lehman (FL)	Pursell	Tauke
Lent	Quillen	Tauzin
Lewis (CA)	Ray	Taylor
Lewis (FL)	Regula	Thomas (CA)
Lightfoot	Reid	Thomas (GA)
Lipinski	Richardson	Traxler
Livingston	Rinaldo	Valentine
Lloyd	Ritter	Vander Jagt
Loeffler	Roberts	Volkmer
Lott	Robinson	Vucanovich
Lowery (CA)	Roe	Walker
Lujan	Rogers	Watkins
Lungren	Rose	Weber
Mack	Rostenkowski	Whitehurst
Madigan	Roth	Whitley
Manton	Roukema	Whittaker
Martin (IL)	Rowland (CT)	Whitten
Martin (NY)	Rowland (GA)	Wilson
Martinez	Roybal	Wolf
Mazzoli	Rudd	Wortley
McCain	Saxton	Wright
McCandless	Schaefer	Wylie
McCollum	Schuette	Yatron
McDade	Schulze	Young (AK)
McEwen	Sensenbrenner	Young (FL)
McGrath	Shaw	Young (MO)
McHugh	Shelby	Zschau
McKernan	Shumway	
McMillan	Shuster	
Mica	Siljander	
Michel	Sisisky	

NOT VOTING—15

Barnes	Fowler	Jones (TN)
Boucher	Frost	Lundine
Brooks	Gray (PA)	Marlenee
Dingell	Grotberg	Mitchell
Edgar	Hartnett	Moore

□ 1755

Mr. WEBER changed his vote from "aye" to "no."

Messrs. BROWN of California, FAWELL, SPRATT, ASPIN, ANNUNZIO, STAGGERS, and MATSUI changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. BLILEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the bill.

Mr. Chairman, I rise in support of H.R. 5162, the energy and water appropriations bill for fiscal year 1987 as reported by the Appropriations Committee. The chairman of the subcommittee, Mr. BEVILL, and the ranking minority member on the subcommittee, Mr. MYERS, have, once again, done an excellent job in crafting a bill the House should accept overwhelmingly. I thank those two gentlemen for their efforts.

This bill is within the committee's 302 allocations as set by the budget resolution and $319 million under the President's request. It funds water projects necessary to economic development and to the protection of life and property. It also funds the atomic energy defense activities which are essential to a strong defense. It is also a good bill for what it does not fund—namely, the second nuclear waste repository.

There is no need to continue to waste money studying a second repository which will, in all likelihood, never be necessary. that is an incredible waste of taxpayers dollars. I was glad to be a part of a bipartisan coalition of members who sought to strike funding for the site of the second repository and I am glad the committee agrees with us.

I am a fiscal conservative who believes the investment in water projects is vital to economic development in many communities and $1.2 billion seems a reasonable and responsible price to pay for the benefits the whole country will enjoy. A move to cut funds from this section of the bill would be counterproductive.

I am strong on defense and support the atomic energy defense activities in this bill. I wish this bill could go farther in this area but I understand the constraints put on the committee by the spirit of Gramm-Rudman which I am happy to say is alive and well. Cutting back is tough but huge deficits demand it. And this section certainly take cuts leaving room for no more.

I plan to support the bill as is. I congratulate members of the committee for keeping H.R. 5162 in line with the budget. I urge all Members to support the committee's bill.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

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 $17,500), $397,610,000, 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 $251,947,000 in fiscal year 1987 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 1987 so as to result in a final year 1987 appropriation estimated at not more than $145,663,000.

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, $2,881,000, 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 Enloe Dam Fish Passage Facilities. Expenditures are also approved for official reception and representation expenses in an amount not to exceed $2,500.

During fiscal year 1987, and within the resources and authority available, gross obligations for the principle amount of direct loans shall not exceed $10,000,000.

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, $19,647,000, 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 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, $25,337,000, to remain available until 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 of passenger motor vehicles (not to exceed 4 for replacement only), $236,846,000, to remain available until expended, of which $214,835,000, shall be derived from the Department of the Interior Reclamation fund: *Provided*, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $3,463,000, 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.

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 section 3109 of title 5, United States Code, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $1,500); $99,079,000, of which

$78,754,000 may be derived from revenues from licensing fees, inspection services and other services and collections which may be retained and used for necessary expenses in this account through September 30, 1988.

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, $72,000, 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 appropriations 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.

SEC. 303. The unexpended balances of prior appropriations provided for activities covered 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.

SEC. 304. 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.

Mr. BEVILL (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN pro tempore. Are there amendments to title III?

If not, the Clerk will read title IV.

The Clerk read as follows:

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, except expenses authorized by section 105 of said Act, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, 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, $105,000,000: *Provided*, That up to $200,000 may be transferred to the Appalachian Foundation, Incorporated, for job preparation/dropout reduction projects.

AMENDMENT OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ARMEY: Page 29, line 25, strike "$105,000,000" and insert in lieu thereof "$52,500,000".

Mr. ARMEY. Mr. Chairman, I hope the Members of this body have been watching and listening to this debate, not only on this appropriation bill, but on every other appropriation bill of last week, and I hope they will be listening to those that will come.

The fact is that 7 months ago 271 Members of this body, 153 Republicans and 118 Democrats, voted to put a guarantee behind our promise to reduce deficits. We passed the Gramm-Rudman bill at that time and, as we did that, we accepted limits on deficit spending.

Mr. Chairman, we hear many comments about appropriation bills being within the budget. That has happened before and the deficit is still growing. We hear promises that in reconciliation, we will keep the figures within the budget. That has happened before, Mr. Chairman, and the deficits have grown.

We have to face some very real problems with this continued deficit spending. For those of you who do not like income transfers, think in terms of nearly $200 million being spent on the interest on the national debt. Think of the spending programs that will be crowded out in the future.

The time has come for us now to meet our obligation, to fulfill the promise we made, the guarantee that we voted, and to make smart cuts in the spending. We have to remember that it is not in the budget process, not in the reconciliation process, but when we appropriate money that we spend the taxpayers' dollars. We have to be willing to take these appropriations bills one by one and make smart cuts in them. Smart cuts are selective. Cutting across the board, whether it be an across-the-board cut at the end of an appropriations bill or Gramm-Rudman sequestering, is bad politics, is bad policy, and it causes enormous pain and hardship to the Nation. We will cut those programs that are counterproductive and unnecessary with the same knife that we will cut those that are necessary and productive to the well-being of the American people. We have got to do more.

Again, I would like to remind the Members of this body I applaud the Committee on Appropriations and its membership. They worked hard on this. I think we should indeed remember to give them credit. But we must do more. For that reason, several of us have offered line item cuts and, one after one, they have been voted down. Mr. Chairman, when the line item votes get voted down, as they did last week, that is special interest politics winning fights on this floor. When you come back and vote for across-the-board cuts, as we did last week, in even greater magnitudes, that is special interest politics winning on this floor, ducking the hard decisions, failing to face up to the requirements of our job, and passing the buck to general cuts.

The American people are not going to accept this from us. It is not acceptable. We have just gone through an $11 billion Gramm-Rudman sequestering. It was unfair, and we have been told so. If we cannot make line item cuts, we will again be imposing cuts on our veterans, on our retired people, without having caused others to meet that test.

In this case, I offer an amendment to cut the Appalachian Regional Commission by half. This is a 21-year-old program that was established 21 years as an incentive in the short run for a distressed region.

Today we still have the program, despite the fact that three Presidents have disclaimed it. Presidents Nixon and Reagan have asked to foreclose this program. President Carter called it a waste of time and money. And we continue to fund it.

The CHAIRMAN pro tempore. The time of the gentleman from Texas [Mr. ARMEY] has expired.

(By unanimous consent, Mr. ARMEY was allowed to proceed for 2 additional minutes.)

Mr. ARMEY. I can cite you a litany of this. Yes, there has been success in this region. Yes, indeed, we have done enormous things by building infrastructure and attending to the health of children. We have reversed the outmigration in the area. To a large extent, let us understand it is the people of this region who have done it for themselves.

Yes, we have reduced the percentage of population living under poverty conditions in this region to the point today it is below the national average.

Now somebody will say, "That's not true in my part of the area." And that may not be true. So if you come from the Appalachian region where the poverty level is very low, recognize there are parts in the region where it is very high. And if they are high here and low here, we ought to be more selective in allocating within this program. The way you get more selective is to have a tighter budget.

Let us cut out, not the entire program, but let us cut it by half.

□ 1805

Let us make a step toward meeting our Gramm-Rudman requirements, and as we do that, Mr. Chairman, I ask this body to give consideration to those portions of the regions that truly are still distressed and in need and cut out the pork for those areas of the region that no longer need it, that have fulfilled the original intent of the law, have risen to the occasion, and deserve the respect of this Congress by our saying, "We are ready now to let you do it for yourselves."

I ask the Members of this body to vote for this bill. Vote for fiscal integrity; show our willingness to make the hard cuts. Avoid the copout of sequestering in across-the-board cuts, and let us get down to the business that the people hired us to do.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, 5 years ago, as chairman of the Subcommittee on Economic Development, when the present administration first submitted its proposal, one of several successive proposals, to abolish the Appalachian Regional Commission, our subcommittee held hearings here in Washington and in the Appalachian region. We heard from dozens of witnesses. One of the statements in the course of that testimony sticks out in my mind. It was the mayor of a small town in West Virginia who said:

> Before the Appalachian Commission came along, we was so far down, we had to look up to see bottom. Nobody would come and look at us; we was so poor. But the ARC gave us hope and we have begun to rebuild.

Rebuild they have done throughout the 13 States. In the course of the 20 years of the Appalachian Regional Commission, $1.5 billion of Federal funds has been invested. Leveraging more than $5 billion in non-Federal funds, creating over 1 million jobs that each year are returning more to the Federal Government, more in tax dollars than we invested in the whole 20 years of that program.

Throughout the region roads have been built, a backbone highway system has been initiated. Health clinics started, vocational education systems, training programs. Permanent jobs created as a result of the Federal dollars invested in the region. I shall always remember a witness from Tennessee, the director of a child educational center through which some 6,000 children have passed, and Tilda Kemplin said to the members of the committee:

> Gentlemen, when you go back to Washington, I ask you to look over the top of the dollar and see a child. See a child whose life has been rebuilt by this program, and do not ignore the children but continue to help us.

Those were her words, and help we have done.

In 1981, the Committee on Public Works and Transportation did its part in deficit reduction with the Appalachian Regional Commission, cutting it then by 60 percent and in successive years for a total, this year, of an 80-percent reduction. Of what little is left, the gentleman from Texas now would cut the balance making it an ineffective program. Totally useless.

That would break faith with the people throughout Appalachia. They have cut back, they have scaled down the Backbone Highway Program, they have scaled down the Vocational Education Program, they have scaled back industrial park development, they have scaled the water and sewer development systems. Even in those areas in the hollers, I will say to the gentleman, where people were literally drinking their own sewage and had generations of intestinal disease, they are willing to scale it back to do their part, to cut the budget.

This is not deficit reduction; this is destruction visited upon the people of the region. Good people, proud people who are helping themselves, with a little bit of a helping hand from the Federal Government.

There is a story told by one of our witnesses about a young man who, from southwestern Virginia, a young high school lad who arrived at school with a shoe under his arm. The teacher said, "Johnny, did you lose a shoe along the way to school?" He said, "No, ma'am, I found this good one."

I think that describes the poverty of the region and the care and the pride the people have that they want to lift themselves up even if they have to find a shoe. The people have been looking for a good program, a good means of helping themselves out of generations of poverty and distress. They have gone under the aegis of the Appalachian Regional Commission Program from 45 percent of national income throughout the region in 1965 to 75 percent of national per capita income. That is a big move forward, but they are still way behind the rest of the Nation.

The CHAIRMAN pro tempore. The time of the gentleman from Minnesota [Mr. OBERSTAR] has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 1 additional minute.)

Mr. OBERSTAR. They have found this good program like that one shoe. Let us help them wear it, let us help them carry it forward, let us continue with commitment to building a whole nation that is strong, not just part of a nation in which there is weakness.

I urge the Members' vote against the amendment.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I shall not take the full 5 minutes because I do not think the body is in a mood to adopt this amendment. But let me take just a few moments to reflect on the work of the Appalachian Regional Commission.

Of course, my district is in that region, all but one county. I have seen over the years, as a conservative Republican, I have seen the good work that this Commission has done to help us help ourselves. Most of these programs are unlike many of the so-called welfare programs in that these are not handouts. These grants and these aids that the ARC has been able to place into that region have been used to allow us to help ourselves above the poverty level.

I would point out at this moment this is not the right time to do more whittling on the ARC. In this bill, it has cut the ARC's funding level already. To cut it more at this particular time would be especially onerous because of the economic times.

A story the other day in the newspapers point out that we really have a bicoastal economy at this moment. California is booming; the east coast is booming, and in the middle, things are not so good. But if things are not so good in the Midwest, they are terrible in Appalachia. They are.

In the coal fields in Appalachia, the backbone of the economy, coal is in a terrible slump. Millions of people have no way to earn a living at this moment, and there is no other work in many of those counties, in those regions, other than coal mining. It is now in such a slump that they are laid off from work.

Now is not the time, especially now, to cut off really one of the only hopes that many of those communities have, and that is for aid from the Appalachian Regional Commission.

How does the ARC work? I will give you one little microcosm of it. In my district now we have just started, by virtue of the ARC helping us, a stay-in-school program. It is modest in cost; $50,000 for 27 counties. But it is an effort we hope to gain the partnership

of individual businesses to join and adopt a school to encourage those youngsters to stay in school and to stay at home then and graduate from school and work there in the home community.

Please do not cut this program which has meant so much for the hope of people who are grasping for hope where there is little hope out there to see.

□ 1815

Mr. Chairman, this is one of those programs that offers that chance, and I would urge our colleagues to defeat this amendment. If they would like to whittle on ARC, let us talk about it some other time, but please, not at this time. Things are not good in Appalachia.

Mrs. LLOYD. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment, and I hope that my colleagues will defeat it. To me, this is the most unconscionable amendment that we have had offered to this legislation.

Unfortunately, in the area that I represented, which is Appalachia, we do not have the open terrain that my colleague, the gentleman from Texas, has. We do not have open areas that are conducive to economic expansion, and we cannot provide for major contractors' needs in our area. It is poor terrain, where people are struggling to pull themselves up and to have advantages. We have an area which is, as my colleague, the gentleman from Kentucky, mentioned, a large coal mining district.

Mr. Chairman, most of our coal mining operations are very depressed. They have been for many years, and our coal miners are really the backbone of the communities. They are the prime contributors to our economic base. We have other people who work in other industries, but our coal mines are really the major sources of employment.

Certainly it is crucial to the development of this region to continue what little we have left of the ARC program. We have begun, we are making progress, we are building roads, and we now have better schools.

I would like to add also that many of the programs that are funded through ARC provide for Federal and local, as well as private sector, participation. We have not lost a dime on ARC. Let us not cut it out now. Let us continue the programs that are building our economy in this very poor and distressed region of our Nation.

Mr. Chairman, this administration has called for help for distressed countries around this world. Can we do less for the poor Appalachian region of this country? I think not. I urge the defeat of this amendment.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to this amendment.

Mr. Chairman, I urge a "no" vote on the amendment. This program, as the Members have heard, has accomplished much, and there is much more that is yet to be accomplished. Actually I do not think we need to spend a lot of time on this amendment.

Let us do what the Budget Committee recommended. Let us fund it at $105 million. That is what the committee recommended after hearing considerable testimony. They recommended $105 million.

So let us not adopt this amendment. Follow what the subcommittee has recommended and what the Budget Committee has approved—$105 million.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding.

I guess perhaps the word "unconscionable," sort of rings in one's ears for a moment, and I certainly would not want anybody to think that I have no conscience in this matter.

I understand the situation. We have seen the record of what has happened in Appalachia, but let us look back. In 1965 peeople were moving out. Perhaps because the conditions there were difficult they were inclined to move someplace else. We offered a program to give them a start back. It is now 21 years later. This is a program that was temporary but is now permanent. It is temporary programs that become permanent that give us a chronic deficit.

Mr. WHITTEN. Mr. Chairman, I cannot yield further because the gentleman is encroaching on my time.

Mr. ARMEY. Mr. Chairman, if I might just complete my statement, I promise to be finished quickly.

We also have to remember that we have a more current problem, and we must keep faith with the people whom we promised to retire these deficits.

Mr. Chairman, I thank my colleague for yielding.

Mr. WHITTEN. Mr. Chairman, I thank the gentleman from Texas.

I appreciate the statement about the Appropriations Committee since I have the honor to be chairman of that committee. I was the senior cochairman that recommended this to the Budget Committee because 46 percent of our spending was going around the annual review program. We are holding down the appropriations. Under the rules we have to call the members together. So as chairman I called the members together and we voted to approve a 302(b) allocation and stay within that budget.

Sometimes it is difficult. We agreed on our budget after we had our hearings this year. They agreed to go along with our colleagues across here that when the money was saved, it was added to carry-over funds in other areas.

Last year we agreed that $10 billion was added on the other side that would not be spent just so we could say that we had an agreement on the budget.

May I say this: They call this the United States. This is a big country, and it was united because we got together after the Articles of Confederation.

I pointed out today that since 1934, when we started putting Federal efforts behind equalizing opportunity and developing our country, we have increased our wealth 41 times. Since 1940 we have increased 36 times. Unfortunately, all areas did not inherit the same broad resources that others did. The job is not complete.

May I say that your committee has gone along with reducing this from $350 million a year down to $105 million. We think, having lived with it and gone through this, that we have tried to be fair to all regions, including the gentleman's State, as well we should.

So, Mr. Chairman, I hope we will vote this amendment down and back our committee because I believe we have done a hard job and a good job.

Mr. NOWAK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I will not take all my time. I just want to rise, after hearing the debate this evening and listening to the testimony as presented to my subcommittee on this matter and appearing before the Appropriations Committee, to request a continuation of this program.

We are looking at a program that, as has been pointed out, is 21 years old. I believe this appropriation really is a third of what it has been in the past, but more than that, it is really aimed, from all the testimony we have heard, toward being a finish-up program. This would allow the highways to connect the essential links that were not connected in this area before, and this would allow us to finish the jobs that other people have talked about. I think when we look at the types of programs that are being funded now, we are looking at a much narrower program, a cleaner program. The priorities in this program, unlike many others, are set really by the local officials working through the whole

system, with the Commission, through the Governors, and then with the kinds of requests that come to the funding mechanism.

So, Mr. Chairman, I urge that we at least finish up these programs, and I urge a no vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. ARMEY].

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ARMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 102, noes 309, not voting 19, as follows:

[Roll No. 242]

AYES—102

Archer
Armey
Badham
Bartlett
Barton
Bereuter
Bilirakis
Boulter
Broomfield
Brown (CO)
Burton (IN)
Carper
Carr
Chappie
Cheney
Coats
Cobey
Combest
Craig
Crane
Dannemeyer
Daub
DeLay
DioGuardi
Dornan (CA)
Dreier
Eckert (NY)
Fawell
Fiedler
Fields
Frenzel
Gingrich
Glickman
Gradison
Gregg
Gunderson
Hansen
Henry
Hiler
Hopkins
Hunter
Hyde
Ireland
Kemp
Kolbe
Kramer
Lagomarsino
Latta
Leach (IA)
Lewis (FL)
Livingston
Loeffler
Lungren
Mack
Madigan
Marlenee
Martin (IL)
McCain
McCollum
McGrath
Meyers
Michel
Miller (WA)
Monson
Moorhead
Morrison (WA)
Nielson
Oxley
Packard
Pashayan
Petri
Porter
Roberts
Roemer
Roth
Rowland (CT)
Schaefer
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shumway
Slattery
Smith, Denny (OR)
Smith, Robert (NH)
Snyder
Solomon
Stallings
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Vander Jagt
Walker
Weber
Whittaker
Wolf
Young (FL)
Zschau

NOES—309

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bateman
Bates
Bedell
Beilenson
Bennett
Bentley
Berman
Bevill
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Brown (CA)
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Callahan
Campbell
Carney
Chandler
Chapman
Chappell
Clay
Clinger
Coble
Coelho
Coleman (TX)
Collins
Conte
Cooper
Coughlin
Courter
Coyne
Crockett
Daniel
Darden
Daschle
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Franklin
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gonzalez
Goodling
Gordon
Gray (IL)
Green
Guarini
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hatcher
Hawkins
Hayes
Hefner
Hendon
Hertel
Hillis
Holt
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennelly
Kildee
Kindness
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lightfoot
Lipinski
Lloyd
Long
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
MacKay
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCurdy
McDade
McEwen
McHugh
McKernan
McKinney
McMillan
Mica
Miller (CA)
Miller (OH)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Panetta
Parris
Pease
Penny
Perkins
Pickle
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shelby
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert (OR)
Snowe
Solarz
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Strang
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams
Wilson
Wirth
Wise
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (MO)

NOT VOTING—19

Barnes
Brooks
Coleman (MO)
Conyers
Edgar
Fowler
Frost
Gray (PA)
Grotberg
Hartnett
Jones (TN)
Lewis (CA)
Lundine
Mikulski
Mitchell
Moore
Pepper
Siljander
Spence

□ 1840

Mr. DYMALLY and Mr. PENNY changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

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), $185,000.

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), $289,000.

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), $79,000.

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 $8,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $405,000,000, to remain available until expended: *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 and the material access authorization program may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended.

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), $179,000.

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), $240,000.

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, $100,000,000 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 5948A of title 5, United States Code: *Provided further*, That the official of the Tennessee Valley Authority referred to as the "inspector general of the Tennessee Valley Authority" is authorized, during the fiscal year ending September 30, 1987, to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and other documentary evidence necessary in the performance of the audit and investigation functions of that official, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court: *Provided*, That procedures other than subpoenas shall be used by the inspector general to obtain documents and evidence from Federal agencies.

Mr. BEVILL (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title IV be considered as read, printed in the RECORD, and open to amendment at any point. We know of one more amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN pro tempore. Are there points of order against the portion of the bill considered as read?

If not, are there amendments?

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Schroeder: Page 32, line 19, strike "$100,000,000" and insert, in lieu thereof, "$99,644,800".

Mr. BEVILL. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, I thank the gentlewoman for yielding. She and I have discussed this, and we are in agreement.

Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 20 minutes, the time to be divided between the proponents and opponents.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN pro tempore. The gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 10 minutes.

Mrs. SCHROEDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I chair the Civil Service Subcommittee of the Committee on Post Office and Civil Service, and that is why I offer this amendment.

My amendment is a simple amendment. If you believe that Federal agencies should obey the law, you should vote for my amendment. It really is that simple. The General Accounting Office [GAO] told us that the Tennessee Valley Authority [TVA] entered into an illegal contract. TVA refuses to void the contract. We must decide today whether TVA should be allowed to thumb its nose at the law of the land.

The Tennessee Valley Authority is one of the most tangible continuing New Deal programs. It is the grandest example of public power in the country. TVA operates 29 hydroelectric dams and 12 coal-fired plants to produce power for the Tennessee Valley.

A number of years ago, however, TVA made the decision to move aggressively into nuclear power production. The Board decided to build 17 reactors. To date, only five have been completed. Since last August, not 1 watt of power has been produced by these plants. They have been closed down because of safety concerns. Indeed, one of these plants, Browns Ferry, makes everybody's short list of the worst designed and worst constructed nuclear power plants in the country.

So, TVA has a multibillion-dollar commitment to nuclear power plants which are shut down. The TVA Board panicked last December. Under congressional pressure, they hired a nuclear czar, retired Adm. Steven A. White. Mr. White had been around government long enough to know about pay caps and the like. So, he and the TVA Board cooked up a personal services contract under which Mr. White would be paid $355,200 a year and would have complete control over the TVA nuclear program. This $355,200 salary would be on top of the $53,700 Mr. White receives in military retirement. Additionally, Mr. White's company, STEMAR, would receive fees for other individuals hired by Mr. White. In short, Mr. White took TVA to the cleaners.

I hope, Mr. White proves himself to be as adept at managing a civilian nuclear program as he is at negotiating contracts. Daily, in Tennessee papers, there are stories about Mr. White clashing with the TVA general counsel, about Mr. White hiring a part-time congressional correspondence manager for $50,000, about Mr. White's contract posing conflict of interest problems. But, the issue here is not Mr. White's ability or lack of it.

The issue is whether a Government agency can circumvent the Federal pay, circumvent the rules on double dippers, and violate the fundamental premise of Government enterprises: that Government programs must be run by Government people. Upon learning of the TVA contract with Mr. White, I wrote to the General Accounting Office, on March 14, saying that I smelled a rat. I posed a number of questions for GAO, including the following:

Can TVA avoid the Federal pay cap by hiring Mr. White by contract?

Can TVA avoid the Dual Compensation Act, limiting double dipping, by hiring Mr. White by contract?

Can a contractor supervise Federal employees?

Can an agency contract out the management of a Federal program?

Was it legal for TVA to pay a large relocation allowance and make a $33,500 contribution to the retirement fund on behalf of the new TVA inspector general?

On June 2, the General Accounting Office [GAO] wrote back to answer these questions. Let me tell you what the GAO said. In answer to the question about the Federal pay cap, GAO said,

We conclude that the retention of Mr. White by TVA under these contractual arrangements constitutes the improper use of a personal services contract and represents a circumvention of the statutory ceiling on salary payments to TVA employees.

In answer to the question about the Dual Compensation Act, GAO said,

This contractual relationship also appears to be a circumvention of the Dual Compensation Act.

In answer to the questions about supervising employees and exercising a Federal function, GAO said,

TVA has not entered into a proper contract for filing these management positions.

In answer to the question about the recruitment bonuses for the inspector general, GAO said,

We know of no legal basis for TVA to pay Mr. Zigrossi a "management staffing incentive" payment or a "merit incentive supplemental retirement" payment which, when combined with his annual salary, would exceed the $72,300 statutory limitation of salaries for regular TVA officers and employees.

So, GAO identified five different ways in which TVA was violating the law. And these were not minor, technical violations. They were violations of fundamental laws about Government employment which cost the ratepayers and the taxpayers large sums of money.

I expected that once responsible officials at TVA read the GAO opinion, TVA would act promptly to cure the legal problems that GAO uncovered. So, I was shocked to receive a letter from TVA Board Chairman C.H. Dean on June 10, saying that for TVA to follow the GAO opinion.

Would inevitably prevent TVA on any reasonable timeframe from solving the nuclear

management crisis that threatens to overwhelm us.

Essentially, Mr. Dean's argument was that the ends justify the means.

A GAO opinion on the legality of a contract is binding on most Federal agencies. However, due to a 1941 law, GAO cannot order TVA to stop illegal expenditures. That is up to us. And, that is what my amendment is intended to do.

I am well aware of the imperfection of my amendment. Mr. White is almost surely paid out of power funds, not the funds appropriated by this bill. Moreover, cutting $355,200 from the appropriation does not guarantee that the contract will be voided. Yet, because of the restrictions on amending appropriations bills, I believe this amendment is the best available means for Congress to speak on this issue.

I urge my colleagues to vote to tell TVA to obey the law.

□ 1850

Mr. SIKORSKI. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am delighted to yield to the gentleman from Minnesota.

Mr. SIKORSKI. Mr. Chairman. I would just like to get this straight. TVA went out and hired, for $355,200 a year, a retired admiral, is that correct, to head up its nuclear program?

Mrs. SCHROEDER. Mr. Chairman, the gentleman is absolutely correct.

Mr. SIKORSKI. This retired admiral has had no experience, none, zip, zilch, in the area of commercial nuclear industry. Is that correct?

Mrs. SCHROEDER. That is correct, in running a civilian sector.

Mr. SIKORSKI. He is already making a $53,700 a year military retirement, receiving that for compensation. Is that correct?

Mrs. SCHROEDER. That is correct, and I point out that that is an awful lot more than either the President of the United States or the Secretary of Energy makes by a very, very significant amount.

Mr. SIKORSKI. When we are done here adding things up, he is making twice what the President of the United States is making. The company he owns receives fees for other individuals that he hires, is that correct?

Mrs. SCHROEDER. That is right. He had done a very good job of cutting a contract for himself.

Mr. SIKORSKI. He tried hiring a part-time congressional correspondent for $50,000.

Mrs. SCHROEDER. That is also correct. That is very important.

It is also important to point out that I hope the gentlewoman from Illinois, LYNN MARTIN, gets here because she offered an amendment to the budget this year and it says this type of thing must be stopped, that we should stop funding for agencies that are doing this.

It is in violation of that, too.

Mr. SIKORSKI. The GAO found that the TVA had entered into improper contracts for filling management positions, that they had these recruitment bonuses, relocation fees, management staffing incentive payments, merit incentive supplemental retirement payment, all exceeding the dual-compensation requirements, exceeding the pay cap and the rest of it.

I must compliment the gentlewoman for heading this up. If people go to town meetings or see people at church bazaars or at various events, at parades and picnics, who stand up and say they are tired of double- and triple-dipping, if their constituents are concerned about compensation for ex-Presidents, if they have people back home in their Districts who complain about huge salaries, and if they have people who are concerned about double standards for judges, judges who take pay when they should not be taking pay, then they should vote for the Schroeder amendment because we have at least five violations found by the GAO and put some fairness back into the process.

Mrs. SCHROEDER. I thank the gentleman from Minnesota.

If I could put it into congressional terms where we also feel the pay pinch, it would be like we hired the gentleman's spouse to put the gentleman to work and she delivered the gentleman's body and got the money and the gentleman could also get all the things and so forth and so on.

We just cannot allow that to go on in Government and I just think this is very important. It has nothing to do with the TVA moving forward.

I want it to go forward more than anyone, but this will kill it, doing this type of thing. I believe that the board can get out of this without this kind of shenanigans and I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentlewoman from Colorado [Mrs. SCHROEDER] has 1 minute remaining.

Mr. BEVILL. Mr. Chairman, I rise in opposition to the amendment, and I yield 1 minute to the gentleman from Alabama [Mr. SHELBY].

Mr. SHELBY. Mr. Chairman, we should reject Congresswoman SCHROEDER's amendment solely because it would have no impact on the situation she seeks to correct. Congresswoman SCHROEDER is understandably concerned about the civil service implications of TVA's contract with Adm. Steve White and would like to see that contract invalidated. However, Admiral White's contract is paid out of TVA power operating funds—not out of this appropriations bill. Adopting this amendment would not lead to Admiral White's departure from TVA.

We should not penalize well-run TVA programs because of difficulties with its nuclear plants. TVA has a 50-year record of excellence in many areas including agricultural research, water, and air quality, and economic development. It is grossly unfair to hurt good TVA programs just to make a point about its current nuclear dilemma.

The issue raised by Congresswoman SCHROEDER is a valid one for discussion under more appropriate circumstances. Faced with an extraordinary problem, TVA undertook an extraordinary solution in its short-term contract with Admiral White and others. I would welcome the opportunity to work with members of the TVA caucus and with Mrs. SCHROEDER to effectively address her concern.

Mr. BEVILL. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. SUNDQUIST].

Mr. SUNDQUIST. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, I serve on two subcommittees that have oversight responsibility on TVA, and I am convinced that TVA is on sound legal footing in their contract with Admiral White. But even if the comments of the gentlewoman from Colorado were valid, even if there were, and they are not, I believe the amendment would be pennywise and pound foolish.

I come here not as someone who has defended TVA, but as someone who has been very critical of TVA in recent months in the past 2 years. It is a fact that all five nuclear plants have been shut down and I think there are some management problems there that need correcting.

But it is obvious that the current nuclear plant crisis could not be solved with the existing management. You do not go to town meetings and your social events and solve a nuclear problem. You have to have nuclear experts.

There was bipartisan support, Mr. Chairman, in our delegation that extraordinary steps had to be taken. We had to find a tough, independent nuclear manager to take over the program. TVA had no choice but to pay this cost to a contract for an outside firm, not to an individual, and that is important. This is not an individual who is receiving this; this is a contract and that is done in other parts of the Federal Government. They are paying a consulting firm.

Admiral White was hired on a temporary basis. He has been on board for a few months. He is tough; he is independent; he is experienced; and he is able. I do not know of any better training ground than our nuclear Navy under Admiral Rickover to train nuclear experts. That is the answer, I think, to the comment that the gentleman from Minnesota made.

This is interesting. The cost per day, under my computations, of the five plants being shut down, is $4.8 million, $4.8 million.

We have a safety problem and I would hope the gentlewoman from Colorado [Mrs. SCHROEDER] would be interested in the potential safety problem and how much that would cost.

Tennessee Valley consumers are paying more in 1 hour for the problem of the shutdown than the entire annual sum of Admiral White's contract. One hour for one day out of an entire year is the cost of Admiral White's consulting fee to the ratepayers of TVA; not the taxpayers, the ratepayers.

We have to find the very best to get this back on stream.

The gentlewoman is concerned about the technicalities of a $355,000 contract. My concern is concern for a nuclear safety crisis that may cost billions and could hold dire, unspeakable consequences in the absence of a strong leader like Admiral White.

I urge a "no" vote on this amendment.

Mr. Chairman, I include with my statement the other side of the legality of Admiral White's contract in its detail and other agencies who do not see it the same way as GAO:

MEMORANDUM TO THE BOARD OF DIRECTORS ON THE JUNE 2, 1986, LETTER FROM THE GENERAL ACCOUNTING OFFICE TO REPRESENTATIVE SCHROEDER ON CERTAIN QUESTIONS RELATING TO TVA'S CONTRACT WITH STEVEN A. WHITE AND ITS PAYMENTS OF RELOCATION AND INCENTIVE PAYMENTS TO NORMAN A. ZIGROSSI

The June 2 letter from the General Accounting Office (GAO) to Representative Schroeder discusses six questions relating to TVA's contract with Mr. White and its payments to Mr. Zigrossi. The letter specifically recognizes that the conclusions it expresses are "advisory only" and in no way binding on TVA if it considers them wrong in view of the specific provisions of Section 9(b) of the TVA Act, 16 U.S.C. § 831h(b) (1982 & Supp. II 1984), conferring on TVA rather than GAO final authority over all claims and expenditures. As discussed later in this memorandum, these provisions are not mere technicalities but were added to the TVA Act in 1941 after disagreements between GAO and TVA on a number of legal questions as to which not only TVA but (as to those questions they respectively addressed) one of GAO's own counsel, a Joint Congressional Investigating Committee specifically created by statute, the General Counsel of the Treasury Department, and the Attorney General all concluded that GAO was wrong.

It is my opinion that GAO is equally wrong as to the two key legal questions (as well as one that is less fundamental) which are involved here. On several more or less peripheral questions, numbered III, IV, and VI in GAO's letter. GAO has expressed agreement with TVA's position as set out in my April 15 memorandum to the Board. The two basic issues as to which we think the GAO's conclusions are patently in error are numbered I and V, and the third less basic issue, as to which we think it is also in error, is numbered II. We accordingly turn to a discussion of those three issues, which are numbered as in the GAO letter.

I

The GAO letter (at 3) concludes that TVA's contractual arrangement for Mr. White's services "constitutes the improper use of a personal services contract and represents a circumvention of the statutory ceiling on salary payments to TVA employees." GAO observes in this connection that Mr. White is to act for the term of the contract as Manager of Nuclear Power and goes on to state:

"The functions vested in this position are those normally performed by Government employees, thus raising a question whether the contract constitutes an improper personal services contract. Our decisions have held that personal services for the Government must be performed by Federal employees under Government supervision. See 43 Comp. Gen. 390 (1963) and decisions cited therein. Any contract for services to the Government must be on a basis that does not establish an employer-employee relationship. *Consultant Services-T.C. Associates*, B-193035, April 12, 1979; and B-183487, April 25, 1977 [at 4]."

This statement seems to us remarkable in light of the fact that the very GAO opinion first cited in its letter—43 Comp. Gen. 390 (1963)—makes it clear that the "rule" implied by GAO's use of the word "must" is one created by the GAO itself and—even as to agencies which do not have the kind of authority contained in the TVA Act—is not based on any statute or any other rule of law but on GAO's notions of policy. The cited GAO opinion states expressly in this connection:

"The general rule is that purely personal services for the Government are required to be performed by Federal personnel under Government supervision. See for example, 6 Comp. Gen. 140; 24 *id.* 924; and 32 *id.* 427, which is cited in the letter. *However, the requirement of this rule is one of policy rather than positive law* and when it is administratively determined that it would be substantially more economical, feasible, or necessary by reason of unusual circumstances to have the work performed by non-Government parties, and that is clearly demonstrable, we would not object to the procurement of such work through proper contract arrangement. 31 Comp. Gen. 372 [43 Comp. Gen. at 392]."

See also to similar effect 31 Comp. Gen. 372, 373 (1952):

"The general rule *established by decisions of the accounting officers* is that purely personal services may not be obtained on a contractual basis but are required to be performed by *regular* employees who are responsible to the Government and subject to its supervision. 18 Comp. Gen. 539; 19 *id.* 594. *Exceptions* to such rule *have been recognized* in a few cases *where employees were not available or qualified to perform the work involved and where unusual conditions encountered in the accomplishment of an object for which a particular appropriation was made so necessitated.* In this connection, *it may be observed that the requirement is one of policy rather than positive law* and, where it is administratively determined that it would be substantially more economical, feasible, or necessary by reason of unusual circumstances, to have the work involving personal services performed by non-Government parties, and that is clearly demonstrable, this Office will not object to procurement of such work through proper contract arrangement."

In short, the "rule" relied on by GAO is in actuality one of its own creation, is not based on any law, simply reflects GAO's own ideas of what is desirable policy, and may be applied (in the case of agencies over which it has settlement authority) or waived in a particular situation as GAO's view of what represents desirable policy may indicate.

For GAO to attempt, as it does in the excerpt from its June 2 letter quoted above, to transform its own policy creation into a rule of law that "must" be complied with by TVA represents a bootstrapping operation which is in our experience without parallel, and which is obviously sterile. Whatever may be GAO's authority to impose its policy notions on other agencies, it has no authority to impose such notions on TVA in view of the express provisions of the TVA Act, including, among other provisions, Sections 3, 4(g), and 9(b).

The GAO letter proceeds as though TVA's express authority did not exist. Instead, GAO, while recognizing that "TVA has specific statutory authorization to appoint, fix the compensation, and define the duties of its employees without regard to the Federal civil service laws," goes on to state:

"However, the courts have recognized that employees of the TVA, a corporate agency and instrumentality of the United States, are employees of the United States. See *Posey v. Tennessee Valley Authority*, 93 F.2d 726 (5th Cir. 1937); *Tennessee Valley Authority v. Kinzer*, 142 F.2d 833 (5th [*sic*—should be 6th] Cir. 1944)".

GAO then contends that the contract between TVA and Mr. White is improper because, as already noted, GAO's "rule" is that "personal services *for the Government* must be performed by Federal employees under Government supervision" and "[a]ny contract for services *to the Government* must be on a basis that does not establish an employer-employee relationship"; and that the contract between TVA and Mr. White is "improper" because it involves an employer-employee relationship, and because it involves payments to Mr. White greater than the annual salaries of TVA Board members and therefore, according to GAO, violates Section 3 of the TVA Act, 16 U.S.C. § 831b (1982).

These GAO contentions are without basis or merit on every count. In the first place, TVA though a wholly-owned Government corporation performing governmental functions is not "the Government." That distinction has been recognized ever since the Supreme Court's express holding with regard to another wholly-owned Government corporation in *United States ex rel. Skinner & Eddy Corp.* v. *McCarl*, 275 U.S. 1, 11 (1927):

"For the [United States Emergency] Fleet Corporation is an entity distinct from the United States and from any of its departments or boards. . . ."

Accord United States & TVA v. *General Elec. Co.*, 209 F. Supp. 197 (E.D. Pa. 1962); *In re Uranium Antitrust Litigation*, 458 F. Supp. 1223 (Jud. Pan. Mult. Lit. 1978). Both of these cases held that although the antitrust laws expressly limit recoveries by the United States in civil antitrust suits to actual damages, the limitation is not applicable to TVA, which, like private plaintiffs, may recover treble damages.

Further, Section 15d of the TVA Act, 16 U.S.C. § 831n-4 (1982), underscores this distinction by providing, in Subsection (b), that:

"(b) Bonds issued by the Corporation hereunder shall not be obligations of, nor

shall payment of the principle thereof or interest thereon be guaranteed by, the United States."

Similarly, TVA employees are not, as stated by GAO, "employees of the United States." *Posey* v. *Tennessee Valley Authority*, 93 F.2d 726 (5th Cir. 1937), the first of the two cases cited by GAO on this point, referred to TVA employees as being "*substantially* employed by the United States" (at 727) in holding them entitled only to benefits under the Federal Employees' Compensation Act as specifically provided by the last sentence of Section 3 of the TVA Act, 16 U.S.C. § 831b (1982), and not to Workers' Compensation or other remedies under State laws. The other case cited by GAO, *Tennessee Valley Authority* v. *Kinzer*, 142 F.2d 833 (6th Cir. 1944), noted, similarly, that employees of TVA were "*substantially* employees of the Government" (at 837) in holding that benefits under the TVA Retirement System, the rules and regulations for which had been approved by Congress, were not subject to State law relating to spendthrift trusts so as to make them bankruptcy assets in contravention of the System's rules and regulations. That the qualifying word "substantially" employed by the Fifth and Sixth Circuits in these two cases was not a meaningless superfluity is made clear by *Pierce* v. *United States*, 314 U.S. 306 (1941). In that case, defendant was convicted of having fraudulently represented himself to be "an officer or employee acting under the authority of the United States, or any Department, or any officer of the Government therof" (at 306) by falsely representing himself to be an officer or employee of TVA. The Supreme Court, in reversing the conviction, stated:

"So closely entwined were the TVA and the Government (the United States) in the instructions and the evidence on the various counts that any jury might well have thought a pretense that Pierce was an employee or officer of the TVA violated the statute, and have voted for conviction for that reason. This, however, in our view, is incorrect, and constitutes prejudical error [at 310]."

In short, TVA employees are not, as stated by GAO, "employees of the United States" (although, as employees of a Federal corporate agency, they may have certain rights or obligations, depending on particular statutory provisions or factual context, defferent from those of employees of strictly private organizations).

Section 3 of the TVA Act provides in part "[no] *regular* officer or employer of the Corportation shall receive a salary in excess of that received by the members of the board." In contending that TVA's contract with Mr. White violates this provision, GAO simply ignores the existence and meaning of the word "regular" which immediately precedes and qualifies the term "employee."

Some legislative history makes clear the significance of this term. The enactment of the TVA Act in 1933 culminated a period of 12 years during which numerous versions of what was to become the TVA Act were considered by Congress. Although the basic purpose of these bills was similar, the details varied. Congress considered several approaches on salary limitations. For example, a bill passed by Congress and pocket vetoed by President Coolidge in 1928 limited the salaries of only three TVA employees, using the following language:

"Sec. 3(c) The combined salaries of the general manager and the [2] assistant managers shall not exceed the sum of $50,000 per annum, to be apportioned and fixed by the board [S. Rep. No. 1095, 70th Cong., 1st Sess. 12 (1928)]."

The same language was included in a bill vetoed by President Hoover in 1931. An earlier version of the bill contained a much broader salary limitation. It authorized the TVA Board

"[t]o appoint and fix the compensation of such employees, attorneys, and agents as are necessary for the transaction of the business of the corporation, to define their duties, require bonds of them, and fix the penalties thereof; but in no case shall *any such employee* receive a salary in excess of $10,000 per annum [the specified salary of a Board member] [S. 2147, 69th Cong., 1st Sess. 4 (1926)]."

In the 73d Congress, during which the TVA Act was enacted into law, section 3 of the bill as passed by the House limited the General Manager's salary to $10,000 per year (the salary also specified for Board members) and the salaries of two Assistant General Managers to $9,000 per year. The Senate version contained no salary limitation. The bill which was reported out of conference and which ultimately became law contained a salary limitation which reverted back to earlier versions of the bill like the one quoted above, but with an important difference. Rather than limiting the salary of "*any* such employee," Congress made clear that the salary limitation applied only to "regular" employees.

GAO's failure to recognize or even consider the effect of "regular," like its failure to recognize or consider the effect of TVA's contracting authority in Section 9(b) and of TVA's authority under Section 4(g) to exercise powers necessary or appropriate to those specifically conferred, flies in the face of one of the most basic of all rules of statutory construction. As stated in 2A N. Singer, *Sutherland Statutory Construction* § 46.06 (Sands 4th ed. 1984), the leading legal treatise on the subject:

"§ 46.06. Each word gives effect.

"'It is an *elementary* rule of construction that effect must be given, if possible, to every word, clause and sentence of a statute.' A statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant, and so that one section will not destroy another unless the provision is the result of obvious mistake or error [footnotes omitted]."

The Supreme Court has laid down the same rule. As stated in *United States* v. *Menasche*, 348 U.S. 528, 538-39 (1955):

"'The *cardinal* principle of statutory construction is to save and not to destroy.' *Labor Board* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1, 30. It is *our duty* "to give effect, if possible, to *every* clause and word of a statute." *Montclair* v. *Ramsdell*, 107 U.S. 147, 152. . . ."

See also National Ass'n of Recycling Indus. v. *I.C.C.*, 660 F.2d 795, 799 (D.C. Cir. 1981); *In re Surface Mining Regulation Litigation*, 627 F.2d 1346, 1362 (D.C. Cir. 1980); *Skovgaard* v. *M/V Tungus*, 252 F.2d 14, 17 (3d Cir. 1957) ("It is presumed that the legislature did not employ useless verbiage and that each word has independent meaning.").

The application of this rule requires that the language of Section 3 of the TVA Act be accorded its plain meaning—*i.e.*, that the TVA Board shall appoint such managers, assistant managers, officers, employees, attorneys, and agents as it deems necessary; that those of them who are "regular" officers and employees cannot receive a salary in excess of that received by Board members; and that the Board shall "provide a system of organization to fix responsibility and promote efficiency" with regard to all personnel through whom it acts, whether "regular" or non-regular officers and employees.

Moreover, this accords with GAO's own reading of the statutory language of the TVA Act, as reflected in GAO's 1936 and 1937 audit reports. As pointed out in our April 15 memorandum (at 22-23), both reports found that TVA had contracted for the services of a number of consultants for fees in excess of the amounts paid to Board members and stated, without raising any question about the propriety of TVA's action in so doing, that:

"Inasmuch as many of the consultants' fees reflected by the foregoing summary were at rates in excess of this limitation, it is obvious that consultants receiving compensation at such rates could not be engaged as *regular* employees [1936 GAO Rep. at 13, 1937 GAO Rep. at 257, with "such" substituted for "this" before "limitation"; emphasis in original]."

Thus, GAO recognized as clearly as anyone could that the salary limitation in the last sentence of Section 3 applies only to "regular" employees and that TVA could by contract arrange for the services on non-regular employees. Having thus expressly accepted the distinction in 1936 and 1937, shortly after the TVA Act was enacted, the GAO now seeks to read it out of existence by simply ignoring the word "regular" in the statute! Under the cases cited above, the word cannot be so ignored.

Here, Mr. White is certainly not a regular TVA employee. Regular employees are appointed to TVA positions and sign an affidavit and acceptance of appointment. Mr. White's services were obtained under contract with Stone & Webster Engineering Corporation (SWEC) from his primary employer and he has signed no such affidavit. The contract for his services has a specific term of two years; a regular employee's appointment to a management position is generally indefinite with no established end date. Regularly employed senior TVA managers in positions classified comparably to the Manager of Nuclear Power serve at the will of the TVA Board and, with certain limitations, *see Bush* v. *Lucas*, 462 U.S. 367 (1983), can be terminated at any time. The contract for Mr. White's services provides that it may be terminated only on 60 days' notice. Conversely, Mr. White must give 60 days' notice to terminate his TVA services, whereas a regular employee can resign at any time. In a reduction in force, certain regular employees would have a right to be selected for reduction in accordance with specified procedures and to appeal the reduction to the Merit Systems Protection Board. Mr. White has no such rights. In addition, regular white collar employees reduced in force receive severance pay under certain conditions. Mr. White's services may be terminated as provided in the contract, and he is not eligible for severance pay.

Mr. White's duties, responsibilities, and authorities are set out in detail in a separate Memorandum of Understanding between Mr. White and the TVA Board, which was the subject of negotiation between them. A regular employee's duties and authority are established by a standard job description published by TVA for the position.

A regular employee in a TVA management position receives an annual salary paid biweekly by TVA. In contrast, TVA pays SWEC a fixed monthly amount for Mr.

White's services. SWEC in turn has a subcontract with another corporation, STEMAR, and pays that monthly amount to STEMAR for Mr. White's services. Any salary Mr. White receives is received as an owner or employee of STEMAR. TVA does not withhold Federal or State income tax from amounts paid SWEC for Mr. White's services, although it withholds such taxes from the salaries of regular employees. Since Mr. White is not a regular employee and is not paid by TVA, Mr. White does not have the opportunity to buy United States Savings Bonds through TVA payroll deductions or to participate through payroll deductions in the Combined Federal Campaign or other payroll deduction programs.

Mr. White does not receive the employee fringe benefits—for example, annual leave and sick leave—to which regular TVA employees are entitled. He is not a member of the TVA Retirement System, TVA makes no retirement contribution on his behalf, and he cannot participate in the Retirement System's Voluntary Retirement Savings and Investment Plan. A regular white-collar employee must generally become a member of the System as a condition of employment unless he is already a member of the Civil Service Retirement System, in which case TVA makes contributions for him to that system.

Mr. White is not covered by the Medical Insurance Plan for regular TVA managers, nor by the Dental Insurance Plan, and cannot participate in the Accident Insurance Plan that TVA makes available to its employees. Mr. White is not eligible to participate in the Merit Incentive Supplemental Retirement Income Plan under which regular employee managers at his level can earn retirement credits for meritorious service or credits can be granted by TVA for recruitment or retention purposes.

Thus, Mr. White is clearly not a "regular employee" and the last sentence of Section 3 establishing the salary cap on regular officers and employees is, by its own terms, inapplicable.

Finally with respect to this question, GAO points (at 5) to Congress' inclusion in TVA appropriations of language prohibiting use of appropriations to implement a program of retention contracts for senior employees. GAO then seemingly suggests that such action somehow has relevance to TVA's contractual arrangements for Mr. White's services. This seems to us absurd. The appropriation language relates to regular TVA employees, not to contract arrangements for services such as those involving Mr. White. The appropriation language applies only to appropriated funds, whereas payments by TVA under the contract for Mr. White's services will, in view of the nature of those services, be paid from nonappropriated funds made available by TVA's ratepayers. In view of these differences, GAO's contention is baseless.

II

GAO states (at 6) that:

"While the [Dual Compensation] Act does not affect persons serving under a proper contract with Federal agencies, it is our view, stated previously, that Mr. White's contract is not proper. Thus, this contractual relationship also appears to be a circumvention of the Dual Compensation Act."

For the reasons already stated, the contract providing for Mr. White's services is perfectly proper. Under GAO's own reasoning, therefore, the Dual Compensation Act would not affect him.

Mr. White is not a regular employee but serves pursuant to a contract, not an appointment, to a TVA position. The Dual Compensation Act defines "position" at 5 U.S.C. § 5531(2) as "a civilian office or position . . ., appointive or elective." Mr. White's position is neither. In *Costner* v. *United States*, 665 F.2d 1016 (Ct. Cl. 1981), the court of claims, which is recognized as having especial expertise in such areas, *Carter* v. *Seamans*, 411 F.2d 767 (5th Cir. 1969), held that an individual serving the Government without an appointment pursuant to a contract, could not be considered an "employee" where the applicable statutory definition required an appointment.

"There is no dispute that plaintiff performed a federal function or that he was supervised by a federal officer or employee; defendant has never challenged this. The narrow issue, then, is whether plaintiff was *appointed*. . . .

". . . An abundance of federal function and supervision will not make up for the lack of an appointment. Plaintiff's efforts to show that he was doing tasks that would otherwise be performed by a federal employee do demonstrate that he performed a federal function, but that is all. Likewise, plaintiff's heavy reliance on the opinions of the Civil Service Commission, of Secretary of Defense Robert McNamara, and of the Comptroller General that the Contract Technical Service Personnel program was not legally authorized is of no help. . . . In any case, there is no implication that the proper remedy is retroactively to make them employees, and, absent appointment, there is no statutory authority for such an action. At most the opinions show that the jobs were in all respects, except appointment, the same as employment, but we have already stated that that is not sufficient [665 F.2d at 1020]."

V

The GAO states (at 9) that TVA's relocation payments to Mr. Zigrossi, its Inspector General, appear to be statutorily authorized. It contends, however, that other incentive payments are or would be improper because, when added to Mr. Zigrossi's salary, they would cause his total "salary" to exceed that of Board members.

In so contending, GAO concedes that in its own opinion B-205284 in 1981, it adopted TVA's own longstanding interpretation that "salary" was distinguishable from "basic compensation" or "annual rate of compensation" and that "salary" did not include "occasional bonuses based on . . . special circumstances, retirement fund contributions, and miscellaneous fringe benefits."

It contends, however, that this does not extend to the incentive payments here involved, which, it says "far exceed any reasonable interpretation of our 1981 opinion."

Here again, GAO's contentions seem to us remarkable since the payments involved represent a continuation of payments under plans which existed, were provided to GAO, and were fully discussed by TVA with GAO prior to GAO's 1981 opinion. Thus, in an October 18, 1981 letter responding to specific GAO requests for information, TVA provided a complete copy of the Incentive Plan. That plan expressly stated that one of the factors on which credits under it could be based was "the need to use pension credits for recruitment purposes to attract managers both from within and outside TVA" (section 2.C.4). GAO was also given a copy of a December 11, 1979 memorandum from TVA's Director of Personnel specifying that recruitment of outside candidates was one of the purposes for which Incentive Plan credits could be used. The Incentive Plan guidelines provided to GAO further explained that specific guidelines for recruitment and other purposes would be revised as necessary to reflect labor market and other conditions, but that initially credits of up to $10,000 could be used to recruit top level managers. GAO was also informed that almost $1 million in credits had been made under the Incentive Plan as of September 30, 1981.

With respect to relocation bonuses, similary, GAO was given a copy of the plan, which had been approved by the TVA Board in February 1980, a copy of guidelines providing for payments of up to $5,000 to recruit mid and upper level managers, and information showing that over a half million dollars in payments had been made under the plan between March 1980 and August 31, 1981.

In light of these circumstances, for GAO now to contend that it did not know about these plans or have them in mind when it issued its 1981 opinion seems to us incredible.

In any event, however, the payments are proper, not because GAO in 1981 conceded they were, but because legally such retirement contribution and bonuses do not constitute salary and hence in no way affect application of the salary cap in Section 3 of the TVA Act. Section 3, as already noted, empowers the TVA Board broadly to fix employees' "compensation," while limiting any regular employee's "salary" to that received by Board members. The use of these two different terms in the same paragraph of the same Section of the Act can hardly have been accidental; and, in any event, such terms, particularly when used in a corporate charter provision, must be given their accepted legal meaning. As stated in *Henry* v. *United States*, 251 U.S. 393, 395 (1920), "[t]he law uses familiar legal expressions in their familiar legal sense . . . ." *Accord Bradley* v. *United States*, 410 U.S. 605, 609 (1973). The legal distinction between "salary" and "compensation" was clearly noted in *Benedict* v. *United States*, 176, U.S. 357, 360 (1900). The Supreme Court there held that, where a district judge retired under a statute permitting him to receive "the same salary" which had been paid to him before retirement, such "salary" did not include extra compensation which had been paid to him for holding court from time to time outside his own district. The Supreme Court stated, in so holding, that:

"This *compensation* was . . . something entirely distinct from the *salary* paid to him as Judge of the District Court for the Eastern District of New York, but was in fact, as was held by the Court of Claims, extra pay for extra work performed—for particular as distinguished from continuous services [176 U.S. at 361]."

In short, while "salary" is "a fixed annual or periodical payment for services" (*id.* at 360), "compensation" is much broader and may include "extra pay for extra work," fringe benefits, and the like. *See also Twohy* v. *Harris*, 72 S.E.2d 329 (Va. 1952); *Morrissey* v. *Curran*, 302 F. Supp. 32 (S.D.N.Y. 1969), *aff'd in relevant part*, 423 F.2d 393 (2d Cir.), *cert. denied*, 399 U.S. 928, 400 U.S. 826 (1970); *Boyle* v. *United States*, 309 F.2d 399 (Ct. Cl. 1962); *United States* v. *Shea*, 55 F.2d 382 (D.N.D. 1932); *St. Louis Fire Fighters Ass'n, Local No. 73, AFL-CIO* v. *City of St. Louis*, 637 S.W.2d 128 (Mo. Ct. App. 1982); *Kolcum* v. *Board of Educ. of Woodbridge School Dist.*, 335 A.2d 618 (Del. Super. Ct.

1975); *Taylor* v. *McGuire*, 420 N.Y.S.2d 248 (N.Y. Sup. Ct. 1979); and *State* v. *Farmer*, 196 S.W. 1106 (Mo. 1917).

Accordingly, while Section 3 of the TVA Act limits regular employee salaries to those paid to Board members, it does not require that total employee compensation be so limited. One of my predecessors as TVA General Counsel formally advised the Board, for example, that the Section 3 limitation on employee salaries did not legally prohibit payment of overtime to certain employees otherwise entitled to overtime even though such payment might result in their receiving dollar amounts in excess of those received by Board members. Payments to the TVA Retirement System represent another example. TVA Board members have been excluded from membership in the System from its inception, at which time they also were not members of any other Federal retirement system. TVA contributions to the System on behalf of some higher-paid TVA managerial employees brought their compensation above that of Board members. Two other former TVA General Counsels concluded that:

"[T]he power to establish a retirement system was to be implied in the express powers given the Board of Directors by section 3 of the Tennessee Valley Authority Act to 'fix . . . compensation . . . and provide a system of organization, to fix responsibility and promote efficiency' [Memorandum from William C. Fitts, Jr., to Gordon R. Clapp (Aug. 9, 1939)]."

As pointed out in *Tennessee Valley Authority* v. *Kinzer*, 142 F.2d 833 (6th Cir. 1944), Congress later amended the Civil Service Retirement Act to bring Board members and others under that Act, except where they were already "subject to another retirement system for Government employees." 5 U.S.C. § 8331(1)(ii) (1982). As the court also pointed out, Congress had through appropriations approved the Retirement System rules and regulations. Thus Congress expressly recognized that TVA had acted within its statutory authority in establishing the TVA Retirement System which provided for total compensation to some employees in excess of Board members' salaries. Since 1956 the TVA Retirement System has been integrated with Social Security. The TVA Retirement System is a fully funded system, unlike the Civil Service system which involves lower contribution rates but billions of dollars of unfunded liabilities. The percentage of an employee's salary paid annually by TVA in contributions to the TVA Retirement System and Social Security taxes therefore exceeds the percentage of salary paid as contributions to the Civil Service Retirement System. Thus, the total compensation of a number of TVA employees, including such payments, has for years exceeded both the salaries and the total compensation, including contributions to the Civil Service Retirement System, of TVA Board members.

The principles applicable in connection with the above-described payments are equally applicable to the payments involved here.

* * * * *

The GAO's June 2 letter, apart from its specific infirmities noted above, is also a consummate example of deja vu. During the first several years of TVA's existence, the GAO contended—in its 1934 audit report on TVA and elsewhere—that TVA was subject to various restrictive statutes applicable in terms to the United States or its departments, and to related "rules" enunciated in GAO opinions; and refused to recognize, or interpreted narrowly, the special authority and responsibility placed in TVA by various Sections of the TVA Act (*see* S. Doc. No. 56, 76th Cong., 1st Sess. 109-133 (1939)). One of GAO's own counsel (O.R. McGuire, who was Chairman of the American Bar Association's section on Administrative Law) concluded and advised GAO that it was wrong. *Id.* at 119-20. The Special Joint Congressional Committee created by statute to investigate all aspects of TVA's operations, 52 Stat. 154 (1938), concluded, in a report reflecting the advice of its General Counsel, Francis Biddle (a leading member of the Philadelphia Bar who later served as a Judge on the United States Court of Appeals for the Third Circuit, Solicitor General, Attorney General, and the American Judge on the Nuremberg War Crimes Tribunal following Word War II), that GAO was wrong. *Id.* at 113-19, 125-30. The question then arose whether GAO could, as it threatened to do, force TVA to accept its views by refusing to countersign accountable warrants under which TVA was obtaining from the Treasury funds which had been appropriated. Both the General Counsel of the Treasury Department (E.H. Foley, Jr.) and the Attorney General (and later Supreme Court Justice) Robert H. Jackson, concluded that GAO was wrong and that appropriated funds could be made available to TVA by settlement warrants. *Hearings Before the House Committee on Military Affairs on H.R. 4961*, 77th Cong., 1st Sess. 71-95 (1941).

It was against this background that the 1941 amendment to Section 9(b) of the TVA Act was enacted. As noted in my April 15 memorandum, that amendment, which TVA and GAO jointly recommended as a means of settling the dispute between them, added the last two current paragraphs of Section 9(b). The penultimate paragraph begins by making clear that TVA's accounts are subject to the settlement and adjustment procedures established under the Budget and Accounting Act, and then continues with the following proviso:

"*Provided.* That, *subject only to the provisions of the Tennessee Valley Authority Act of 1933, as amended*, the Corporation is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it may deem necessary . . . and . . . the General Accounting Office . . . shall not disallow credit for, not withhold funds because of, any expenditure which the board shall determine to have been necessary to carry out the provisions of (the TVA] Act."

The final paragraph goes on to state that:

"The Corporation shall determine . . . the forms and contents of its contracts and other business documents except as otherwise provided in the Tennessee Valley Authority Act of 1933, as amended."

Now, GAO, although recognizing as it must that under Section 9(b) its views are in no way binding, is contending once again that "rules" of its own concoction, and developed in relation to agencies whose statutes do not contain provisions of the kind included in the TVA Act, are somehow applicable to TVA. It is also advancing an opinion which ignores two vital sections of the TVA Act (Sections 4(g) and 9(b)), and which seeks to read the word "regular" out of Section 3 and ignores the difference between "salary" and "compensation" in the same section, in the teeth of the basic judicially established principle that a statute must be read as a whole with every section and word in it given effect.

We think that in so doing, GAO is just as wrong now as the Joint Congressional Committee and others concluded it was in the 1930s and early 1940s.

Finally, GAO concedes in its June 2 letter the serious crisis faced by TVA in seeking to rehabilitate its nuclear plants, yet in the face of those difficulties GAO undertakes an incredibly restrictive reading of the TVA Act. Given TVA's difficulties, GAO's approach seems even more incomprehensible. In *Good Roads Machinery Co.* v. *United States*, 19 F. Supp. 652 (D. Mass. 1937), the court reviewed a similarly narrow GAO reading of statutory authority during the depression. The court commented on (and overturned) GAO's refusal to authorize payment for services rendered, saying:

"I am of the opinion that the construction placed upon the words "public exigency" by the Comptroller General is much too narrow. Where all of the other branches of the Government recognized that a sudden and unexpected occasion for action had arisen, and were directing their best efforts to solving the complicated and perplexing problem of unemployment, it comes with little grace from the accounting and bookkeeping department of the Government to refuse to pay this claim because of an unreasonable and narrow construction which it places on the statute involved [at 654]."

While refusal to pay a claim is not here involved, we believe the court's language applies with equal force to the current situation.

HERBERT S. SANGER, JR.,
General Counsel.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to our good friend and colleague, the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I rise in opposition to this amendment.

I am approaching this issue, not only as a ratepayer in the Tennessee Valley, but I am also concerned that I am the representative of the ratepayers.

This is a consumer issue. Half of the utility bills very month of the ratepayers in my district go to pay for nuclear plants that are not on line. I say that we are straining at gnats and we are swallowing a camel.

Certainly Admiral White's salary is minimal compared to the costs of our nuclear plants that are not on line. They are costing us $5 million a day.

□ 1900

Admiral White is the best choice we could have. I am fully convinced that his salary, his contract is legal; We are concerned. We do want our plants back on line safely; we want them back on line soon.

We do have problems in the Tennessee Valley. We are trying to correct our problems, and right now Admiral White is the best choice we have. We have him; we want to go on to correct the problems; have our safe nuclear plants on line, and ease the burden of the ratepayers, the people on fixed incomes, the people that are paying half

of their utility bills every month to go for nuclear plants that are not on line.

On behalf of the ratepayers in the Tennessee Valley, I urge defeat of this amendment.

Mr. BEVILL. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. COOPER].

Mr. COOPER. Mr. Chairman, I rise in strong opposition to this amendment. I feel it would be very, very destructive to a very important agency for the Tennessee Valley.

There are a couple of reasons to be against this amendment. It is important that all the Members of this House know that not one penny of taxpayer money is involved. The money that is involved is paid for by the ratepayers of the Tennessee Valley.

As far as I know, every single Member of Congress from the valley, whether Democrat or Republican, is against this amendment. A fundamental issue, to me, is involved. There are questions about the contract; they do need to be looked into and they are being looked into by a group that has jurisdiction.

The GAO is irrelevant to this process; it has no jurisdiction. The person who does is the inspector general. We need to support the inspector general; we need to make sure he does a full and timely report, and a vote no on this amendment would ensure that that occurs.

Mr. BEVILL. Mr. Chairman, I rise in opposition to this amendment.

I think our good friend and colleague, the gentlewoman from Colorado [Mrs. SCHROEDER] has been very fair. She has pointed out in her letter that what she wants to do is to send a message; but I want to point out that this is going to be a very expensive message because the cuts that she is advocating in the TVA program are not going to have anything to do with the Admiral's contract, they are not going to touch the admiral's contract. By the way, he has been commander of the submarine force of the U.S. Atlantic Fleet. He has been responsible for 90 nuclear powered submarines for over 3 years. He was highly regarded by Admiral Rickover.

So the man is knowledgeable about nuclear power, but that is neither here nor there. The point is, this amendment is nothing but a vehicle to send a message.

The gentlewoman has been very frank and honest about it, as she always is, and we appreciate that, but it will not accomplish anything. If the amendment passes, it could create problems.

There are five nuclear powerplants. There is over $12 billion invested that the ratepayers of TVA have invested, not the Congress, but the ratepayers in the TVA area; and they have been sitting there for about a year now costing $5 million every day.

This is a burden to the nuclear industry; it is a burden to the ratepayers of the TVA area, and I do not think we need to add to their problems. They are scheduling these plants with the NRC, the admiral has scheduled these plants to get them back on line, and in spite of what the GAO says they do not have any oversight authority over TVA whatsoever under the TVA Act. They have no authority whatsoever.

The lawyers of the TVA who have been handling their legal business for 50 years for TVA and they say it is legal; it is a contract; it is a temporary contract; and therefore he is not a full-time employee and he is not under civil service; and the subcommittee has nothing to do with it. They have not held any hearings, they have not reported any legislation.

If they want to really send a message, I think the subcommittee chaired by Mrs. SCHROEDER ought to hold a hearing, give us some legislation to deal with, if that is what the gentlewoman wants.

I urge a "no" vote on this amendment.

Mrs. SCHROEDER. Mr. Chairman, I want to summarize saying I know this is not the best way; I am trying to do this the easy way. I want to send a message to the TVA that we do not want this kind of giveaway program. This is what drives taxpayers absolutely looney.

Yes, of course, the nuclear powerplants are very expensive, but so is the Federal budget. The President of the United States does not make an inordinate amount depending on how much the Federal budget is.

So, Mr. Chairman, I do not think those arguments hold up.

Mr. TRAFICANT. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, I am of the impression the GAO says this is an illegal contract. Is that correct?

Mrs. SCHROEDER. Absolutely. In five ways.

Mr. TRAFICANT. $355,000? And does he get full military retirement?

Mrs. SCHROEDER. Absolutely.

Mr. TRAFICANT. I believe that Congress should not allow this. I think we should support the young lady in her particular amendment, and I think evidently, as far as dealing with the nuclear business, you move from the military into the nuclear affairs business of Congress.

Someone said earlier that these special interests are overrunning the Congress. The greatest special interest in America is our defense industry. I think we had better look at that, and I think we should send a clear signal to TVA.

Mrs. SCHROEDER. And vote "aye."

Mr. FLIPPO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

RECORDED VOTE

Mrs. SCHROEDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 131, noes 273, not voting 26, as follows:

[Roll No. 243]

AYES—131

Ackerman	Gonzalez	Ritter
Aspin	Gregg	Roberts
Atkins	Guarini	Roemer
AuCoin	Hall (OH)	Roth
Bates	Hamilton	Roybal
Bedell	Hawkins	Savage
Bennett	Hayes	Schroeder
Berman	Hertel	Schumer
Bonior (MI)	Hoyer	Seiberling
Borski	Hughes	Sensenbrenner
Boxer	Jacobs	Sharp
Brown (CO)	Kasich	Sikorski
Bruce	Kastenmeier	Sisisky
Bryant	Kennelly	Skelton
Burton (CA)	Kildee	Slattery
Chappie	Kleczka	Smith (FL)
Clay	Kostmayer	Smith, Robert (NH)
Collins	Kramer	Snowe
Conte	LaFalce	Stark
Conyers	Leach (IA)	Stenholm
Coyne	Lehman (CA)	Studds
Crane	Lehman (FL)	Tallon
Crockett	Leland	Torres
Dannemeyer	Lowry (WA)	Torricelli
de la Garza	Lungren	Towns
Dellums	Markey	Traficant
Dingell	Martin (IL)	Udall
Donnelly	Mavroules	Vento
Downey	McCloskey	Visclosky
Durbin	McKernan	Volkmer
Dymally	Meyers	Walgren
Eckart (OH)	Miller (CA)	Walker
Edwards (CA)	Moakley	Waxman
Evans (IL)	Morrison (CT)	Weaver
Fascell	Mrazek	Weiss
Fazio	Murphy	Wheat
Feighan	Nielson	Whittaker
Florio	Nowak	Wirth
Foglietta	Owens	Wolpe
Ford (MI)	Parris	Wyden
Frank	Petri	Yates
Garcia	Porter	Yatron
Gejdenson	Rangel	Zschau
Glickman	Ray	

NOES—273

Akaka	Bosco	Courter
Alexander	Boucher	Craig
Anderson	Boulter	Daniel
Andrews	Broomfield	Darden
Annunzio	Brown (CA)	Daschle
Anthony	Burton (IN)	Daub
Applegate	Bustamante	Davis
Archer	Byron	DeLay
Armey	Callahan	Derrick
Barnard	Carney	DeWine
Bartlett	Carper	Dickinson
Barton	Carr	Dicks
Bateman	Chandler	DioGuardi
Beilenson	Chapman	Dixon
Bentley	Chappell	Dorgan (ND)
Bereuter	Cheney	Dornan (CA)
Bevill	Clinger	Dowdy
Biaggi	Coats	Dreier
Bilirakis	Cobey	Duncan
Bliley	Coble	Dwyer
Boehlert	Coelho	Dyson
Boggs	Coleman (TX)	Early
Boland	Combest	Eckert (NY)
Boner (TN)	Cooper	Edwards (OK)
Bonker	Coughlin	Emerson

English
Erdreich
Evans (IA)
Fawell
Fields
Fish
Flippo
Foley
Ford (TN)
Franklin
Frenzel
Fuqua
Gallo
Gaydos
Gekas
Gephardt
Gibbons
Gilman
Goodling
Gordon
Gradison
Gray (IL)
Green
Gunderson
Hall, Ralph
Hammerschmidt
Hansen
Hatcher
Hefner
Hendon
Henry
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Kanjorski
Kaptur
Kemp
Kolbe
Kolter
Lagomarsino
Lantos
Latta
Leath (TX)
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Long
Lott
Lowery (CA)
Lujan
Luken
MacKay
Madigan
Manton
Marlenee
Martin (NY)
Martinez
Matsui
Mazzoli
McCain
McCandless
McCollum
McCurdy
McEwen
McGrath
McHugh
McKinney
McMillan
Mica
Michel
Miller (OH)
Miller (WA)
Mineta
Molinari
Mollohan
Monson
Montgomery
Moody
Moorhead
Morrison (WA)
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Oakar
Oberstar
Obey
Olin
Ortiz
Oxley
Packard
Panetta
Pashayan
Pease
Penny
Pepper
Perkins
Pickle
Price
Pursell
Quillen
Rahall
Regula
Reid
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Rudd
Russo
Sabo
Saxton
Schaefer
Scheuer
Schneider
Schuette
Schulze
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Slaughter
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (OR)
Snyder
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stokes
Strang
Stratton
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Traxler
Valentine
Vander Jagt
Vucanovich
Watkins
Weber
Whitehurst
Whitley
Whitten
Wilson
Wise
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Young (MO)

NOT VOTING—26

Badham
Barnes
Breaux
Brooks
Campbell
Coleman (MO)
Edgar
Fiedler
Fowler
Frost
Gingrich
Gray (PA)
Grotberg
Hartnett
Jones (TN)
Kindness
Lewis (CA)
Lundine
Mack
McDade
Mikulski
Mitchell
Moore
Spence
Williams
Wright

□ 1925

Mr. LEVINE of California and Mr. MOODY changed their votes from "aye" to "no."

Messrs. FRANK, ATKINS, PORTER, HUGHES, and WHITTAKER, Mrs. COLLINS, Mr. GUARINI, and Mr. TORRICELLI changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DAUB. Mr. Chairman, I move to strike the last word, and I rise in strong support of the bill.

Mr. Chairman, I appreciate this opportunity to rise in support of the fiscal year 1987 energy and water appropriations bill (H.R. 5162). This measure contains important language that will address the flood control problems in the Papillion Basin, which is located in and around Omaha, NE.

Specifically, H.R. 5162 directs the Corps of Engineers to proceed in accordance with the plan contained in the Corps of Engineers' reevaluation report for Papillion Creek and tributaries lakes, Nebraska, and provides $300,000 for this effort in fiscal year 1987. The bill also authorizes construction as contemplated in the reevaluation report and deauthorizes features eliminated from the original authorization adopted in 1968.

Furthermore, Mr. Speaker, the appropriations measure we are considering today would resolve a water quality problem that afflicts dam site 18, which is a part of the Papillion Creek and tributaries lakes project. To remedy the problem, H.R. 5162 directs the corps to provide funds for design and construction of a storage facility to keep effluent from two upstream sanitary improvement districts [SIDs] from flowing into Boxelder Creek, which feeds the new reservoir at site 18.

In the aggregate, these provisions in H.R. 5162 are a culmination in the effort to address the long-standing flood problems in the Papillion Creek Basin system and alleviate controversy that has developed over the original solution to these problems adopted in 1968. Most importantly, however, H.R. 5162 will potentially save lives and property damage.

The history of flooding in the Papio Basin reflects the severity of the problem and the need to proceed with the reevaluation report as mandated by the bill we are considering today. Floods or threats of floods in the area occur almost every year during the summer thunderstorm season. Within the last 27 years, floods occurred in 1959, 1960, 1964, and 1965. The 1964 flood, which was the basin's most damaging flood, caused the loss of seven lives and an estimated $5 million in damage. Moreover, the increasing urbanization of the Omaha area in recent years has increased the potential for damage.

As a result of the severity of the flooding in 1964 and 1965, the Omaha District Corps of Engineers, in conjunction with other Federal and local agencies, conducted studies to determine methods to control flooding in the Papillion Basin. These studies resulted in a plan—authorized by the Flood Control Act of 1968—consisting of 21 earthen dams for flood contol, recreation, fish and wildlife enhancement, and water quality control.

Since the original authorization in 1968, the Papio project has experienced considerable delays and size reduction because of significant changes in cost, regulations, and new legislation, as well as local opposition. As a result, only four of the authorized dams—dams 11, 16, 18, 20—have been or are being constructed by the Corps of Engineers. The remaining 17 dams—excepting dam site 17, which was complete by a private developer—have been deemed over the years as uneconomic or are highly controversial. Thus, the 17 dams are now classified in an inactive status.

Mr. Chairman, recognizing the continuing flood control problems in the Papio Basin and the need to resolve the controversy resulting over identified solutions, I brought together opponents and supporters of certain aspects of the 1968 plan and formed the Papio Watershed Coordinating Committee [PWCC] in March of 1981. The PWCC consisted of 11 members representing the cities of Omaha, Papillion, and Ralston; the villages of Bennington and Washington; the Washington County Board of Supervisors; the Douglas and Sarpy County Boards of Commissioners; the Papio Natural Resource District; the Papio Valley Preservation Association; and the Papio Flood Protection Association. This committee concept proved to be an outstanding forum for the exchange of ideas and grievances in the effort to gain a consensus and thus resolve the longstanding local controversy.

Together, the PWCC drew up a compromise resolution seeking development of a comprehensive plan for flood damage prevention in the Papio Basin that was presented in Washington before Congress. This resolution ultimately resulted in the 1982 Energy and Water Development Appropriations Act mandating funding for the continued construction of dams 18 and 20 and the initiation of a 3-year study of possible modifications to the 1968 authorized plan.

After several meetings and a lot of hard work, the PWCC was presented in 1984 with five differing plans that the Corps of Engineers developed. The plan that was unanimously adopted by the PWCC on April 26, 1985, was the 50-year channel proposal that consists of the following:

First, a 50-year channel improvement along the Big Papillion Creek generally extending from West Center Road to L Street in Omaha, NE.

Second, improvement of the Union Pacific Railroad bridge crossing Big Papillion Creek located upstream of F Street, including a connecting street from F Street north to the C-D Street frontage road to access the recreation facilities along the channel.

Third, a 2-mile recreation trail extending the length of the recommended channel improvement.

Fourth, an electronic flood warning system for the entire Papillion Creek Basin system.

Mr. Chairman, the bill we are considering today that authorizes this reevaluation plan and provides $300,000 in fiscal year 1987 for its implementation truly rewards the members of the PWCC and the Omaha Corps of Engineers for their hard work in resolving the flood control issue in the Papio Basin. Of particular importance, this plan—which was approved by the Chief of Engineers at the Washington level on June 12, 1986—will save the Federal Government a substantial financial commitment in that the reevaluation is estimated to cost $6,379,000, while the original solution authorized in 1968 would have cost $120 million in view of current prices. Of utmost importance, however, implementation will save lives and property damage.

I want to take this time to express my appreciation to members of the PWCC, the Corps of Engineers, and the countless others who participated in the efforts to come to a consensus on this flood control issue. The contributions of local interests have been essential to resolving the problem, and I am very pleased that we can finally go forth with the reevaluation plan and provide flood protection to my constituents in the Omaha area.

Mr. Chairman, with respect to the provisions of H.R. 5162 that pertain to dam site 18, I also want to commend the local interests who came to a consensus to resolve the water quality problem at the site. Even though the reservoir has been built at site 18, the water quality problem originating from the effluent from the two upstream SID's has precluded final action to fill the new lake.

The language contained in H.R. 5162 will resolve this problem by directing the corps to use already appropriated funds to proceed with the necessary design and construction work to implement the agreed to solution. The proposal consists of creating a storage facility—pond—in the vicinity of the Skyline Woods Golf Course. Treated effluent from SID 57 would flow by gravity to the pond and SID 303 treated effluent would be pumped up to the pond level. The pond would thus keep the effluent from reaching Boxelder Creek, which feeds the new reservior created at dam site 18.

Again, I want to commend all those individuals who contributed to the resolutions of the omnibus flood control problem in the Papio Basin and the water quality problem at dam site 18. Your hard work has resulted in today's legislation, and I look forward to working with all of you in the future to implement the solutions.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

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 reductions", or the provisions of Public Law 99-177.

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 shall be used to pay the salary of the Administrator of a Power Marketing Administration or the Board of Directors of the Tennessee Valley Authority, and none of the funds authorized to be expended by this or any other Act from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, may be used to pay the salary of the Administrator of the Bonneville Power Administration, unless such Administrators or Directors award contracts for the procurement of extra high voltage (EHV) power 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 procurements 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. None of the funds in this Act may be used to construct or enter into an agreement to construct additional hydropower units at Denison Dam—Lake Texoma.

Mr. BEVILL (during the reading). Mr. Chairman, we know of only one more amendment, and I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN pro tempore. Are there points of order to the portion of the bill considered read?

AMENDMENT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRENZEL: At the end of title V, insert the following new section:

"SEC. 509. Notwithstanding any other provision of this Act, each amount appropriated or otherwise made available by this Act not required to be appropriated or otherwise made available by previously enacted law shall be reduced by 4.62 percent."

Mr. FRENZEL. Mr. Chairman, I ask unanimous consent that debate on this amendment be limited to 20 minutes, 10 minutes of which would be controlled by myself and 10 minutes of which would be controlled by the distinguished gentleman from Alabama [Mr. BEVILL], the chairman of the subcommittee.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Minnesota [Mr. FRENZEL] is recognized for 10 minutes and the gentleman from Alabama [Mr. BEVILL] is recognized for 10 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Chairman, I yield myself 2 minutes.

Mr. FRENZEL. Mr. Chairman, this is another very simple amendment. Its intention is to make the 1987 appropriation that we are working on today equal in budget authority, or substantially equal, to the 1986 appropriation postsequester.

If you will look on page 161 of the committee report, I am trying to take $15,584 million down to $14,756 million more or less. The factor I have used is a reduction of 4.62.

That figure is applied across the board. The reason it is applied across the board is because I am trying to respect the committee's work. I am not trying to change any decision with respect to priority that the committee has made.

What I am trying to do is to cut every item in here by 4.62 percent. That will reduce the BA to last year's amount, and it will reduce the outlay amount, as estimated by the CBO, to within a couple of million of this year's budget resolution which will make this bill, in my judgment, should make it acceptable to nearly everybody if this passed.

There are complaints. The administration opposes my amendment because it would make tiny cuts in SDI research. As I compute all the cuts of mine that would apply to SDI, they would be about $25 million, which is almost unobservable against the more than $4 billion request. I have suggested again across the board. I know the SDI fight can be waged on the military authorization. I would prefer not to wage it here.

What I would say is every item in our budget can be cut if we cut them all. I do not believe in selective frugality. Everybody should be in it, the administration's strong feelings notwithstanding.

My amendment has been attacked by those who have water projects in here. I understand every Member's desire to have a project and to have it work for them. All I am saying is that sometime we have to decide whether we are going to have a deficit after 1999 or whether we are not.

I am only trying to administer frugality in small doses. I am not trying to make very large cuts, and I am not trying to spoil anyone's project. But a little tiny cut out of everyone, I believe, would help.

Again, Mr. Chairman, my amendment is intended to preserve the committee's choices and to freeze and to control our deficit. I hope that somehow this committee can continue the good work of last week and try to maintain just a little fiscal sobriety.

Mr. BEVILL. Mr. Chairman, I yield 5 minutes to my good friend and colleague, the gentleman from Indiana [Mr. MYERS].

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. FAZIO], a member of the subcommittee.

Mr. FAZIO. Mr. Chairman, I think we are getting to a point where we attempt to reinvent the wheel on every appropriation bill. We attempt to redefine the budget process and make cuts which, we are convinced will placate our constituencies, we are not really thinking through and understanding what the cuts are really all about.

I think it is important to point out that this appropriation bill is in conformance with the Budget Act. We are in conformance with the goals the Appropriations Committee had in the 302(b) allocation. We have met the formula and the test.

If you follow Mr. FRENZEL's direction and make this cut, you are going to be eliminating the discretion and the priorities established by this Congress.

We do not need a lot of time to talk about this. But if are going to reassert the priorities, not of the Appropriations Committee, but of the Congress itself, if we are going to be allowed to make changes in the submission of the Executive, then we have to vote against this amendment.

We are $300 million below the President's request. Nobody can say that we have not done our job to reduce domestic expenditures.

As one who wants to freeze SDI, I can say this is not the time to be debating this issue on a peripheral bill that is not at the center core of SDI.

I would simply urge my colleagues who want a balanced energy program, for those who think it is appropriate for us to be able to set priorities in water development, to stick with the committee and not be stampeded into making a cosmetic cut at the conclusion of a long and effective debate, on a variety of issues.

This is an opportunity for us to stand by our committee's priorities that really reflect all of our priorities. The committee has done its best to meet the test that we have imposed on it.

I urge you to defeat this amendment and to send forward a proper budgetarily constrained bill.

□ 1935

Mr. FRENZEL. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. I thank the gentleman for yielding to me.

Mr. Chairman, I think that this Congress tonight on the second appropriations bill has to think about how we are going to break the "business-as-usual" cycle. No one wants to vote for an amendment that reduces spending anywhere, but it is time that we break the "business-as-usual" cycle that has gotten this country and this Congress, and has led this country and this Congress to the brink of financial disaster.

Let us think for a minute as to how we got here tonight. I suggest that everyone, before they vote on this amendment, recall the context, the background that led to Gramm-Rudman-Hollings, that imposed a discipline, a top level of spending for the entirety of the Federal Government and said that if we break that discipline, if we go over that deficit level, the result is the sequestration process.

We do not know yet whether that sequestration would occur automatically or by the order of OMB or CBO or GAO or by the Congress itself, but ultimately, ultimately if we begin to pass appropriations bills that are in excess of the budget that this Congress passed just a few weeks ago, then sequestration will occur.

This House voted for a budget, and this is the second appropriations bill in which we have the opportunity and the obligation to enforce that budget. We have 11 more appropriations bills to go. There are projects within this appropriations bill that we all like and that we all like on an individual basis. But I want to suggest that this is the test. Now, this is a sequestration vote, it is a budget vote, it is a deficit vote. If we vote tonight not to adopt the budget, not to enforce the budget that we had already adopted a few weeks ago then we are voting just as surely as anything for sequestration later this fall.

Sequestration is not the right way to budget. What we need to be doing is to consider these items, these appropriations and entitlements one at a time to force the appropriations bills to comply with the budget so that we can avoid sequestration.

Vote for the Frenzel amendment for some sanity.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. RUDD].

Mr. RUDD. I thank the gentleman for yielding to me.

Mr. Chairman, ordinarily I would empathize with my distinguished colleague from Minnesota, but there is something wrong with across-the-board cuts. We have to remember that last year at the urging of the committee, for example, the Bureau of Reclamation was urged to spend all of the moneys in their pipeline. They did a good job of that; we thank them for that. This year they came in with a bare-bones budget, needing every dime that they asked for just to complete or get the projects underway that were underway. We did not do that for them; we took off a little bit of that too, some $300 million.

This means that if we cut this, this item, then the contracts that have been let will have to be canceled meaning penalties to those contractors. People will have to be laid off meaning penalties and payments to those people being laid off. So this is really penny-wise and pound-foolish, and we should reject this amendment because it will cost the taxpayers more in the long run than it would save.

Mr. FRENZEL. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. I thank the gentleman for yielding me this time.

Mr. Chairman, I imagine that there are at least a few people in this body that are as tired of seeing me in this well as I am tired of being in this well,

but the point is, we must face the requirement to cut spending.

We are trying to make it on the basis of line item cuts that can be selective and can be creative. I want to avoid across-the-board cuts whether they be on individual appropriations bills or whether it be in sequestering. That is a bad way to legislate.

We have tried; we have offered many, many amendments today. They have been voted down. I understand the respect we hold for the committees. I understand our inclination to give deference to a committee that works as hard as the Appropriations Committee works, but when they do the best they can do, they need help from us here on this floor to do more. That is what we must do.

I am a big fan and supporter of SDI. I support SDI almost as much as I support cutting spending and avoiding deficits. Consequently, I am going to have to vote "yes" for this across-the-board cut. I am going to have to watch SDI take a cut it would not have had to take if we could make line item cuts in other areas where I do not see such great emergency and such great need and such great promise.

These are the things we are going to have to do. Each and every one of you that defended a program against cuts earlier today recognize your program is going to get a cut either today, across the board, or in September, across the board, when we go to sequestering.

We can make some selective choices or we can take across-the-board cuts. I am going to ask those of you who share by enthusiasm for SDI to join me today in doing what is, in fact, and truly the responsible thing. Let it take its cut along with other programs that should not be taking their cut because we did not cut those that should have been cut.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment to H.R. 5162 offered by my good friend, coworker, and ally, the gentleman from Minnesota [Mr. FRENZEL].

I oppose the gentleman's amendment with great reluctance because I have deep affection and respect for him personally and because I almost always vote with him on many, many other issues.

But I cannot accept his amendment, which would in effect sabotage my subcommittee's months and months of work and fly in the face of more than 2,000 witnesses who came in good faith to give us the benefit of their best thought and wisdom covering 12,469 pages of printed testimony.

From this enormous mass of material, I and my colleagues on this subcommittee have carefully crafted our bill. It meets every reasonable test of financial sanity.

It meets the requirements of the Balanced Budget and Deficit Control Act (Gramm-Rudman).

It is under the President's budget by $300 million.

And it matches the 302(b) allocation under the budget resolution.

So to the best of my knowledge and belief, we have done the right thing with this bill.

If the gentleman's amendment prevails, it would subject the bill to triple jeopardy from the Gramm-Rudman Balanced Budget and Deficit Control Act.

First, the bill meets, as I said, the reduced Gramm-Rudman targets for fiscal year 1987.

Second, the amendment would whack this already reduced budget by 4.62-percent across the board.

And third, if other appropriations and authorizing bills fail to meet these budget targets, our bill could again be subject to still a third percentage across-the-board reduction.

The amendment, well-intentioned by the gentleman, would reduce much of the initiatives to continue to develop the water resources of the country to current-year levels and reduce the funding for the development of our nuclear defense to approximately the levels of fiscal year 1985. This amounts to policy options put forward at this late hour that have already been considered and found to be not acceptable to the committee or to me personally.

Why go through the months and months of hearings and markups, only to be second-guessed by an amendment that offers what seems to be such an easy vote.

No, my friends. A vote for this amendment cripples the bill so severely that if passed with this amendent, the measure would send your House conferees to the other body with little to bargain with and facing the prospect of still further cuts, particularly in defense. We have reduced defense spending significantly in our bill. Enough is enough.

The amendment would cut into the muscle of our water-resource development programs. We have not had a major public works bill enacted by the Congress in at least 16 years. We do have one in House-Senate conference, but it is going to be a long, hard conference. Whether a conference report will emerge is not clear.

In the meantime, our committee is trying to keep water-planning and construction alive. This amendment goes against our most careful judgment as to what is necessary to keep this nationally vital program going. Otherwise, water-resource development soon will slide into insignificance.

Let us keep this matter in perspective, however. This is an investment in the future of America's water resources, in its future food-producing capacity. Every dollar invested in water development yields benefits far in excess of that investment.

With up to 3 million acres of farmland—and perhaps 1 million in prime farmland—disappearing every year under urban sprawl, highway building, airports, and other development—the United States cannot afford to stop developing our water resources.

We are today, now, even as we speak, spending vast sums of Federal dollars on far more controversial projects. For example, the Department of Defense is reactivating four old battleships, the *Iowa* class, at an average cost of an estimated $454.8 million each, or a total of about $1.8 billion. And that is just for the so-called Phase I modernization.

No one that I know of ever expects any battleship expense to be repaid to the U.S. Treasury even in part by any entity. No battleship will ever produce an ounce of food or water for an expanding population. No battleship will produce any tax revenues, recreation, or wealth of any kind. No battleship will ever become anything productive. All we can hope is that the *Iowa* class ships will help, maybe, to preserve the peace so that we can get on with building and rebuilding this country.

I could cite the Washington, DC, subway in the same light. Nobody knows it's total cost, but it could be as much as $15 billion, an amount about equal to what has been invested in the reclamation west over the past 80 years. The subway, however, already is approaching an annual operating loss of $300 million—and the system is far from finished.

Compared to the many water issues facing the Congress today, the amounts being invested in water projects is a drop in the bucket compared to our national needs.

Indeed, the issue today before the House is simply under what terms and conditions are we going to continue to develop and use the relatively scarce water available to us in the 17 reclamation States as well as in many other situations all over the country.

There are those who cannot understand why, in the midst of surpluses and Federal budget deficits, we should invent anything in any water project at this time.

Besides the huge annual loss of farmland to urban and nonfarm use, we have only to look at Ethiopia to document the folly of failing to develop water resources. Such failure contributed enormously to the hunger tragedy there. The major river in Ethiopa, the Blue Nile, has nearly three

times the annual flow of the Missouri River at Sioux City, IA. Yet there has not been a single irrigation project developed in the Blue Nile basin in Ethiopia.

While water-resource development is nearly at a standstill in the United States—such other lands as China, Brazil, Malaysia, Pakistan, Spain, Sudan, and others are aggressively continuing water resource development.

Yes, we have surpluses now. Yes, agricultural land is a glut on the market. Yes, we have a budget deficit.

But all of us know that the world is living hand-to-mouth. Surpluses of commodities have disappeared almost overnight before. It could stop raining in the incomparable breadbasket of the Midwest, just as it seems to have stopped raining in our stricken Southeastern States. And just as it stopped raining in the West at the turn of the century with a drought so severe that it led to the reclamation movement and the current programs in the 17 reclamation States.

Nevertheless, water projects often are reviled as wasteful, pork-barrel political payoffs to Members of Congress.

I ask you what Communist country would not gladly exchange its system's discredited, inefficient agricultural disasters for our incredible success? What sub-Sahara land, and Ethiopia, would not sacrifice its gross national product for our water resources development complex?

The people who toil year after year in the cause of wise and environmentally sound water-resource development know better than most of the latter-day preservationists and naturalists can ever know what water-resource development has meant to wildlife and to the enhancement of the environment.

They know that the no-growth preservationists embrace a sterile, joyless philosophy that holds that America's natural resources are about to run out and there will be less and less for more and more people to try to share.

We all know that that is a lie. In developing our water resources, we have seen our country come alive with joy, hope, and optimism that has led to a better and better life and times for us all.

Mr. Chairman, I am deeply grateful for the privilege of working with my committee chairman and my colleagues on the committee on this bill. I heartily recommend its passage as is.

I urge the House to reject this well-intentioned but unwise amendment.

The CHAIRMAN pro tempore. The Chair will announce that the gentleman from Minnesota [Mr. FRENZEL] has 4 minutes remaining; the gentleman from Alabama [Mr. BEVILL] has 3 minutes remaining; and the gentleman from Indiana [Mr. MYERS] has 2 minutes remaining.

Mr. BEVILL. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland [Ms. MIKULSKI].

Ms. MIKULSKI. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Frenzel amendment and in strong support of this legislation.

The Frenzel amendment would reduce funds in this legislation by over 5 percent. Its effect would be to jeopardize many projects which are crucial to the Nation and to my own State of Maryland.

All of us know we need to reduce the deficit. One way to do this is to make specific budget cuts. And the chairman of the subcommittee and his colleagues have presented us with a bill that is within the President's budget.

Another approach to reducing the deficit, also taken in this legislation, is to make public investments which generate private sector jobs. That is why I have strongly supported funding to deepen our Nation's ports and waterways, particularly those for the Port of Baltimore.

When we make the kind of navigational improvements which this bill would do, we generate jobs along our waterfronts and in our Nation's coastal cities. More jobs means there will be more Americans paying taxes. More jobs means that local communities will have the revenues to provide the kind of goods and services which their residents deserve and have come to depend on. In addition, deeper harbors and better waterways means more commerce for family-run small businesses that are heavily dependent on international trade.

If we adopt the Frenzel amendment, we will be costing my State; and virtually every State in the Nation, jobs that would be generated from public sector investment.

What would it mean to Maryland?

It would mean that we will not be able to dredge our main channel in Baltimore to 50 feet as quickly as we need to which could cost us some of the 1,600 jobs this project will produce. It would also mean that the corps might not be able to deepen the Brewerton Channel to 35 feet or do advanced maintenance dredging for the C&D Canal. And that would mean lost containerized cargo traffic for the Port of Baltimore.

This amendment would also cut funds for shoreline erosion and hurricane protection in Ocean City, MD. The small amounts for these items in this bill will help protect both our environment and a local economy which generates over $2 billion a year. The kind of return to my State and other States with similar projects from these kind of investments far exceeds any benefit to deficit reduction which the Frenzel amendment might provide.

Finally, this amendment would cut funds for two important flood control projects in western Maryland. Had it not been for the corps' Bloomington Lake flood control project, Garrett and Alleghany Counties would have suffered tremendous damage in 1985.

So this amendment might result in communities being placed at greater risk from storms and Mother Nature. And that result will not only cost us more Federal funds if these communities are damaged, but it might place human lives in jeopardy.

Mr. Chairman, we need to continue our commitment to public investment that generates private sector jobs and private sector protection. The subcommittee's chairman, Mr. TOM BEVILL, has been a real leader in providing this investment and I commend him for the legislation on the floor today. The Frenzel amendment would strike at the very heart of this commitment, costing us jobs and increasing the need for other forms of public assistance.

I urge my colleagues to reject it.

Mr. FRENZEL. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. JOHNSON].

□ 1945

Mrs. JOHNSON. Mr. Chairman, it is time to translate the rhetoric of tough decisions into the action or the reality of tough decisions. It is not easy to get up here and cut a budget that thoughtful Members have obviously put together with conviction. It is not easy, but it is necessary.

This proposal does retain the priorities that the committee worked hard to develop, but it does another very equally important thing, and that is it meets the targets of our own budget resolution. If we fail to meet the targets of our budget resolution, we will be forced to compound the mischief that we created in the 1986 budget by allowing a formula-driven sequester to go into place. If we fail to pass this amendment, I say to my colleagues, we will once again have to confront the irrationality of trying to explain to Head Start mothers why Head Start's locks have been cut, of trying to explain to our seniors and our senior citizen centers why Meals on Wheels have been cut, and at the same time having to absorb within our hearts agency personnel who come up and say, "I was able to manage the 5 percent. I simply worked more closely with some State agency."

There are cuts that can be made responsibly, and there are cuts that cannot be made responsibly. Our responsibility is to assure a rational budget. We did that in the budget resolution, and we must comply with our actions now.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. BEVILL] has 3 minutes remaining.

The Chair recognizes the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume up to 2 minutes.

Mr. Chairman, this is an inviting amendment. I think all of us would like to vote for it. Gee, I like to vote

for cuts and be the good guy on the block. In my career I have voted for my share of across-the-board cuts. Years ago I voted for the Bow amendments and, more recently, the Miller amendments. Those were years when we could do it. This committee has accepted cuts like this for several years when we had some excess in it.

But we are already down there now. Contrary to what Members may have heard, we are right on the House-passed budget. If you voted for the House budget, you have got to vote against this amendment because that is where it is.

The gentlewoman a moment ago said she would like to transfer the budget. The other body can do that; we cannot. I do not care how much we would like to spend on some other budget; if it is not in the budget, we cannot do it. We are under the President's request by $320 million.

Now, I say to my friends that the gentleman from Minnesota [Mr. FRENZEL], who is the author of this amendment, said he has tried to retain the priorities. Actually he has distorted the priorities. That is what the Appropriations Committee did. We allocated to each committee, and we saw fit in some of these areas, such as SDI and some others, that we should spend more money this year than we did last year. But this would not allow that.

Let me tell the Members that the proper way to do this is to vote no on this amendment. And let me assure the Members that when that snapshot is taken in 23 days that tells us a new picture, if that says we have got to cut more than we anticipate now, when we go to conference, we will do that. But we must use the judgment of the Appropriations Committee to cut it down. We have to live by the same thing the Members voted for when they voted for Gramm-Rudman. We have got to do that, but we do not know what it is today. This is shooting in the dark.

Mr. Chairman, I ask the Members to support the subcommittee, to vote no on this amendment. Then we will still be within Gramm-Rudman, and we will be doing the right thing for appropriations for our country. As exciting and inviting as this amendment is, vote no on the amendment.

Mr. FRENZEL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, it is easy for any Member to vote for cuts in spending when that spending occurs in other Members' districts. That is a political reality. It is much more difficult to come to the conclusion that in order to bring down the deficit one must also suffer cuts in spending in one's own district.

At the risk of inviting political flak back in my district, I propose to vote in favor of this amendment, even though some very attractive programs benefit, under the present funding, elements in my district.

And there is another good reason, Mr. Chairman, for doing so, and that is to satisfy the overall demand by the American public to reduce spending.

The CHAIRMAN pro tempore. The Chair will state that the gentleman from Minnesota [Mr. Frenzel] has 1½ minutes remaining and the gentleman from Alabama [Mr. BEVILL] has 3 minutes remaining.

Mr. FRENZEL. Mr. Chairman, I yield myself my remaining time.

The CHAIRMAN pro tempore. The gentleman from Minnesota [Mr. Frenzel] is recognized for 1½ minutes.

Mr. FRENZEL. Mr. Chairman, we have had a brief but spirited debate. I think it is quite clear what we are talking about.

My amendment is a freeze amendment. It so happens, however, to bring the outlay total back into conformity with the budget which this House passed, the committee's bill quite clearly is stated by CBO to be a half a billion dollars over the outlays approved in our budget resolution.

Now, if you want to be over, if you want to vote for a huge sequestration resolution, then turn my amendment down. I am giving the Members a chance to make little cuts along the way so that when sequestration comes, it is not going to be nearly as tough on all of us.

And for those of us who are worried about cuts in defense, we should remember that 50 percent of the cuts in defense come on sequestration, and we are going to get the heavy end of the stick on that particular item.

I would like to think that the House could vote twice in a row for a freeze on last year and could demonstrate some devotion to fiscal responsibility. I would like to think that we are trying to put our budget in order and admitting that, yes, we are in trouble on deficits and we are going to try to meet the Gramm-Rudman-Hollings target.

Mr. Chairman, I hope the amendment will be approved.

Mr. BEVILL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not plan to use the 3 minutes I have remaining. I want to make the point here that we certainly appreciate the sincerity of the gentleman's efforts through the years to assure that we have appropriate and effective Federal spending. I am referring to our good friend and colleague, the gentleman from Minnesota [Mr. FRENZEL]

But let me make some points here that I think the Members will want to know about this amendment. To begin with, we do not need the amendment.

Let me tell the Members why we do not need the amendment. This Congress has already passed an act that provides for sequestration that is going to take place on October 1, and that is going to make a sensible and a more intelligent decision on the amount of outlays. Right now nobody knows what the outlays will be. By the time the President signs our bill and by October 1, this Congress will make the necessary cuts provided in the law.

Let me put it this way: We have some very sensitive weapons research in here. The President opposes this amendment, the Secretary of State opposes it, and the Secretary of Defense opposes this amendment. There is some very sensitive weapons research provided in this bill and the gentleman is asking us to reduce it. As the Members know, just a few days ago the White House announced that arms limitation negotiations were taking place and much in this bill are important to those negotiations. So I do not think that this is a good signal to send.

Let us not pull the rug out from under the Commander in Chief. Let us not take out these flood control projects. Let us not take out the most successful nuclear cancer research program in the world. That is what would be cut. I am not saying the gentleman wants to do that, but that would be the result of what he has offered.

As I said, these are items that do not need to be cut. This would cut $715 million out of this bill.

So. Mr. Chairman, I hope the Members will vote no on this amendment. This bill is more than half defense and this is a terrible time to be cutting and sending that signal to Geneva that we want to cut defense.

Mr. Chairman, I yield back the balance of my time.

□ 1955

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Minnesota [Mr. FRENZEL].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 167, noes 241, not voting 22, as follows:

[Roll No. 244]

AYES—167

Andrews	Bruce	Dannemeyer
Archer	Bryant	Darden
Armey	Burton (IN)	Daub
Aspin	Chandler	DeWine
Badham	Chappie	Dickinson
Barnard	Cheney	DioGuardi
Bartlett	Coats	Dornan (CA)
Barton	Cobey	Dreier
Bates	Combest	Eckert (NY)
Bedell	Coughlin	Evans (IA)
Bereuter	Courter	Fawell
Bilirakis	Craig	Fiedler
Broomfield	Crane	Fields
Brown (CO)	Daniel	Fish

Franklin
Frenzel
Gallo
Gejdenson
Gekas
Gibbons
Gingrich
Glickman
Goodling
Gradison
Gregg
Hall (OH)
Hall, Ralph
Hamilton
Hansen
Henry
Hertel
Hiler
Hillis
Hopkins
Hubbard
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Johnson
Kanjorski
Kasich
Kennelly
Kindness
Kolbe
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach (IA)
Lent
Levin (MI)
Lightfoot
Loeffler
Lujan
Lungren
Mack
MacKay
Madigan
Marlenee
Martin (IL)
McCloskey
McGrath
McKernan
McKinney
McMillan
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Monson
Moorhead
Morrison (CT)
Neal
Nielson
Olin
Oxley
Packard
Panetta
Penny
Petri
Porter
Pursell
Quillen
Ray
Rinaldo
Ritter
Roberts
Roemer
Roth
Roukema
Rowland (CT)
Russo
Saxton
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shumway
Shuster
Sikorski
Siljander
Sisisky
Slattery
Slaughter
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spratt
Stallings
Stenholm
Stump
Sweeney
Swindall
Tauke
Tauzin
Thomas (CA)
Vento
Visclosky
Walgren
Walker
Weaver
Weber
Weiss
Whitehurst
Wirth
Wolpe
Wylie
Zschau

NOES—241

Ackerman
Akaka
Alexander
Anderson
Annunzio
Anthony
Applegate
Atkins
AuCoin
Bateman
Beilenson
Bennett
Bentley
Berman
Bevill
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brown (CA)
Burton (CA)
Bustamante
Byron
Callahan
Carney
Carper
Carr
Chapman
Chappell
Clay
Clinger
Coble
Coelho
Coleman (TX)
Collins
Conte
Cooper
Coyne
Crockett
Daschle
de la Garza
DeLay
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Fuqua
Gaydos
Gephardt
Gilman
Gonzalez
Gordon
Gray (IL)
Green
Guarini
Gunderson
Hammerschmidt
Hatcher
Hawkins
Hayes
Hefner
Hendon
Holt
Horton
Howard
Hoyer
Huckaby
Hughes
Jenkins
Jones (NC)
Jones (OK)
Kaptur
Kastenmeier
Kemp
Kildee
Kleczka
Kolter
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levine (CA)
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Long
Lott
Lowery (CA)
Lowry (WA)
Luken
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCollum
McCurdy
McDade
McEwen
McHugh
Mica
Mikulski
Mineta
Moakley
Mollohan
Montgomery
Moody
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Nelson
Nichols
Nowak
Oakar
Oberstar
Ortiz
Owens
Parris
Pashayan
Pease
Pepper
Perkins
Pickle
Price
Rahall
Rangel
Regula
Reid
Richardson
Ridge
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Rowland (GA)
Roybal
Rudd
Sabo
Savage
Schaefer
Scheuer
Seiberling
Shaw
Shelby
Skeen
Skelton
Smith (FL)
Smith (IA)
Smith (NE)
Snyder
Solarz
St Germain
Staggers
Stangeland
Stark
Stokes
Strang
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Volkmer
Vucanovich
Watkins
Waxman
Wheat
Whitley
Whittaker
Whitten
Wilson
Wise
Wolf
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)

NOT VOTING—22

Barnes
Breaux
Brooks
Campbell
Coleman (MO)
Conyers
Davis
Edgar
Fowler
Frost
Garcia
Gray (PA)
Grotberg
Hartnett
Jones (TN)
Lundine
Miller (CA)
Mitchell
Moore
Obey
Spence
Williams

□ 2010

Messrs. WHITTAKER, WYDEN, BOEHLERT, PASHAYAN, and McEWEN changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. AuCOIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to enter into a very brief colloquy with the chairman of the committee, the gentleman from Alabama [Mr. BEVILL]. I want to commend his committee and him for providing additional funds for the important testing of improved double-length fish passage screens at Little Goose Dam on the Columbia River.

Mr. Chairman, I ask the gentleman from Alabama if he agrees with me that the Corps of Engineers should expedite those tests to determine if extra-length fish passage screens would provide improved passage at that location.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, the gentleman is correct. I want to assure the gentleman from Oregon that the committee understands the importance of the salmon and steelhead resources of the Pacific Northwest. We will continue to encourage the Corps of Engineers to proceed expeditiously with the design and construction of these needed facilities, and we concur that the testing of new fish screen technologies should proceed forthwith.

The CHAIRMAN pro tempore (Mr. CARPER). Are there further amendments to the bill?

The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Energy and Water Development Appropriation Act, 1987".

Mr. BEVILL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from Alabama [Mr. BEVILL].

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. CARPER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5162) making appropriations for energy and water development for the fiscal year ending September 30, 1987, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read a third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 329, noes 82, not voting 19, as follows:

[Roll No. 245]

AYES—329

Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bateman
Bedell
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonker
Borski
Bosco
Boucher

Boulter
Boxer
Broomfield
Brown (CA)
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Callahan
Carney
Carper
Carr
Chapman
Chappell
Chappie
Cheney
Clay
Clinger
Cobey
Coble
Coelho
Coleman (TX)
Collins
Combest
Conte
Cooper
Coughlin
Courter
Coyne
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Franklin
Fuqua
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Gray (IL)
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Hansen
Hatcher
Hawkins
Hefner
Hendon
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Ireland
Jenkins
Johnson
Jones (NC)
Jones (OK)
Kanjorski
Kaptur
Kastenmeier
Kemp
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Long
Lott
Lowery (CA)
Lujan
Luken
Lungren
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Mikulski
Miller (OH)
Mineta
Moakley
Molinari
Mollohan
Monson
Montgomery
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Quillen
Rahall
Rangel
Regula
Reid
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
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Russo
Sabo
Saxton
Scheuer
Schneider
Schuette
Schumer
Seiberling
Shaw
Shelby
Shuster
Sisisky
Skeen
Skelton
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert (OR)
Snowe
Snyder
Solarz
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stokes
Strang
Stratton
Stump
Sundquist
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wilson
Wirth
Wise
Wolf
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NOES—82

Ackerman
Archer
Armey
Badham
Bartlett
Barton
Bates
Bonior (MI)
Brown (CO)
Burton (IN)
Chandler
Coats
Conyers
Craig
Crane
Crockett
DeWine
Dreier
Eckert (NY)
Evans (IA)
Fawell
Frenzel
Gingrich
Glickman
Goodling
Gradison
Gregg
Hall, Ralph
Hayes
Henry
Hertel
Hiler
Hyde
Jacobs
Jeffords
Kasich
Kindness
Latta
Leach (IA)
Lowry (WA)
Mack
MacKay
Madigan
Martin (IL)
Michel
Miller (WA)
Moody
Moorhead
Morrison (CT)
Olin
Oxley
Petri
Pursell
Ray
Ritter
Roberts
Roth
Savage
Schaefer
Schroeder
Schulze
Sensenbrenner
Sharp
Shumway
Sikorski
Siljander
Slattery
Slaughter
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stenholm
Studds
Swindall
Tauke
Vento
Walker
Weaver
Weber
Weiss
Wolpe
Wylie

NOT VOTING—19

Barnes
Breaux
Brooks
Campbell
Coleman (MO)
Edgar
Fowler
Frost
Garcia
Gray (PA)
Grotberg
Hartnett
Jones (TN)
Lundine
Miller (CA)
Mitchell
Moore
Spence
Udall

□ 2030

Mr. GINGRICH changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTION AS MEMBERS TO CERTAIN STANDING COMMITTEES

Mr. MICHEL. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 508) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 508

Resolved, That Representative Robert H. Michel, of Illinois be and hereby is elected to the Committee on Appropriations; and That Representative Trent Lott, of Mississippi be and hereby is elected to the Committee on Energy and Commerce.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDMENT TO TITLE OF H.R. 5050, SOCIAL SECURITY ADMINISTRATIVE AND INVESTMENT REFORM ACT OF 1986

The SPEAKER pro tempore (Mr. KOSTMAYER). Without objection, the title of H.R. 5050 is amended.

The title amendment is as follows:

Amend the title so as to read: "A bill to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security Board, and which shall be responsible for the administration of the old-age, survivors, and disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of such Act, to provide for more prudent and effective management of the OASDI and Medicare trust funds, and for oher purposes.".

There was no objection.

PERSONAL EXPLANATION

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, on July 16, 1986, on rollcall vote No. 199, it was my intention and action to vote "aye." Due to a broken voting card, my "aye" vote was apparently not recorded.

GENERAL LEAVE

Mr. ROWLAND of Connecticut. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the special order today by the gentleman from New York [Mr. LENT].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

H.R. 4929, WORK OPPORTUNITIES AND RETRAINING COMPACT OF 1986

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, one of the greatest challenges to modern society is to provide basic assistance to those in need without limiting individual opportunity or independence. Until now, we have had limited success in meeting this challenge and the result has been a growing number of welfare dependents. Clearly, providing basic goods such as food and shelter is often an insufficient and even wasteful response to human need. Just as important are the deeper more vulnerable needs of a sense of worth and dignity. Too often, our Government administers to the results of unemployment and poverty without addressing the causes.

I rise today in support of a measure which I believe will correct this problem by linking welfare assistance with job training. H.R. 4929, the Work Opportunities and Retraining Compact of 1986 [WORC] amends title IV of the Social Security Act to provide step-by-

step assistance for welfare recipients to find employment. This program will ultimately result in large savings to the taxpayer as those who are presently on the welfare rolls are transferred to payrolls.

All States would be required to develop a comprehensive employment, preparation, and training plan for welfare recipients in partnership with other State and local agencies. In order to receive funds, States would have to offer job assessment, counseling, and training opportunities to individual recipients. Out of the assessment and counseling process will come a job preparation plan for every individual. For persons exempted from work-related requirements, States would be encouraged to promote voluntary participation.

This bill requires that States offer education and training options to those who need such opportunities to become job ready. In addition, the bill would require that support services—especially child care—be provided. These services are essential if participants are to succeed in training, finding, and keeping a job.

H.R. 4929 would consolidate four separate welfare programs into the single WORC Program. Funding would be provided on a 70-percent Federal and a 30-percent State matching rate for all training and education costs. Administrative and support service costs such as child care and transportation would be funded at a 50-percent Federal and 50-percent State matching rate.

There would also be strict performance standards. We would manage and measure by outcomes not by head counts. States that met or exceeded performance standards would be rewarded by a 5-percent lower match rate. Standards would be developed by the Office of Technology Assessment in consultation with the Secretary of Health and Human Resources, the Secretary of Labor and with the advice of State officials and other experts. These standards will include such measures as job placement rates, job retention, reduction of welfare costs and caseloads, education improvements, and percent of jobs that provide employer financed health care benefits. Performance standards will give credit to programs that help those with the greatest barriers to employment and take into account the unemployment rate in each State.

We need welfare reform now. I believe we have the experience and knowledge to help those who are disadvantaged do more than just survive. We know that education and training are critical elements for a self-sufficient, productive life. One-half of all AFDC recipients are high school dropouts. Many are functionally illiterate, unable to even fill out a simple job application or read the want ads. Learning and job skills must be provided if these individuals are to successfully enter the job market.

We also know that female heads of households, aged 25 to 34, can earn enough to keep a family of three out of poverty in 80 percent of all traditionally male occupations but in only 45 percent of all traditionally female occupations. Poor women need more than simple job hunting skills; they need the training that will let them enter the job market primed to find and keep a good job in an expanding field.

What we are offering through this legislation is not just a check but a chance. Those most vulnerable in our society are the elderly, the disabled, the poorly educated, abandoned mothers, workers brushed aside by the nervous hand of the economy. They need the sort of assistance that can let them rebuild their lives as productive, fulfilled individuals. WORC can provide such a start. The time for reform is today. I urge your support of this critical measure.

SECTION 504 OF THE REHABILITATION ACT AND DISCRIMINATION AGAINST PEOPLE WITH DISEASE IN THE WORKPLACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK. Mr. Speaker, attached is one additional article omitted from the documents I asked to have printed in my special order on AIDS.

[From the Washington Post, July 12, 1986]

AMA OPPOSES JUSTICE DEPT. ON AIDS BIAS

(By Susan Okie)

The American Medical Association weighed in yesterday against the Justice Department in the evolving legal battle over whether employers may discriminate against workers who have AIDS because of fear of contagion.

In a Supreme Court brief, AMA lawyers argued—in contrast to a recent Justice Department opinion—that a federal law on the rights of the handicapped protects victims of acquired immune deficiency syndrome and other infectious diseases from discrimination based on irrational concerns that they might spread illnesses to coworkers.

The brief argues that employment decisions regarding the handicapped should be based on "reasonable, individualized medical judgments" about whether the handicap allows a person to perform a job and about "the nature, degree and duration of risk" to coworkers.

The AMA filed its friend-of-the-court brief in a case that the Supreme Court has agreed to hear next fall involving a Florida teacher who was fired because she had tuberculosis. From the day the case was submitted, lawyers on both sides said they knew that the impact of any decision would be primarily on those with AIDS, not TB.

"All the lawyers who have been following AIDS are very, very aware of this case," said Nan D. Hunter, a staff attorney with the American Civil Liberties Union.

The 280,000-member medical organization decided to take a stand on the case because it has broad health policy implications, according to Benjamin W. Heineman Jr., a lawyer representing the AMA, who wrote the brief.

"The court will be establishing a framework for dealing with communicable diseases that affect millions of Americans," he said, adding that it is "an important case because the shadow of AIDS falls over it."

The teacher, Gene H. Arline, sued the Nassau County, Fla., school board after she was fired because of "chronic susceptibility" to tuberculosis. She charged that the action violated the Rehabilitation Act of 1973, which forbids discrimination against the handicapped by agencies receiving federal funds. The 11th U.S. Circuit Court of Appeals held in her favor, saying that tuberculosis was a handicap covered by the act.

The AMA brief differs sharply from a Justice Department opinion last month that a "handicap" under the law is limited to the effects of a disease on the person who has it and does not extend to possible effects on others.

In a memorandum to the Department of Health and Human Services, the Justice Department said that ability to transmit the AIDS virus did not constitute a handicap and that the law therefore did not protect AIDS victims from being fired because of fear of contagion. A footnote said that the same argument applied in the Arline case.

The AMA brief says this position "is incorrect as a matter of law and sweeps far too broadly. Although one effect of a handicap may be that it poses a risk of harm to others, employers should not . . . be allowed to discriminate irrationally against a handicapped individual based on a fear of such risk."

Allowing such discrimination "does violence to the fundamental congressional purpose . . . of protecting handicapped individuals from decisions based on fear, prejudice or stereotype," the brief said.

Controversy over AIDS in the work place centers on how the disease is transmitted. AIDS is a life-threatening illness caused by a virus that is spread by sexual contact with an infected person, by exposure to contaminated blood or from mother to infant during pregnancy or childbirth.

No case has been found in which AIDS was transmitted through casual contact, and the Centers for Disease Control concluded in November 1985 that "the kind of nonsexual person-to-person contact that generally occurs . . . in the work place does not pose a risk."

However, the Justice Department memo suggested that "conclusions of this character are too sweeping," provoking angry reactions from Health and Human Services officials who said they felt the lawyers were second-guessing medical experts.

The CDC reported that as of July 7 there have been 22,356 cases of AIDS with 12,239 deaths.

THE HIGH COST OF FAILING TO CLOSE THE NONBANK BANK LOOPHOLE

The SPEAKER pro tempore. Under a previous order to the House, the gentleman from Rhode Island [Mr. ST GERMAIN] is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, there are critical financial issues pending before the

Congress. If they are not resolved in a timely fashion there is certain to be a sharp drop in the public's confidence in our financial system and an even greater loss to the Federal funds which insure the deposits of millions of citizens.

Mr. Speaker, special interest and regional interest groups have zeroed in on this legislation, attempting to cripple or block its passage.

The Congress must rise above these special interests or take the responsibility for potentially severe damage to our financial system and rising costs for Federal regulatory operations.

Especially I refer to:

H.R. 4701—Financial Institutions Emergency Acquisitions Amendments of 1986—which would give the Federal financial regulators greater power and flexibility to deal with failing and failed institutions.

H.R. 4970—Federal Savings and Loan Recapitalization Act—which would provide $15 billion in additional capital for a now-depleted FSLIC fund which provides insurance for individual depositors in savings and loans.

H.R. 20—the Bank Definition Act of 1985—which would close the nonbank loopholes and require that these twilight zone institutions come under regulation of the Bank Holding Company Act.

Mr. Speaker, H.R. 20 is the key to this three-sided solution to some of the most pressing problems that ever faced our financial system.

The nonbank bank loophole provides an easy, essentially unregulated means for institutions to move interstate and expand their activity. As a result, the mergers which the Federal regulators attempt to arrange for failed and failing institutions become much less attractive and much more expensive. So long as the nonbank bank loophole remains, the market for failed and failing institutions—sought by the regulators—is greatly diminished.

Thus, Mr. Speaker, the effectiveness of H.R. 4701 and H.R. 4907 is in question if we do not close the nonbank bank loophole.

Powerful interest groups—with absolutely no regard for the damage to the Federal insurance funds or the public's concern about the financial system—control many of these nonbank banks—or plan to control—and oppose enactment of H.R. 20.

H.R. 20 was reported by the Banking, Finance and Urban Affairs Committee on June 18, 1985—I repeat, 1985. Despite repeated requests by the Banking Committee, no rule has been granted for consideration of the bill on the floor.

Mr. Speaker, the Financial Institutions Subcommittee of the Banking Committee has reported both H.R. 4701 and H.R. 4907 and the full Committee is prepared to report both to the House.

However, Mr. Speaker, it makes little sense to move this legislation if there is to be no action on H.R. 20—the nonbank bank loophole closer. We would simply leave in place a system which would result in heavy drains on the very money and assistance we are attempting to provide in H.R. 4701 and H.R. 4907.

After all these months, I am convinced that the House is well aware of what is happening on H.R. 20, even if the press and the American public may have missed the issue.

The lack of action on closing a major regulatory loophole—the nonbank bank—reflects poorly on the House. Until the H.R. 20 issue is settled, the Banking Committee would only add to this year-long charade if it reported H.R. 4701 and H.R. 4907.

AMERICAN GOLD TO IMPOSE ITS OWN SANCTIONS ON SOUTH AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, it appears that the administration is not willing to support sanctions against the Government of South Africa. However, beginning October 1, people throughout the world will be able to exercise their own sanctions against the South African Government.

On that date, the United States will begin selling its own gold bullion coins in direct competition with the South African Krugerrand. The American gold coin will give people throughout the world an opportunity to turn their back on the notorious South African gold coin.

South Africa generates much revenue from Krugerrand sales, and the United States coin will help reduce that revenue. In addition, the harsh conditions of South African miners and the brutal steps taken to break the miners' union make the coins made with South African gold a tangible product of the evil of apartheid.

The new American bullion coins are designed to the specifications of the Krugerrand so that there will be a direct competition between the two countries for the bullion coin market. The United States will sell four gold coins, a 1-ounce gold coin with a $50 face value; a one-half ounce coin with a $25 face value; a one-quarter ounce coin with a $10 face value; and a one-tenth ounce coin with a face value of $5.

The coins will go on sale at bullion and coin dealers around the world, and it is hoped that other outlets such as financial institutions will also join in the sales effort.

The selling price for the coins will be based on the daily price of gold, plus a very small markup for production and sales costs. Based on current projections, sales of the gold coins could reach as high as 2½ million ounces in the first year of the program.

While the sale of American gold coins will make a large dent in the sale of Krugerrands, the gold coin program is not designed solely as a sanction against South Africa, although that is an important side effect of the program.

The gold bullion program is also designed to give Americans an opportunity to purchase gold coins produced by their own country so that they do not have to purchase it from a foreign source. With only two exceptions, the commemorative gold program for the 1984 Olympics and the 1986 Statue of Liberty gold coins, there has not been a U.S. gold coin produced since 1933.

The first gold coin under the new program will be struck at the mint's West Point, NY, facility on September 8, and full scale production will begin on that date so that there will be an adequate supply when the coins go on sale on October 1.

Although the gold bullion coin has been the focus of much of the public's attention, there is also another American bullion coin making its debut on October 1. The United States will produce a $1 silver bullion coin containing an ounce of 99.9 percent silver. These coins will also be sold through a broad dealer network.

Not only will these silver coins allow Americans to invest in silver bullion, but it is my hope that the new silver program will revitalize the silver mining industry in this country. Because of low world silver prices and an overabundant supply of silver, most silver mines in this country are closed. If the new silver coin program is as successful as expected, it will mean a new outlet for silver and hopefully spur interest in the metal, perhaps even putting silver miners back to work.

Unlike limited commemorative coin programs, both the silver and gold coins will be produced annually in such quantities as to meet demand. However, the price of the new coins, unlike other programs, will fluctuate based on the price of gold and silver in the world market.

TRIBUTE TO RICH CHUBON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, at this time I would like to bring to the attention of my colleagues and the Nation the dedication and outstanding accomplishments of Rich Chubon in assisting low- and moderate-income families gain access to accordable housing.

Rich Chubon is to be commended for 13 years of dedicated service to the people of the city and county of San Luis Obispo while serving as executive director of the Housing Authority of the City of San Luis Obispo.

The shortage of decent housing for low and moderate income families across the country is acute. In San Luis Obispo County alone, the availability of affordable housing for low- and moderate-income families has been sharply constrained since budget cuts beginning in 1981. Rich Chubon responded to the urgent housing needs in San Luis Obispo County by raising the number of housing units from 200 to 1,000 to help those families most in need of affordable housing.

In addition to his accomplishments as executive director of San Luis Obispo Housing Authority, Rich has served our community as a member of the Rotary San Luis Obispo County Social Service Welfare Council, vice president of Housing for the Pacific Southwest Region of the United States for the National Association of Housing and Redevelopment Officials, chairman of the San Luis Obispo County Health Commission, and a Boy Scout master for 7 years.

On August 1, 1986, Rich Chubon will be leaving San Luis Obispo Housing Authority to accept a position as executive director of the Housing Authority of Stanislaus County. I want to express my gratitude to Rich Chubon for his invaluable contributions to our county. I want to extend my sincere wishes to Rich for continued success in his new position.

On behalf of the city and county of San Luis Obispo, I want to commend Rich Chubon for his outstanding service in our community and honor him as a friend and fellow citizen of my district.

□ 2040

THE COLONIZATION OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 30 minutes.

Mrs. BENTLEY. Mr. Speaker, I am speaking tonight with a great deal of concern and yes, out of a great deal of anger and fear over some of the things that are happening to our great country.

I bring this to the well of the House of Representatives, because—I feel the buck—in this country stops here. We are the conservators of America. Our oath—on the Constitution is to preserve and defend this country. Over the years we have sent our men and women onto the great and small battlefields of the world to defend this Nation. It is our duty as the respresentatives of all Americans to do this—to always be alert to dangers which threaten our sovereignty—and to act, when necessary to defend against that danger.

I believe that danger is here, now. I believe it is subtle and insidious and that it is draining away our national strength and our freedom of choice of actions. I believe that in some future time it may even threaten the political process.

I have learned this week that the Toyota Co. of Japan is being given a special tax exemption in the Senate tax law which will be worth $100 million to them to build a Toyota plant in the State of Kentucky.

The people of the State of Kentucky will be responsible for a figure in excess of $200 million in order that this plant come in.

It is not even a manufacturing plant. It is an assembly plant. Parts manufactured in Japan will be shipped in to be assembled. I am told by one of the unions involved that 600 Japanese workers will be brought in to work at the plant.

Mr. Speaker, what in the world are we thinking of?

With an incredible budget deficit, facing more cuts from our own operating budget in the House of Representatives, do we have $100,000,000 in forgiveness of taxes to give away to one of the wealthiest countries in the world, to one of the wealthiest corporations in the world?

There are 175 special exemptions in the tax bill giving relief to American corporations and businesses, but this one is targeted for a total Japanese operation and the people of Kentucky are being asked to accept a bond issue to pay for it.

Since it is assembly and not manufacturing, the coal fields of Kentucky will not be called upon to dig 1 ton of coal to make 1 ton of American steel up in Wheeling to make one part being put together in that plant.

Last week, the largest corporation in the history of this Nation to file bankruptcy went down, the LTV Corp., the second largest steel manufacturer in the country.

Running across the bottom of that page of the Wall Street Journal another headline reads Bank of America is said to face pressure. And you are all aware of the huge bank failure in Oklahoma last week.

Economic news from every sector of the Nation is coming in sour and pessimistic.

The New York Times headlines—July 14, 1986—read "Foreign Economies Curb U.S."—subheaded—"Experts Say Domestic Gains Flow Abroad." The story goes on to say that the experts were "caught unawares by the rising power of foreign economies over the American economy."

It continues: "About half the strength expected of the economy this year has been drained away by Japan, Taiwan, Canada, and other countries, as American consumers and businesses keep buying foreign rather than American."

We are giving up our national power through the outflow of money and jobs. The balance of payments deficit is a debt we owe to all of the nations which we buy from. And the purchase of those products puts the American manufacturers out of business.

I have been watching the deadly effect of imports on our economic base and now, the Toyota forgiveness on top of this is just the firebrand to my tinder box.

I have been outraged at our cavalier treatment of steel exporting countries which destroyed LTV and puts Bethlehem Steel and Armco at great risk.

I have been shocked at the treatment of our National Machine Tool Builders Association petition for relief from imports which languished at the White House for 27 months despite a positive finding that at least seven categories of machine tools needed protection for the National Defense.

I am dismayed at continued and growing purchases by the Defense Department and defense contractors of supplies from abroad.

But the insanity of this gift to Japan makes me wonder if we have forgotten which country we are pledged to support.

First, we let them preempt our markets with products being sold below the cost of producing them in this country. TV's, radios, cameras. American manufacturers close their doors before the onslaught. Single sourcing moves offshore and we are captive of their pricing, all the while losing the jobs in those industries to the unemployment lines.

And now we are paying them to come in here and take jobs from Americans. How can they bring Japanese workers and managers in here with our immigration laws in place? Are there no qualified, unemployed American autoworkers who can fill these jobs? If so, no Japanese workers can be allowed to come in under our present laws.

I told a friend of mine, at lunch today, that this whole issue of the deindustrialization of America is like some terrible nightmare to which the normal statement is: "I don't believe it!"

But, there it is day after day. Yet, another situation which makes me say, "I don't believe it . . . I don't want to believe it."

July 14, 1986, Jack Anderson's column reports on a flood of counterfeit bolts and large screws coming into the country. Fasteners with improper codes marked on the top putting every item in which they are set at risk. They have been responsible for helicopter crashes, radio towers falling, a host of accidents.

They are all coming in from Southeast Asia to be used in anything from a nuclear reactor or a missile to an airplane which any one of us may climb upon some morning. And under great pressure they just melt—disintegrate. If they are in a crucial part, the plane will crash, or the reactor melt down, or the missile misfire.

Under current law, there is no way to stop these flawed bolts from coming in nor is there any liability which can be collected from these foreign suppliers.

United States producers of scaffolding are facing the same situation. Scaffolding manufactured in this country

is subject to all kinds of standards and quality control, but Japan and Taiwan are sending in product which does not have to measure up to United States safety standards at one-third of the costs to United States manufacturers.

Defense News of July 2, 1986, reports that it is possible that Mitsubishi Heavy Industries will buy McDonnell Douglas' drawings and technical information of its F/A-18 Hornet fighter plane. It is projected that the body will be based on the Hornet, but it will be manufactured in Japan with Japanese composite materials and technology. It would also incorporate U.S. Stealth technology.

"I don't believe it!"

We, at one time, if anyone can remember, manufactured planes like this and sold them to foreign nations. We were concerned about America's technology—we didn't want to lose it, or to lose the proprietary information necessary to the production of a total machine.

This was recognized as intrinsic national wealth and protected as such. The techniques and patents, in this case paid for by U.S. taxpayers, were recognized as more than a one-shot development. There would be future production, future products, future jobs and security for our companies.

No more. We are giving away the goose and along with it the golden eggmaking machine.

But more than that, we are also losing the ability to defend ourselves. Strategic wartime materials such as the radios and cameras, steel and ball bearings are needed to be supplied across 7 to 8,000 miles of ocean—from the backyard of the Russians. And every mile exposed to Russian submarine "wolf packs."

We are also at the mercy of Southeast Asia supplier countries being compromised by Russian threats. Can a Southeast Asian country withstand threats from Russia with her Western allies being so far away?

I know I am raising many, many questions tonight. I am truly afraid that I know many of the answers. But, I cannot tell you why. I cannot explain—with any reason—why we are losing our way as a nation in an international thicket of nations who seem to see so clearly what is in their national interest—while we seem blind to our own.

But, if I do not know why—I am fearful that I know where this path is leading. If a nation has raw materials and is not mining them or smeltering them, but importing—if a nation has manufacturing capabilities and a work force, but is importing finished product made in other nations—it is approaching bankruptcy. If that turns and those resources begin to be exploited by other nations and its workers become employees of other nations, then that country is a colony of the nation which owns its internal resources and productivity.

Business Week, July 14 says that Japan's investment in the United States tripled from 1980 to 1985. Japan expects its investment in the United States to increase tenfold by the year 2000.

And this will not be the only foreign investments in this country. Other nations are coming in with joint ventures, coproduction and wholly owned plants.

Is this action really what we have been elected to come to Washington to preside over? The selling off of America?

Are we free if other nations own that much of our resources, our debt, and—eventually—our political power? Kevin Phillips is quoted in the Business Week article, "Japan has this tremendous leverage. That's going to be a big domestic political issue for the last 15 years of this century."

I have argued with some of my colleagues who have said that the Pacific Rim countries will be the power of the 21st century. I have told them that if they believe that, they should be doing everything possible to wrest that power back before it gets away from us forever.

I see it as our duty to keep America the leading power in the world. However, if the Pacific Rim keeps moving plants and manufacturing into this country we may be forced to share that power with Asia whether we want to or not.

Mr. Speaker, I think we are at a grave crossroads in our Nation's history. I hope as the tax bill is worked on in committee, the House and Senate Members will be aware that they are representing the future of America in that meetingroom.

□ 2055

THE LIABILITY RISK RETENTION ACT OF 1986

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LENT] is recognized for 60 minutes.

Mr. LENT. Mr. Speaker, today I am pleased to join the gentleman from Oregon [Mr. WYDEN] and 26 of our colleagues in introducing legislation that will provide needed relief for the liability insurance problem.

I do not need to spend much time describing this problem. Every Member of the House has been bombarded daily with letters bemoaning the plight of the liability insurance buyer. The Subcommittee on Commerce, Transportation, and Tourism of the Committee on Energy and Commerce has held eight hearings over the past 11 months on this issue. While the witnesses did not agree often, they did agree on one thing—that there has been a sudden, drastic change in the availability and affordability of liability insurance.

Unfortunately, there is no agreement on a single solution to the problem. There are now pending before Congress an unprecedented number and variety of bills designed to address the liability insurance problem. In my view, they fall into three categories. First, there are those designed to address the insurance industry directly. Second, there are those designed to address liability lawsuits, and finally, those designed to make it easier or more attractive for individuals to find new ways of spreading risk.

The passage of legislation in either of the first two categories will be a difficult, time consuming process. Time is something that our constituents do not have. There is something that we can do now to alleviate some of the burden of the present liability insurance crisis.

The legislation introduced today by Congressman WYDEN, myself and many others, will expand the Product Liability Risk Retention Act of 1981 to make it easier for business, professionals, associations, State and local governments, and other organizations to form collective purchasing and risk retention groups for general liability coverage. While this bill will not solve all of the problems presently faced by liability insurance buyers, it will provide a desperately needed alternative to the traditional methods of spreading risk.

This new bipartisan, compromise bill is the result of negotiations with the business groups that need this new mechanism for spreading risk and the State regulators charged with regulating insurance activities. The Senate passed a similar bill, S. 2129, last week by an overwhelming margin of 96 to 1. I call upon my colleagues in the House to join us in supporting our bill and working toward enactment of this important legislation before the end of the session. I, for one, want to be able to report back to my constituents that Congress was able to respond to our Nation's needs in this important area.

Mr. WYDEN. Mr. Speaker, I rise today to introduce the Liability Risk Retention Act of 1986. I am joined by our colleague from New York [Mr. LENT] in offering this bipartisan compromise legislation that will provide some immediate relief to those groups in our country that are faced wtih a treacherous insurance market where general commerical liability coverage is either unaffordable or unavailable.

The increasing cost and scarcity of liability insurance has become a matter of national concern. As my colleagues have found, when we visit our districts, this issue has mushroomed into one that touches virtually every sector of our society and economy. We've learned that liability coverage is not a business luxury, but a necessity.

That's why Mr. LENT and I are offering this legislation that would give these business owners and professionals an alternative to the conventional insurance market while allowing the State insurance regulatory authority over these groups.

This legislation is modeled after the Senate measure, S. 2129, which was passed by our Senate colleagues last week by a vote of 96 to 1. It retains the spirit and the substance of the compromise between the business and professional proponents and the insurance regulators and industry that was achieved in

the Senate. As such, this bill will amend the Product Liability Risk Retention Act of 1981 to make it easier for groups in need of general commercial liability coverage to form collective purchasing and self-insurance groups while strengthening the state insurance commissioners ability to regulate this new insurance option.

This compromise legislation includes provisions recommended by the National Association of Insurance Commissioners that would enable the commissioners to require that risk retention groups comply with several measures designed to ensure the honest operation and solvency of these groups. Under this legislation, commissioners would be able to require these groups to submit financial and loss reserve statements verified by outside accountants and acturaries. This provides even greater control and access to financial information than is required of conventional insurers in most States. In addition, commissioners would be able to require that a risk retention group submit to a more thorough financial investigation if there is a question of the group's financial condition. Furthermore, a risk retention group must comply with a State commissioner's orders issued in delinquency proceedings. This gives additional authority for the commissioners to act quickly to enjoin a group if there is an indication that a director, officer or operator of the group has a pattern of breeching the fiduciary responsibility. Also, this legislation enables commissioners to require that these groups comply with injunctions issued by a court if the group has been found to be in a financially hazardous condition.

These provisions give greater authority to the commissioners to protect the insurance consumers who will be using this insurance alternative and the claimants of those insured who need compensation. Again, these are the same provisions that were negotiated in the Senate bill, as suggested by the business proponents of this measure and the National Association of insurance Commissioners.

There is no cost to the Federal Government in this measure, but it will save people money in the marketplace, either through actual savings on general liability insurance costs, or through the reduced costs that are handed down to consumers.

Expanding the risk retention alternative is supported by the Risk Insurance Management Association, the College of Certified Nurse-Midwives, the National Association of Insurance Brokers, the Conference of Mayors, the National Association of Rural Electric Cooperatives, the National League of Cities, the U.S. Chamber of Commerce, Consumer Federation of America, U.S. PIRG, the American Trucking Association, the National Limousine Association, and several other professional, trade, and consumer organizations.

In addition, the administration has indicated its favorable reaction to expanding the risk retention option.

This proposal will not solve all the problems associated with the current liability insurance crisis. It would only increase the ability of those needing general liability coverage to obtain favorable rates by participating in a risk retention group or an insurance purchasing group. As such, this expansion of the Risk Retention Act should provide some immediate relief for those affected by the current liability insurance crisis. It is my hope that my colleagues in the House will follow the lead of our colleagues in the Senate to enact this legislation in this Congress.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ROWLAND of Connecticut) to revise and extend their remarks and include extraneous material:)

Mr. MICHEL, for 60 minutes, July 30.

Mr. CRANE, for 60 minutes, July 30.

Mrs. BENTLEY, for 60 minutes, July 29.

Mr. LENT, for 60 minutes, July 23.

Mrs. BENTLEY, for 30 minutes, July 24.

(The following Members (at the request of Mr. ATKINS) to revise and extend their remarks and include extraneous material:)

Mr. FRANK, for 5 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ERDREICH, prior to the vote on the Walker amendment to H.R. 5162, in the Committee of the Whole, today.

Mrs. BENTLEY, during general debate on H.R. 5162 in the Committee of the Whole today.

Mr. MORRISON of Washington, and to include extraneous matter on the debate on the N-reactor amendment offered by the gentleman from Oregon [Mr. WEAVER] to H.R. 5162, in the Committee of the Whole today.

Mr. SUNDQUIST, and to include extraneous matter, following his remarks during debate on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER] to H.R. 5162, in the Committee of the Whole today.

(The following Members (at the request of Mr. ROWLAND of Connecticut) and to include extraneous matter:)

Mr. BOEHLERT.
Mr. GEKAS in two instances.
Mr. GOODLING.
Mr. HAMMERSCHMIDT.
Mr. SOLOMON.
Mr. HENRY.
Mr. BROOMFIELD.
Mr. DORNAN of California.
Mrs. ROUKEMA.
Mr. CAMPBELL.
Mr. MACK.
Mr. GILMAN.

(The following Members (at the request of Mr. ATKINS) and to include extraneous matter:)

Mr. ROSTENKOWSKI.
Mr. FAZIO.
Mr. TALLON.
Mr. DOWNEY of New York.
Mr. RANGEL.
Mr. SMITH of Florida.
Mr. DE LA GARZA.
Mr. FLORIO in two instances.
Mr. HAMILTON.
Mr. RODINO.
Mr. SKELTON.
Mr. ACKERMAN.
Mr. STOKES.
Ms. MIKULSKI.
Mr. YATRON.
Mr. LANTOS.
Mr. UDALL.
Mr. MATSUI in two instances.
Mr. ECKART of Ohio.
Mr. SHARP.
Mr. FRANK.
Mr. TORRES.
Mr. DELLUMS.
Mr. LELAND.

ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Thursday, July 24, 1986, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3939. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter(s) of Offer to Thailand for defense articles and services, pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3940. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of 55 modified F404-GE-100D engines and support equipment to Singapore, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3941. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed manufacturing license agreement for the production in Korea of the LW-33B Inertial Navigation/Attack System, pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

3942. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled the "Civil RICO Reform Act of 1986; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on Education and Labor. H.R. 3263. A bill to establish a Federal program to strengthen and improve the capability of State and local educational agencies and private nonprofit schools to identify gifted and talented children and youth and to provide those children and youth with appropriate educational opportunities, and for other purposes; with an amendment (Rept. No. 99-705). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. H.R. 3042. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to local educational agencies for dropout prevention demonstration projects; with amendments (Rept. No. 99-706). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. Report on subdivision of budget totals agreed to in the concurrent resolution on the budget (S. Con. Res. 120) for fiscal year 1987 (Rept. No. 99-707). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3684. A bill to designate the El Malpasi lava flow and adjacent public lands as a national monument to be managed by the Bureau of Land Management; with an amendment (Rept. No. 99-708). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4489. A bill to provide for ski areas on national forest lands, and for other purposes; with an amendment (Rept. No. 99-709 Pt. I). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

Referral of H.R. 3810 extended for a period ending not later than August 5, 1986.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYDEN (for himself, Mr. LENT, Mr. SIKORSKI, Mr. WHITTAKER, Mr. ECKART of Ohio, Mr. RITTER, Mr. TAUZIN, Mr. TAUKE, Mr. SLATTERY, Mr. COATS, Mr. DOWDY of Mississippi, Mr. FIELDS, Mr. RICHARDSON, Mr. SCHAEFER, Mr. BLILEY, Mr. LOWRY of Washington, Mr. WORTLEY, Mr. AKAKA, Mrs. SMITH of Nebraska, Mr. YATRON, Mr. HENRY, Mr. FEIGHAN, Mr. WILLIAMS, Mr. MARTINEZ, Mr. WEISS, Mr. MCCLOSKEY, Mr. GEJDENSON, and Mrs. BURTON of California):

H.R. 5225. A bill to amend the Product Liability Risk Retention Act of 1981 to include coverage of other lines of liability insurance, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DELLUMS:

H.R. 5226. A bill to amend the Social Security Act to ensure that reasonable efforts are taken to inform applicants for benefits under such act of the effect of failure to meet the 60-day limit for commencement of actions for court review of unfavorable final decisions or determinations pursuant to such applications; to the Committee on Ways and Means.

By Mr. DORNAN of California:

H.R. 5227. A bill to repeal certain provisions of law which violate the doctrine of separation of powers and to eliminate certain restrictions on the authority of the executive branch; jointly, to the Committees on Foreign Affairs, Armed Services, Banking, Finance and Urban Affairs, Veterans' Affairs, Interior and Insular Affairs, and Science and Technology.

By Mr. KANJORSKI:

H.R. 5228. A bill to extend the authority of the Secretary of the Treasury to enter into agreements with certain cities and countries for the withholding of city and county income and employment taxes from the pay of Federal employees who are residents of, or regularly employed in, such cities and counties; to the Committee on Post Office and Civil Service.

By Mr. NELSON of Florida:

H.R. 5229. A bill to amend the Land Remote-Sensing Commercialization Act of 1984; to the Committee on Science and Technology.

By Mr. WAXMAN:

H.R. 5230. A bill to amend the Public Health Service Act to extend the program of childhood vaccinations and to require the Secretary of Health and Human Services to maintain a 6-months stockpile of vaccines; to the Committee on Energy and Commerce.

By Mr. GALLO:

H.J. Res. 680. Joint resolution proposing an amendment to the Constitution of the United States relating to the salaries of judges convicted and imprisoned for felonies; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.J. Res. 681. Joint resolution to designate March 17, 1987, as "National China-Burma-India Veterans Association Day"; to the Committee on Post Office and Civil Service.

By Mr. MICHEL:

H. Res. 508. Resolution electing Representative MICHEL of Illinois to the Committee on Appropriations and Representative LOTT of Mississippi to the Committee on Energy and Commerce; considered and agreed to.

By Mr. BRYANT:

H. Res. 509. Resolution urging the Postmaster General to issue a commemorative stamp in honor of the 150th anniversary of the birth of Gen. Henry Martyn Robert; to the Committee on Post Office and Civil Service.

By Mr. PORTER:

H. Res. 510. Resolution for the promotion of fiscal responsibility; to the Committee on Government Operations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 442: Mr. GALLO, Mr. WEAVER, and Mr. WALGREN.

H.R. 616: Mr. RINALDO.

H.R. 988: Mr. DIOGUARDI, Mr. CARPER, Mr. TAUZIN, Mr. GLICKMAN, Mr. MILLER of Washington, Mr. MONSON, and Mr. WEAVER.

H.R. 1345: Mr. MOORHEAD.

H.R. 1625: Mr. GEJDENSON and Mr. CHANDLER.

H.R. 1809: Mr. HAYES and Mr. LIPINSKI.

H.R. 1816: Mr. HORTON, Mr. BOEHLERT, Mr. GILMAN, Mr. MOLINARI, Mr. DOWNEY of New York, and Mr. MANTON.

H.R. 1817: Mr. GILMAN.

H.R. 1946: Mr. BEDELL, Mr. HARTNETT, Mr. RINALDO, and Mr. WOLF.

H.R. 2761: Mr. FAZIO.

H.R. 3024: Mr. MINETA, Mr. MOAKLEY, Mr. PANETTA, Mr. REID, Mr. MCCURDY, Mr. CAMPBELL, Mr. WRIGHT, and Mr. HUTTO.

H.R. 3042: Mr. SABO.

H.R. 3415: Mr. GARCIA and Mr. YOUNG of Alaska.

H.R. 3549: Mr. SWINDALL.

H.R. 3643: Mr. RAHALL.

H.R. 3732: Mr. LEVIN of Michigan, Mr. GEKAS, Mr. STRANG, Mr. MARTINEZ, and Mr. COATS.

H.R. 3766: Mr. SWINDALL.

H.R. 3989: Mrs. BENTLEY, Mr. BEREUTER, Mr. DUNCAN, Mrs. LLOYD, Mr. SMITH of New Hampshire, and Mr. GALLO.

H.R. 4183: Mr. ALEXANDER, Mr. BROOMFIELD, Mr. HALL of Ohio, Mr. JONES of Oklahoma, Ms. KAPTUR, Mr. KOLBE, Mr. MICA, Mr. PARRIS, Mr. REID, Mr. SEIBERLING, Mr. SHELBY, Mr. SISISKY, Mr. SKELTON, and Mr. JONES of Tennessee.

H.R. 4204: Mr. LEVINE of California.

H.R. 4260: Mr. LANTOS.

H.R. 4269: Mr. BOUCHER, Mr. FOGLIETTA, Mr. GORDON, Mr. DOWNEY of New York, Mr. ANDERSON, Mr. SCHUMER, Mr. BRUCE, Mr. WEISS, Mr. MORRISON of Connecticut, Mr. PERKINS, Mr. CARPER, Mr. LEVIN of Michigan, Mr. GARCIA, Mr. WIRTH, and Mr. BEILENSON.

H.R. 4300: Mr. LEVINE of California, Mr. KOLTER, Mr. ALEXANDER, Mr. COELHO, Mr. DIXON, Mr. FOLEY, Mr. GAYDOS, Mr. GRAY of Pennsylvania, Mr. STOKES, Mr. ROWLAND of Connecticut, and Mr. FORD of Michigan.

H.R. 4365: Mr. SWINDALL.

H.R. 4567: Mr. JONES of North Carolina.

H.R. 4633: Mr. YATRON, Mr. FISH, Mr. HUBBARD, Mr. EDGAR, Ms. KAPTUR, Mr. FASCELL, Mr. BONIOR of Michigan, Mr. HEFNER, Mr. FOWLER, Mr. WEAVER, Mr. DUNCAN, Mr. DASCHLE, Mr. CLAY, Mr. LATTA, and Mr. REID.

H.R. 4637: Mr. BARNARD.

H.R. 4711: Mr. DIOGUARDI, Mr. SOLARZ, and Mr. BLILEY.

H.R. 4714: Mr. GLICKMAN and Mr. BEDELL.

H.R. 4722: Mr. SAVAGE, Mr. OWENS, Mr. WILLIAMS, Mrs. COLLINS, Mr. HAYES, Mr. ORTIZ, Mr. DIXON, Mr. ROSE, Mr. RICHARDSON, Mr. STOKES, and Mrs. BOXER.

H.R. 4756: Mr. FUSTER, Mr. PORTER, Mr. HALL of Ohio, Mr. WIRTH, Mr. CROCKETT, Mr. BERMAN, Mr. BRUCE, Mr. BEREUTER, Mr. MOAKLEY, Mr. EVANS of Illinois, Mr. FEIGHAN, Mr. GREEN, Mrs. BURTON of California, Mr. MILLER of California, Mr. MORRISON of Connecticut, Mr. DELLUMS, Mr. LELAND, Mr. FAZIO, Mr. MRAZEK, Mr. HOWARD, Mr. OBERSTAR, Mr. LEHMAN of Florida, Ms. OAKAR, Mr. HORTON, Mr. FRANK, Mr. CONTE, Mr. MCHUGH, Mr. LUNDINE, Mrs. SCHROEDER, Mr. LOWRY of Washington, Mr. PEASE, Mr. DURBIN, Mr. OWENS, Mr. CARPER, Mr. CHANDLER, and Mr. COELHO.

H.R. 4787: Mr. ROBERT F. SMITH and Mr. MICHEL.

H.R. 4838: Mr. BARNES and Mr. EDWARDS of California.

H.R. 4853: Mr. WEBER and Mr. STANGELAND.

H.R. 4891: Mr. RAHALL.

H.R. 4929: Mr. BARNES, Mr. BEDELL, Mr. BERMAN, Mr. CROCKETT, Mr. COELHO, Mr. FEIGHAN, Mr. FUSTER, Mr. GORDON, Mr. HAMILTON, Mr. HENRY, Ms. KAPTUR, Mr. KASTENMEIER, Mr. KOLTER, Mr. LELAND, Mr. LOWRY of Washington, Mr. MANTON, Mr. MARTINEZ, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. NEAL, Mr. REID, Mr. RUSSO, Mr. SEIBERLING, Mr. TALLON, Mr. TOWNS, Mr. VISCLOSKY, Mr. WALGREN, Mr. WEISS, Mr. WILLIAMS, and Mr. WOLPE.

H.R. 4953: Mr. GLICKMAN, Mr. WISE, Mr. MILLER of Washington, Mrs. BENTLEY, and Mr. BARTON of Texas.

H.R. 4984: Mr. WEBER and Mr. STANGELAND.

H.R. 5020: Mr. JONES of North Carolina, Mr. DEWINE, Mr. WORTLEY, Mr. WILSON, Mr. LAGOMARSINO, Mr. LIPINSKI, Mr. EMERSON, Mr. BEREUTER, Mr. LEVIN of Michigan, and Mr. MOORHEAD.

H.R. 5103: Mr. RANGEL, Mr. MARTIN of New York, Mr. DAUB, and Mr. TORRICELLI.

H.R. 5146: Mr. NEAL.

H.R. 5183: Mr. LUNDINE, Mr. ACKERMAN, Mr. BOEHLERT, Mr. DE LUGO, Mr. FAUNTROY, Mr. DOWNEY of New York, Mrs. COLLINS, Mr. WHEAT, and Mr. WEAVER.

H.R. 5189: Mr. CLINGER, Mr. THOMAS of California, Mr. GOODLING, Mr. CRAIG, Mr. WHITTAKER, and Mr. RAHALL.

H.R. 5218: Mr. LELAND.

H.J. Res. 90: Mr. DWYER of New Jersey, Mr. LEVINE of California, Mr. KILDEE, Mr. SMITH of Florida, Mr. MAZZOLI, Mr. LEHMAN of California, and Mr. MONSON.

H.J. Res. 262: Mr. COURTER and Mr. HUBBARD.

H.J. Res. 435: Mr. FAUNTROY.

H.J. Res. 568: Mr. FLORIO, Mr. BOLAND, Mr. DEWINE, Mr. HERTEL of Michigan, Mr. MORRISON of Washington, Mr. MINETA, Mr. GRADISON, Ms. OAKAR, Mr. PORTER, Mr. SABO, Mr. WIRTH, Mr. STOKES, Mr. WYLIE, Mr. LELAND, Mr. IRELAND, Mrs. LLOYD, Mrs. JOHNSON, Mr. COBLE, Mr. MACK, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HEFNER, Mr. WOLPE, Mr. BLILEY, Mr. TRAFICANT, Mr. MILLER of Ohio, Mr. JENKINS, Mr. MILLER of California, Mr. TRAXLER, Mr. AKAKA, Mr. LUNGREN, Mr. WEISS, Mr. FUSTER, Mr. MCKINNEY, Mr. ROWLAND of Georgia, Mr. BARNARD, Mr. BROWN of California, Mr. CARR, Mr. COLEMAN of Texas, Mr. DONNELLY, Mr. EDGAR, Mr. FORD of Tennessee, Mr. GONZALEZ, Mr. HUTTO, Mr. OBERSTAR, Mrs. SCHROEDER, Mr. FASCELL, Mr. STRANG, Mr. REID, Mr. CAMPBELL, Mr. MARKEY, Mr. YOUNG of Missouri, Mr. MOAKLEY, Mr. KEMP, Mr. MAVROULES, Mr. YATRON, Mr. MACKAY, Mr. ENGLISH, Mr. WYDEN, Mr. HAMMERSCHMIDT, Mr. NIELSON of Utah, Mr. LEVINE of California, Mr. STUDDS, and Mr. PANETTA.

H.J. Res. 579: Mr. VENTO, Mr. MONSON, and Mr. FOLEY.

H.J. Res. 583: Mr. LEWIS of Florida, Mr. BONER of Tennessee, Mr. WISE, Mr. MOLLOHAN, Mr. NELSON of Florida, Mr. STAGGERS, Mr. DICKINSON, Mr. RALPH M. HALL, Mr. BLAZ, Mr. ACKERMAN, Mrs. BENTLEY, Mrs. BURTON of California, Mr. WOLPE, Mr. AKAKA, Mr. CLAY, Mr. LAGOMARSINO, Mr. SABO, Mr. LEHMAN of Florida, Mr. REID, and Mr. GALLO.

H.J. Res. 639: Mr. DWYER of New Jersey, Mr. COLEMAN of Texas, Mr. LEHMAN of Florida, Mr. LEVINE of California, Mr. DORNAN of California, Mr. BONER of Tennessee, Mr. LEACH of Iowa, Mr. LEWIS of California, and Mr. THOMAS of California.

H. Con. Res. 225: Mr. KLECZKA.

H. Con. Res. 332: Mr. LUNGREN, Mr. PEASE, Mr. LOWRY of Washington, Mr. DINGELL, Mr. BEREUTER, Mrs. HOLT, and Mrs. COLLINS.

H. Res. 116: Mr. ERDREICH.

H. Res. 404: Mr. DENNY SMITH.

H. Res. 447: Mr. OBERSTAR, Mr. WOLF, Mr. RICHARDSON, Mr. MANTON, Mr. LEHMAN of Florida, Mr. HOYER, Mr. MRAZEK, Mr. PORTER, Mr. ROBINSON, Mr. DWYER of New Jersey, Mr. JEFFORDS, Mr. FISH, Mr. FAUNTROY, Mr. HORTON, Mrs. BOXER, Mr. SMITH of Florida, Mr. LEVINE of California, Mr. DORNAN of California, Mr. TOWNS, Mr. MARTINEZ, Mr. MORRISON of Connecticut, Mr. BORSKI, and Mr. HALL of Ohio.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3129

By Mr. ROSTENKOWSKI:

—At the end of title IV of the bill insert the following new title:

TITLE VI—HIGHWAY REVENUE ACT OF 1986

SEC. 501. SHORT TITLE.

This title may be cited as the "Highway Revenue Act of 1986".

SEC. 502. 5-YEAR EXTENSION OF HIGHWAY TRUST FUND TAXES AND RELATED EXEMPTIONS.

(a) EXTENTION OF TAXES.—The following provisions of the Internal Revenue Code of 1954 are each amended by striking out "1988" each place it appears and inserting in lieu thereof "1993":

(1) Section 4041(a)(3) (relating to special fuels tax).

(2) Section 4051(c) (relating to tax on heavy trucks and trailers sold at retail).

(3) Section 4071(d) (relating to tax on tires and tread rubber).

(4) Section 4081(b) (relating to gasoline tax).

(5) Sections 4481(e), 4482(c)(4), and 4482(d) (relating to highway use tax).

(b) EXTENSION OF EXEMPTIONS, ETC.—The following provisions of the Internal Revenue Code of 1954 are each amended by striking out "1988" each place it appears and inserting in lieu thereof "1983":

(1) Section 4041(b)(2)(C) (relating to qualified methanol and ethanol fuel).

(2) Section 4041(f)(3) (relating to exemption for farm use).

(3) Section 4041(g) (relating to other exemptions).

(4) Section 4221(a) (relating to certain tax-free sales).

(5) Section 4483(f) (relating to exemption for highway use tax).

(6) Section 6420(h) (relating to gasoline used on farms).

(7) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems).

(8) Section 6427(g)(5) (relating to advance repayment of increased diesel fuel tax).

(9) Section 6427(m) (relating to fuels not used for taxable purposes).

(c) EXTENSION OF REDUCED RATES OF TAX ON FUELS CONTAINING ALCOHOL.—

(1) Paragraph (3) of section 4041(k) of such Code (relating to fuels containing alcohol) is amended by striking out "December 31, 1992" and inserting in lieu thereof "September 30, 1993".

(2) Paragraph (4) of section 4081(c) of such Code (relating to gasoline mixed with alcohol) is amended by striking out "December 31, 1992" and inserting in lieu thereof "September 30, 1993".

(d) OTHER PROVISIONS.—

(1) FLOOR STOCKS REFUNDS.—Paragraph (1) of section 6412(a) of such Code (relating to floor stocks refunds) is amended—

(A) by striking out "1988" each place it appears and inserting in lieu thereof "1993", and

(B) by striking out "1989" each place it appears and inserting in lieu thereof "1994".

(2) INSTALLMENT PAYMENTS OF HIGHWAY USE TAX.—Paragraph (2) of section 6156(e) of such Code (relating to installment payments of tax on use of highway motor vehicles) is amended by striking out "1988" and inserting in lieu thereof "1993".

SEC. 503. 5-YEAR EXTENSION OF HIGHWAY TRUST FUND.

(a) IN GENERAL.—Subsections (b), (c), and (e) of section 9503 of the Internal Revenue Code of 1954 (relating to Highway Trust Fund) are each amended—

(1) by striking out "1988" each place it appears and inserting in lieu thereof "1993", and

(2) by striking out "1989" each place it appears and inserting in lieu thereof "1994".

(b) EXPENDITURES FROM HIGHWAY TRUST FUND.—Paragraph (1) of section 9503(c) of such Code (relating to expenditures from Highway Trust Fund) is amended by striking out "or" at the end of subparagraph (B) and by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) authorized to be paid out of the Highway Trust Fund under the Surface Transportation and Uniform Relocation Assistance Act of 1986, or

"(D) hereafter authorized by a law which does not authorize the expenditure out of the Highway Trust Fund for any amount for a general purpose not covered by subparagraph (A), (B), or (C) as in effect on December 31, 1986."

(c) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-11) is amended—

(1) by striking out "1988" and inserting in lieu thereof "1993", and

(2) by striking out "1989" each place it appears and inserting in lieu thereof "1994".

SEC. 504. REDUCTION IN EXCISE TAX EXEMPTION FOR QUALIFIED METHANOL AND ETHANOL FUELS.

(a) IN GENERAL.—Subparagraph (A) of section 4041(b)(2) of the Internal Revenue Code of 1954 (relating to exemption for qualified ethanol and methanol fuels) is amended to read as follows:

"(A) IN GENERAL.—In the case of any qualified methanol or ethanol fuel, subsection (a)(2) shall be applied by substituting '3 cents' for '9 cents'."

(b) CONFORMING AMENDMENT.—The heading for section 4041(b) of such Code is amended by striking out "EXEMPTION" the second place it appears and inserting in lieu thereof "REDUCTION IN TAX".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1987.

SEC. 505. TECHNICAL CORRECTIONS.

(a) REFUND OF ENTIRE DIESEL FUEL TAX WITH RESPECT TO SCHOOL BUSES.—

(1) IN GENERAL.—Paragraph (2) of section 6427(b) of the Internal Revenue Code of 1954 (relating to intercity, local, or school buses) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after

subparagraph (A) the following new subparagraph:

"(B) EXCEPTION FOR SCHOOL BUS TRANSPORTATION.—Subparagraph (A) shall not apply to fuel used in an automobile bus while engaged in the transportation described in paragraph (1)(B)."

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 6427(b)(2) of such Code is amended by striking out "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)".

(B) The heading for subparagraph (C) of section 6427 (b)(2) of such Code, as redesignated by paragraph (1), is amended by striking out "EXCEPTION" and inserting in lieu thereof "EXCEPTION FOR CERTAIN INTRACITY TRANSPORTATION".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in section 915 of the Tax Reform Act of 1984.

(b) CERTAIN TRANSFERS FROM HIGHWAY TRUST FUND TO BE MADE PROPORTIONATELY FROM MASS TRANSIT ACCOUNT.—Subsection (e) of section 9503 of such Code (relating to establishment of Mass Transit Account) is amended by adding at the end thereof the following new paragraph:

"(5) PORTION OF CERTAIN TRANSFERS TO BE MADE FROM ACCOUNT.—

"(A) IN GENERAL.—Transfers under paragraphs (2), (3), and (4) of subsection (c) shall be borne by the Highway Account and the Mass Transit Account in proportion to the respective revenues transferred to such Accounts under this section.

"(B) HIGHWAY ACCOUNT.—For purposes of subparagraph (A), the term 'Highway Account' means the portion of the Highway Trust Fund which is not the Mass Transit Account."

SEC. 506. STUDY OF COLLECTION OF GASOLINE AND OTHER FEDERAL EXCISE TAXES.

(a) IN GENERAL.—The Secretary of the Treasury or his delegate shall, after consultation with the Department of Justice, the Federal Highway Administration, State tax administrators, and industry representatives, prepare a report on the extent to which the Federal excise taxes on gasoline are being evaded. Such report shall include—

(1) an assessment of administrative options and proposals (including enhanced enforcement and examination efforts) and legislative changes which may be appropriate, and

(2) comprehensive information on the extent to which other Federal excise taxes (including other fuel taxes, taxes on tobacco products, and taxes on alcoholic beverages) are being evaded or not collected.

(b) SUBMISSION.—The report under subsection (a) shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

(1) not later than October 1, 1986, with respect to the portion of the report relating to Federal excise taxes on gasoline, and

(2) not later than December 31, 1986, with respect to the other portions of such report.

Amend the table of contents of the bill by adding the following after the items relating to title IV:

TITLE V—HIGHWAY REVENUE ACT OF 1986

Sec. 501. Short title.
Sec. 502. 5-year extension of Highway Trust Fund taxes and related exemptions.
Sec. 503. 5-year extension of Highway Trust Fund.
Sec. 504. Reduction in excise tax exemption for qualified methanol and ethanol fuels.
Sec. 505. Technical corrections.
Sec. 506. Study of collection of gasoline and other Federal excise taxes.

H.R. 5175

By Mr. FRENZEL:

—On Page 2, line 5, strike "$425,000,000" and insert in its place "$414,147,000".

EXTENSIONS OF REMARKS

MEDICARE END STAGE RENAL DISEASE PROGRAM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. RANGEL. Mr. Speaker, I am introducing today a bill designed to resolve the administrative problems that have plagued the Medicare End Stage Renal Disease Program in recent years.

As my colleagues know, the ESRD Program represents one of the most fruitful and rewarding collaborations ever entered into by medical science and Government. During the past 14 years, this program has provided the lifesaving medical technology to thousands of Americans suffering from irreversible kidney disease at a price that has saved thousands of families from financial desitution.

The ESRD Program has been a model of cost containment in Government-financed health care. The current cost of the program is attributable entirely to the program's success in preserving a constantly increasing number of lives. However, treatment costs are actually less today than when the program began 14 years ago. In short, we can all take pride in the ESRD Program.

The one dark cloud is the series of problems that have arisen in the administration of the program. The Health Care Financing Administration's failure to develop a viable national data system and its recurrent efforts to reduce funding for the ESRD networks which now serve as the only source of national patient data, has deprived us of the data needed for medical decisions, further research, and congressional oversight. In addition, certain ambiguities in present law about the responsibilities of networks for quality assurance and patient rehabilitation have impeded progress in these areas. Similarly, the absence of statutory mandate to formally assess network performance have resulted in undocumented criticisms of networks to the detriment of effective administration.

The administration has proposed changes through regulation, which presumably address some of these administrative problems. However, the proposed regulation does not and, in some respects, cannot adequately address the critical issues including, the implementation of the national data system, the clarification of network responsibilities and the development of standards for evaluating network performance. My bill does address and resolve these issues. I firmly believe that this bill will result in more cost-effective and efficient administration and thereby assure the continuing success of this vital health care program.

I ask your support for this bill, and I welcome cosponsors. I have included for the Members' information a description and discussion of the bill:

BILL TO IMPROVE ADMINISTRATION OF THE ESRD PROGRAM AND CLARIFY RESPONSIBILITIES OF NETWORKS

A. PURPOSE OF BILL

There is an urgent need for legislation to clarify and improve the administrative arrangements essential to the continuing operation of the ESRD program and to provide a more reliable basis for program evaluation and planning purposes.

In recent years, reductions in funding for the administration of the ESRD program have had the effect of reducing the capacity of HHS to develop and maintain the national ESRD data system required in the law. Thus, the program has not been able to make effective use of the accumulated medical experience and operational data absolutely essential for sound medical decisions, cost-effective program management and congressional oversight. As a consequence the program has experienced repeated administrative disruptions, alarming deficiencies in the data collection system, increased patient anxiety and uncertainty, and a failure to investigate and pursue potential cost-saving measures, such as efforts to rehabilitate a larger number of ESRD patients.

Additionally, problems in the administration of the program have arisen because of uncertainty about the congressional intent with respect to the precise responsibilities of the ESRD networks. Important functions such as the encouragement of vocational rehabilitation efforts among ESRD patients, the operation of a patient grievance system, and the collection and validation of patient care data have, in some cases, been assumed by default by networks and, in other cases, not assumed by anyone. It is now clear all of these functions are necessary to the sound administration of the program and need to be precisely assigned by the Congress to assure their performance. It is also apparent that program experience over the past decade, as well as changes in the size and distribution of the patient population and dialysis facilities, suggests the need for more flexibility in the designation of network areas and for the implementation of standards and criteria for evaluating the performance of network organizations in carrying out their responsibilities.

The purpose of the bill is to resolve each of these issues, and thereby assure more effective and efficient administration of the program, by directing the Secretary to proceed with the implementation of the national ESRD registry; assigning responsibility for the performance of program functions not specifically identified or assigned in present law; and directing the Secretary to develop and implement standards, criteria and procedures for evaluating the performance of network organizations.

B. DESCRIPTION OF BILL

The Secretary would be required to establish a national consolidated ESRD data system and to collect comprehensive demographic, medical and financial data on the ESRD patient population to permit: (1) the identification of the economic impact, cost-effectiveness and medical efficacy of alternative modalities of treatment; (2) evaluations as to the most appropriate allocation of resources for the treatment of ESRD; and (3) the preparation of special studies and periodic reports to the Congress for program planning purposes.

The Secretary would be directed to coordinate the data collection activities of the renal disease Networks, HCFA and NIH; provide for the maintenance of the ESRD registry in the National Institute of Health; appoint a professional advisory group to advise the Secretary on policies and procedures relevant to the maintenance of the national registry; and provide for the allocation of adequate resources to assure the effective performance of these activities. The Secretary would be required to report to the Congress on the implementation of the registry no later than October 1, 1986.

The bill would also clarify the responsibilities of the networks with respect to the collection and validation of patient data, the development of quality assurance standards, the encouragement of vocational rehabilitation and operation of a patient grievance system by: (1) clarifying the statutory description of network responsibilities to include the collection of data required to assure the maintenance of the national ESRD registry; (2) requiring the medical review boards of the networks to develop and implement quality standards; (3) directing the networks to take appropriate steps, as part of their continuing statutory responsibilities, to encourage the participation of patients and ESRD facilities in vocational rehabilitation programs; and (4) requiring networks to operate patient grievance systems. The Secretary would be directed to provide for the payment of the necessary and proper administrative costs incurred by networks in carrying out their responsibilities.

Further, the bill authorizes the Secretary to redesignate network areas (but to no fewer than 14) and to publish in the Federal Register the geographic areas to be included in each Network and the criteria on the basis of which such designations are made. Under the bill, the Secretary is required to develop standards and criteria for evaluating the performance of network organizations by December 31, 1986, and after that date, to enter into, continue or terminate agreements with network organizations only after the application of such standards and criteria. During the transition period between June 1, 1986, and December 31, 1986, the Secretary would be required to retain existing network administrative entities to administer the program in any newly designated network areas.

C. DISCUSSION OF BILL

1. Need for a national consolidated ESRD data system

Since 1973 Medicare has provided coverage for patients with end-stage renal disease (ESRD). As a result, more than 80,000 pa-

tients are on dialysis in the United States at this time, more than 7,000 kidney transplants are done annually, and more than $2 billion in federal funds is expended each year in support of this program. Despite these expenditures and despite accumulation of financial and some medical information by HCFA, there is no consolidated data system collecting information on patients in the Medicare ESRD Program or on the outcome and complications of treatment. The United States treats more ESRD patients per million population than any country in the world, and this lack of a unified data system contrasts strikingly with other countries. The European Dialysis and Transplant Association Registry, for example, maintains data from patients in 32 countries and provides information to governments as well as to physicians and others.

In this country an ESRD Medical Information System was developed in 1973 but has never functioned in an organized fashion. Now, in 1986, various elements of a data system exist but are not coordinated. These include data collection and validation by the ESRD Networks; data handling by HCFA; a National Institutes of Health-sponsored CAPD (continuous ambulatory peritoneal dialysis) Registry; a proposed NIH Contract-supported pediatric ESRD registry; and existing legislation for a transplant registry.

Recently the major professional organizations involved in the treatment of ESRD, HCFA, and NIH have been engaged in discussions about the need for and desirability of developing a comprehensive national ESRD registry. These discussions have led to the development of an NIH research initiative to develop such a registry using HCFA data. The bill would both validate such an effort and provide the necessary impetus and guidance to move the effort from the planning to the implementation stage. Under the bill, the Secretary would be directed to expedite the implementation of the current activities of all other ESRD data collection operations.

The advantages of a national consolidated ESRD data system would be the ability to provide accurate and timely data, not only for scientific purposes, but also for Medicare program planning and monitoring, the development and application of quality assurance standards and the enhanced ability of patients to make informed choices among the available treatment modalities.

2. Need for clarification of network responsibilities and enhanced efforts to further rehabilitation of ESRD patients

The ESRD Networks were established by the Congress to perform a variety of crucial progam functions: assist in the collection of program data, encouage the use of medically appropriate lower-cost modalities, establish quality assurance standards, and promote rehabilitation. However, present law does not provide sufficient direction on how some of these responsibilities, particulary data collection and the promotion of rehabilitation, are to be carried out. Because of this lack of clarity the data collection function has not been consistently supported and only sporadic efforts to encourage the vocational rehabilitation of ESRD patients have been undertaken.

Since data collection is crucial to the effective management and oversight of the program, and the Networks now collect national data on the incidence, prevalence and treatment of end stage renal disease, the importance of clarifying the Networks role in the maintenance of the proposed national registry is apparent.

Similarly, the promotion of vocational rehabilitation efforts has suffered because of the lack of statutory clarity. Yet, this is an area where program savings are attainable. Although renal failure is by definition life-threatening and chronic, there is no inherent reason why it should always be considered disabling from an employment standpoint. There is no reason why otherwise healthy dialysis (and transplant patients) whose treatments are properly synchronized to mesh with their work schedules cannot return to the work force. Yet the perception remains that dialysis patients are too disabled to work and the public policy envisioned by the Congress of encouraging rehabilitation needs explicit reinforcement.

Thus, the bill explicitly states the congressional intent that the vocational rehabilitation of suitable ESRD patients be made a high priority and provides direction to the Networks to take all necessary and appropriate steps to encourage ESRD patients and ESRD facilities to collaborate actively in vocational rehabilitation programs.

In addition, the bill adds to the statute the Networks responsibility for establishing and operating patient grievance systems. Although Networks have generally been performing this function, it is essential to assure that it will continue to be treated as a priority. The vulnerability of ESRD patients, as well as their total dependence upon ESRD professionals and facilities for life-sustaining services, requires the effective maintenance of a grievance system that would enable patients to obtain an impartial and responsible resolution of problems that cannot be satisfactorily resolved with the individual professional or facility.

3. Need for criteria to evaluate network performance and flexibility in designating network areas

The evolution of the ESRD delivery system, as well as the changes that have taken place in the size and distribution of the patient population, suggest the need for flexibility in the designation of network areas. However, redesignation, and particularly the consolidation of network areas, should not be carried beyond the point at which the network areas become too large or unwieldy for the network organizations to effectively carry out their responsibilities. Thus, while the bill reaffirms the Secretary's authority to consolidate networks, it sets the minimum limit at fourteen networks and requires the Secretary to publish in the Federal Register the criteria he has employed in making determinations of the geographic areas to be included in each network.

Although the question of network performance has been the subject of considerable debate, very little documentation has ever been presented to the Congress to sustain the criticisms that have been made. Such a question cannot be responsibly resolved in the absence of concrete evidence and documentation. Thus, the bill directs the Secretary to develop standards, criteria and procedures for evaluating network performance and requires him to apply them before taking any steps to continue or terminate an agreement with a network organization. To assure there will be no interruption in the performance of network responsibilities during the period prior to the promulgation of the standards and criteria, the bill directs the Secretary to retain the existing network administrative entities.

THE SANDINISTA COMANDANTES: FLEEING FORWARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. SKELTON. Mr. Speaker, I would like to add to the CONGRESSIONAL RECORD an article by Jean-Claude Buhrer, which appeared in the June 24, 1986, edition of the French newspaper, Le Monde. I commend this article for its disturbing account of the thinking of the Sandinista Comandantes. This alarming description of the tightening social and economic conditions reminds us well of the sad results of Communist influence, and of the threat that is all too close to home.

[From Le Monde, June 24, 1986]

THE SANDINISTA COMANDANTES: FLEEING FORWARD

(By Jean-Claude Buhrer)

"The Sandinistas are loners. What they want is for everyone to fall in line with the Front's policies without complaining. They are sectarians: They have such a haughty and condescending attitude toward democratic and anti-imperialist organizations that they run the risk of isolating themselves from people and ending up on the fringes."

Arguments like these would not come as a surprise if they were spoken by a representative of the opposition in Nicaragua. But they reveal real malaise when they turn out to be the words of the Secretary General of the (pro-Soviet) Socialist party, Mr. Gustavo Tablada. A militant communist for 25 years, Mr. Tablada studied medicine, then specialized in psychiatry at Patrice Lumumba University in Moscow. He recalls that he too was jailed by Somoza. His party continues to provide "critical support" to the revolution, but the criticism is not friendly.

"For the very sake of the revolution and as Marxists," Mr. Tablada notes, "we are not going to act like ostriches and ignore the spreading signs of popular discontent. Of course the imperialist aggression has long contributed to the situation, but it is wrong to blame imperialism for all our troubles."

Even more critical is Mr. Virgilio Godoy, head of the Liberal Independent Party (PLI), now firmly in the internal opposition. As part of the old PLI faction which fought the Somoza dictatorship, he reached the end of his rope with the Sandinistas, whom he served as Labor Minister as late as 1984. Like the 10 or so parties from the extreme left to the center who carry on under the rules set by the authorities, the PLI is harshly affected by the loss of fundamental freedoms resulting from the decree of October 1985. "In the beginning," said Mr. Godoy, "the state of emergency and the special measures were designed to combat the contras. But it hardly bothers them. The first to be affected are those operating in the legal framework. If the contras didn't exist the government would have to invent them to justify its policy which reduces civil society to silence."

Under the state of emergency the opposition's public meetings are prohibited. Its representatives have no access to communications media. The opposition's representatives in the National Assembly are embit-

tered. "The legislative assembly," says Mr. Godoy, "was made for export. In practice, it has no power; it's a fiction."

Imperialist aggression serves as an alibi for all kinds of repression. Recently 57 workers of the ENAVES textile firm were forcibly removed from the factory by the police because they were preventing others from working. Pointing out that strikes are illegal, the Ministry of Labor had them fired immediately. An official of the (communist) CGT labor federation denounced this violation of labor rights.

BLACK MARKET AND CORRUPTION

The military and security apparatus weighs heavily on all sectors of society. The security services intervene at the slightest hint of protest or whenever a group tries to organize itself. While Somoza targetted mid-level cadres, the majority of political prisoners today are not leaders but the grass roots of the opposition. While estimates of their total number vary, the National Assembly has received over 2000 appeals for clemency just for political prisoners who have already served half their three to six year sentences.

The population is strictly controlled by the Sandinista Defense Committees (CDS), which Interior Minister Borge calls "the eyes and the ears of the revolution." Organized in each neighborhood and designed on the Cuban model, the CDS serves as the regime's transmission belt.

The other parties reproach them for not operating on democratic lines and for acting as informers and political propagandists. Many Nicaraguans complain of the abuses committed by CDS block captains or officers, for example by requiring attendance at Sandinista demonstrations or in the distribution of ration cards for housing permits. "The CDS exercise a permanent blackmail on the population, especially in these times of scarcity," notes Mr. Julio Morales, a member of the Socialist party.

Discontent has spread as shortages have increased and economic stagnation has set in. "We're short on everything," one hears. Oil, sugar, rice and soap are rationed. Medical supplies and spare parts are scarce. But anything can be purchased, even gasoline, at prohibitive prices on the black market. The 1985 decree to combat speculation has solved nothing. To the contrary, it has caused dizzying inflation in the prices of basic products which had previously been subsidized.

At the Ciudad-Jardin supermarket, customers have to show a ration card to enter. Long lines form in front of the counters for detergent or Polish soap powder. The half empty shelves offer cans of Soviet sardines or Bulgarian canned meat.

The Sandinista comandantes themselves recognize that "the economic situation is becoming more dramatic every day." The lack of foreign exchange to import equipment and raw materials adds to a growing economic paralysis. Production of rice, beans and corn is greatly diminished. Cattle production is also in decline.

With the bloating of the state apparatus, another scourge has taken on worrisome proportions: corruption. A special commission was created a year ago to fight it. The government attributes corruption above all to the legacy of the Somoza dictatorship, but the opposition of the left and right disagree.

For "Avance," the organ of the Communist Party, independent of Moscow, "the fundamental cause of corruption lies in the Sandinista Front's conception of power." The magazine gives as an example the salaries "kept secret" of the members of the government and of high officials, as well as the material privileges these people enjoy. According to leaders of the Social Christian Party, this is due to the appearance of "a group of privileged people in the society, in particular those who reach high positions in the governing party."

The population resents the sacrifices imposed upon it even more because the governing minority neither sacrifices nor cares about those who do. While the majority fights to subsist, the representatives of the new "Nomenklatura" go shopping in special stores.

"Everything for the war, everything for the soldiers." More than ever, priority is given to the defense effort. By itself, military spending accounts for at least half of the national budget. To justify this policy, official propaganda whips up a veritable psychosis of aggression and encirclement. Under the pretext of assuring of the survival of the revolutionary process, the country has been declared in a "war economy." A government economic advisor says: "We must get used to getting by with very little—austerity is going to continue for several years."

A NEW VIETNAM

While the economy founders, the army and the security services function with greater efficiency. With more than a hundred thousand men in arms, Nicaragua has by far the most important army in Central America. Well equipped by the Soviet Union and organized by Cuban advisors, it has never been seriously worried by the fifteen thousand contras it faces.

One intellectual comments: "Slowly but surely, the Sandinistas are wasting the immense reservoir of good will that the revolution had at its beginnings and still had, to a certain extent, at the time of the 1984 elections. We made this revolution to become masters of our own destiny. But these conceited fanatics, never more than a minority, seized all the key posts in the government and are following their own agenda. Their obstinacy is leading us into an East-West confrontation and they want to engage us in an open war with the United States. Without taking into account either the Central American context or the burden an army of a hundred thousand men represents for a small country of barely three million, they are dreaming of a new Vietnam so they can experiment with their theories."

Without a worry about the reservations of a public opinion they control, the Sandinista comandantes seem to have deliberately chosen to flee full speed ahead.

A TRIBUTE TO MR. ROBERT M. ROWE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. GEKAS. Mr. Speaker, I would like to take this time to express my congratulations to Robert M. Rowe of Millmont, PA, who will receive the Boy Scout Eagle Award on July 27, 1986. Rob, a member of troop 536, began the Scouting Program as a Cub Scout and has worked his way through Webelos and Boy Scouts. During this time Rob earned 23 merit badges, was initiated into the Order of Arrow, and served as patrol leader, quartermaster, and assistant Scout master. The presentation of the Eagle Award is an opportunity to recognize this man's dedication to his community and country.

Rob was very active in high school as a member of the varsity football team, the varsity track and field team, and the varsity wrestling team. He was also involved with the German Club and served on the class float committee. This fall Rob will be attending Mansfield University pursuing a degree in architectural engineering. He will continue his football career playing for the Mansfield Mountaineers.

Robert Rowe has shown excellent service and leadership capabilities in his work with the Boy Scouts and should be congratulated for earning this very distinguished award. I wish him good luck and great success in his future endeavors.

SCRAPPING THE ASAT PROGRAM WOULD BE A WISE DECISION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. BROWN of California. Mr. Speaker, according to Monday's Washington Post, the Department of Defense is ready to abandon its troubled F-15-launched antisatellite [Asat] weapons program. This would be an eminently wise decision, for there could hardly be a defense program more deserving of the budgetary axe. The F-15 Asat is way over budget, far behind schedule, and simply unable to meet its mission requirements. Scrapping the program would save the American public billions of dollars that otherwise would be spent on a system that would be obsolete the day it was deployed.

SOARING COSTS

As the Pentagon has tried to make the F-15 Asat fly, the most obvious thing that has taken off has been the program's cost. The expected cost for the U.S. Asat has grown by a factor of 10 over the past 10 years. What was estimated in 1978 to be a $500 million program has jumped to $5.3 billion, with a revised cost estimate occurring nearly every year.

In 1980, Congress was told that the F-15 Asat would cost no more than $1.8 billion. By 1983, however, the program's projected cost had doubled to $3.5 billion. Then came price hikes to $3.9 billion in 1984, $4.1 billion in early 1985, and a hefty boost to $5.3 billion in the summer of 1985.

Concerned about these constant cost overruns, the Air Force earlier this year decided to restructure the program, scaling it back to one-third of its original size and to only one deployment site. This was done with the hope of keeping the program's cost to less than $4 billion. But by reducing the number of Asat missiles by two-thirds—from 112 to 35—the price per missile increases by a factor of three, to more than $100 million each. This may well be more than the Soviets spend on the satellites we'll be shooting at. And if more

than one Asat is needed to destroy each target, then it almost certainly would cost us more to kill each satellite than it costs the Soviets to build and launch them. This hardly amounts to a favorable cost exchange rate for the United States.

PLUMMETTING CAPABILITIES

As the cost of the Asat has soared, the projected capabilities for the system have taken a nosedive. This is due, in part, to the Air Force's recent restructuring of the program. More importantly, however, it is due to inherent design limitations that have been overlooked for years. When these factors are taken into account, it becomes clear that the F-15 Asat would be obsolete the day it was deployed.

By drastically scaling back the size of the program, the Air Force would substantially reduce the number of opportunities for the system to engage its intended targets. So even if the system were a technological masterpiece, it might fail militarily due to this reduction of intercept opportunities. But the F-15 Asat has not, by any stretch of the imagination, been an instrument of technical perfection. It suffers from major design limitations that have taken a heavy toll on its projected capabilities.

The miniature homing vehicle [MHV], which is the "warhead" of the F-15 Asat, has not been designed to deal with even minimal countermeasures. For example, a maneuverable satellite might easily defeat the system. The MHV is programmed hours in advance to reach a specific point in space at a precise time. It is positioned in the path of the Soviet satellite, which then runs into the MHV. Like two cars reaching an intersection at the same time, both are destroyed. But a Soviet satellite would have ample opportunity to frustrate this plan. Even a slight change of orbit might avoid the collision. The MHV itself can maneuver, but its small size—12 by 13 inches—places an imposing limit on fuel capacity. In comparison, a satellite can be equipped with substantial resources for maneuvering, and the next generation of Soviet satellites almost certainly will possess such capabilities. They may possess other countermeasures as well that could defeat the U.S. Asat.

In addition, the F-15 Asat has major limitations on its range. "The altitude it reaches is not all that great," one Air Force official recently admitted. This means that the Soviets could simply move their satellites to slightly higher orbits to evade the system. The United States could respond with a new booster for the MHV, but this would simply add further expenses to the program, and might require an entirely different launch method than use of F-15 aircraft. Apparently, the Pentagon is finally taking these limitations into account, and is realizing that the F-15 Asat is simply not worth its price.

CHRONIC TECHNICAL DIFFICULTIES

The Asat program has been plagued with technical difficulties since its inception 8 years ago. These problems have resulted in persistent schedule slippages and numerous design changes. In essence, the Air Force has found the program to be far more difficult to develop than originally envisioned.

Technical problems were already apparent in 1979—the program's first year of development—and additional problems have surfaced every year since. Rocket boosters have blown up during ground tests, the MHV has failed to separate from the booster during flight tests, exhaust gases have contaminated the inner workings of the system. One year ago, an Air Force review group found that the system was facing 30 "technical concerns" that needed to be addressed before the program proceeded any further. Addressing these problems has forced the program to fall further and further behind schedule. The date for full operational capability has slipped by 5 years from what the Air Force said it would be 3 years ago.

It now appears that a new engine may be required for the F-15 aircraft in order to provide the necessary velocity to launch the Asat missile. This will result in even higher costs, and further schedule slippages, for the program.

In sum, the Asat program is a turkey. It is beset with problems similar to those that afflicted the division air defense gun [DIVAD], which was finally canceled due to technical problems and cost overruns after the Pentagon had wasted $1.8 billion on the effort. The F-15 Asat program has cost more than $1.3 billion to date, yet at least another $2.7 billion would be required to carry it through to completion. This money would be wasted as well, for, as I have explained here, the resulting system would be obsolete. Moreover, as I have not explained on this occasion, but have stressed repeatedly in this Chamber: An Asat competition is not in this Nation's security interests, whereas mutual United States-Soviet restraint on Asat's is.

The Asat program's budget could be spent better elsewhere. The House Armed Services Committee realized this when it drastically reduced funding for the program during consideration of the fiscal year 1987 DOD authorization bill. And now the Pentagon seems to have reached the same conclusion, as evidenced by the story in Monday's paper titled, "Pentagon May Discard Asat System." Given this program's high costs and serious technical troubles, discarding the system would be most advisable. The Washington Post article follows:

[From The Washington Post, July 22, 1986]

PENTAGON MAY DISCARD ASAT SYSTEM

(By Walter Pincus)

The Defense Department is likely to scrap its controversial, F-15-launched antisatellite (ASAT) system if Congress votes to continue a ban on tests of the weapon against a target in space, Pentagon and congressional sources said yesterday.

Dubbed "the flying tomato can" and designed to be fired into space from a high-flying F-15 fighter, the Air Force ASAT missile has been plagued by technical problems during much of its eight-year history. The Pentagon already has cut the number of ASAT bases from two to one, and reduced the number of missiles it planned to buy by two-thirds.

Pentagon officials, who now describe the troubled system as only the "first phase" of a broader ASAT program, said they will focus more on promising antisatellite technologies that are being developed as part of President Reagan's Strategic Defense Initiative research.

The demise of the F-15-launched ASAT and a return by the United States to a program that is purely research would come as the Soviet Union is seeking a ban on all antisatellite systems as part of Moscow's latest offer on space weapons in the Geneva arms talks.

Until now, the Reagan administration has pushed the F-15-launched missile on grounds that the Soviets already have an operational ASAT and the United States does not. Washington also argued against negotiating a ban on all types of antisatellite systems because such an agreement could not be verified.

Last year, Congress adopted restrictions which prohibit the Air Force from testing the current ASAT against a target in space, unless the Soviets undertake such a test. Consequently, the next two tests of the system, now scheduled for August and September, will target the radiant energy from a star which is permitted by the congressional ban.

The congressional restrictions are expected to be renewed for the fiscal year beginning Oct. 1, and that would undercut Air Force plans for three tests against orbiting targets now scheduled for fiscal 1987. "Without those tests," a Pentagon official said, "there can be no confidence in proceeding with the system."

Last September, the Air Force ASAT successfully destroyed an obsolete satellite, but that is not considered sufficient by the Pentagon to persuade Congress to finance full production of the weapon, a military source said.

The House Armed Services Committee has deleted all procurement money sought by the Pentagon for fiscal 1987 and slashed the requested research funds. The full House is expected to add the testing restrictions. The Senate Armed Services Committee has agreed to the funds and to allow testing, but Rep. Les Aspin (D-Wis.), chairman of the House panel, is expected to hold firm when the testing issue reaches a conference committee since he is under fire from fellow Democrats for failing to support their persons on other issues.

Because of the restrictions now in force, the Air Force already dropped plans for two ASAT tests this year against an instrumented orbiting target launched last November. The $20 million space vehicle, which has two targets, is still in orbit.

Only one of the tests now planned against a star was part of the original test program. The other was added to gather additional data on the missile's infrared sensors, according to testimony given Congress earlier this year.

"Without targets," one Air Force official said recently, "there is only so much data of value that can be obtained.

In an April 26 letter, the Pentagon's undersecretary for research and engineering, Donald A. Hicks, described the F-15-launched weapon as "only the first phase of a broader [antisatellite] capability" being studied. He said the Pentagon had "restructured the [antisatellite] program in January 1986 into two phases in recognition of the evolutionary nature of the threat, previous congressional actions and potential complementary systems."

The president's SDI, the so-called "Star Wars" research program, includes study of several laser and "kenetic kill" systems that possibly could be used against Soviet satellites as well as ballistic missile warheads.

Hicks' letter was included as part of a General Accounting Office (GAO) investigation of the F-15-launched system that was sent to Congress June 11. The GAO criti-

cized the program's cost growth, testing program, schedule delays and limited capability.

After the January review, the Pentagon cut planned production of the antisatellite missile from 112 to 35. The restructured program would cost $3.9 billion, slightly less than the $4.1 billion projected little more than a year ago for three times as many missiles, according to Aspin and Rep. George E. Brown Jr. (D-Calif.), two leading congressional critics of the program.

Originally, the Pentagon planned to base F-15 antisatellite squadrons at McCord Air Force Base in Washington, and Langley Air Force Base, Va., in order to be able to attack Soviet satellites from two different points. With only one base, however, the area of coverage would be limited.

The GAO also said the testing program, as proposed by the Air Force, is not challenging enough. The instrumented targets and outdated U.S. satellites that the Air Force will use if congressional restrictions are lifted have different characteristics than Soviet satellites, according to the GAO. The Air Force Operational Test and Evaluation Center (AFOTEC), according to GAO, said the instrumented targets "may be of limited value in projecting the system's performance in an operational environment."

The GAO also said that AFOTEC believes a "minimum of 15 flight tests is necessary to establish the system's capability," whereas only 12 are planned. The system's Air Force program office, however, did not agree, the GAO said.

INDEPENDENCE DAY—JULY 4, 1986

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. DE LA GARZA. Mr. Speaker, although the Fourth of July is behind us, I would like to share with my distinguished colleagues the following comments made by my constituent Patrick H. Johnson, who is senior pastor of the Valley Christian Church in McAllen, TX:

INDEPENDENCE DAY—JULY 4, 1986

To the Honorable Kika de la Garza and people of South Texas:

At the risk of being tagged a "super-patriot", I feel I should say something more concerning our great land of America—Especially as we on this Independence Day celebrate our 210th birthday—and it will also mark the 100th birthday of that grand Lady of Freedom who lifts high her torch of freedom in N.Y. Harbor. In light of this, I feel compelled to give voice to my personal recognition and reverence toward this day of days in our great country's history.

It is a day that gives recognition to that time when our forefathers, with little food and meager clothing, and without adequate weapons, trudged through bloody tracks in the snows of Valley Forge in order to purchase the precious freedom we now take for granted. Though they had few necessities of life, they did possess a great faith and determination through blood, sweat and tears to win our independence and gives us a free nation "under God, indivisible, with liberty and justice for all."

I don't know how patriotic days appeal to the majority of people today, but to me these days are days of great reverence and solemn resolve which turns my mind back across the years to their original meaning and purpose. Independence Day compels me to remember with humble gratitude those brave, heroic and honorable men and women who gave their "full measure of devotion" that this noble experiment in democracy, "this nation of, by and for the common man would not perish from the earth".

Independence Day revives my memory to acknowledge that we here in America have a grand and glorious heritage. A heritage not purchased by glib-talking money-grasping politicians—not bought by sheckels of silver and gold in behind-the-scene payoffs—but a heritage purchased with the blood, sweat and tears of brave men of valor at Valley Forge and Bunker Hill. Thank God for those men of our early beginning (as well as those who have suffered and died in World War I, World War II, Korean War, Viet Nam War, Grenada and other far-flung Conflicts since our embrionic infancy) without whose courage and valor we could not be here today.

Friends, you may already guessed it by now, but I Love America! I love every star in her Flag and every stripe! I still get a feeling of tingling sensation inside me when I think of America and what she means to me. Surely every true American is proud and grateful to be an American. As the poet so appropriately expresses it, "Breathes there a man with soul so dead, who never to himself has said, 'This is my own, my native land'?"

Yes, I still love to hear the strains of "The Star Spangled Banner," and a lump still comes in my throat and tears well-up in my eyes when I hear the somber notes of Taps, which has such a note of solemnity and finality about it, and so greatly touches the tenderest chords of memory bringing back unforgettable schemes of comrades who paid the highest price for America.

I love all of God's great creation, but most of all, I'm crazy about America! I'm ashamed of her sins, and I don't like the way things are going in some areas at times, but I still believe in America! I agree with Decatur in his toast: "America, my country. In her intercourse with foreign nations may she always be right. But right or wrong, she is my country!"

Yes, friends, I love America! I'm proud of her Constitution. I'm proud of those great men of our history who wrote it, and those who have fought and died to preserve it. And I'm also proud of the women! I'm enthralled by America's purple mountain majesties—by her wide open spaces—her truck farms and her fields of grain—her industry—her beaches—her lakes, rivers and streams.

Say what you will, my friend, but I'm convinced that America's freedom and greatness is from God! I'm convinced that America's future is in God's hands, and if we hold on to Him, everything will be all right. If America ever abandons God, I believe she is through! America belongs to God! It is still one of the last bastions of freedom and hope in our embattled world where God is honored and revered; and may this ever be so!

Call me what you will, a "flag-waver, " a "super-patriot" or anything else, but I will still love America because She is my country! I belong to America and America belongs to me—and together we both belong to God! May she always be the "land of the free and the home of the brave!" Thank God for America!

DR. PAT JOHNSON,
Pastor of Valley Christian Church,
McAllen, Texas.

P.S. How can we possibly not fly "Old Glory" in front of our businesses and homes on this auspicious occasion? Do it! And don't forget "Texas Our Texas" on her 150th!

A TRIBUTE TO JEFFREY L. WHITNER

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. GEKAS. Mr. Speaker, today I would like to recognize the achievement of Jeffrey L. Whitner, a constituent of mine from Selinsgrove, PA. On July 27, 1986, Jeff will receive the prestigious Boy Scout Eagle Award. Jeff is being recognized for his unselfish contributions to his community and country. To fulfill the requirements of this award, Jeff, a member of Scout Troop 401, organized a very successful road race for the benefit of the Port Trevorton Fire Department Quick Response Squad.

Jeff, a recent graduate of Selinsgrove Area High School, has also shown his enthusiasm in school activities. He was active in basketball, track, and cross country, and he was a member of the French Club, the Outdoor Club, a participant in the junior class play, and a member of the National Honor Society. He is also an active member of St. Pius X Church as an alter server and a member of the youth group. He will be attending Penn State University at State College this fall pursuing a degree in sport and exercise science.

Jeff has set an excellent example for the rest of us to follow. His achievements are monumental and he should be congratulated for earning this distinguished award. I am honored to have an individual like Jeff in my district and wish him luck in all that he undertakes.

AMTRAK DESERVES CONTINUED FEDERAL SUPPORT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. FLORIO. Mr. Speaker, the administration has proposed the elimination of all Federal funding for Amtrak. Fortunately, this proposal was rejected in the conference report on the budget resolution for fiscal year 1987, which was recently adopted.

I wanted to call my colleagues' attention to an excellent editorial in the June 16 issue of U.S. News & World Report. A copy of the editorial follows:

THOSE RAILROAD NICKELS

(By Harold Evans)

America is getting ready for a party. The restored Statue of Liberty will be unveiled on Liberty Island on July 4. Washington's big brass are set to steam in, whistles blow-

ing, aboard the "Liberty Limited," pulled by one of the last coal-fired locomotives built in this country (at Lima, Ohio, in 1948). What a sad irony it is that as we celebrate with such vivid symbols there should be moves afoot to unpick a living part of our history and damage our present.

It was some years before the original unveiling of the Statue of Liberty that the political unity of these United States was first afforded a terrestrial reality. It happened at Promontory, Utah. On May 10, 1869, the railway pioneers drove a golden spike into a laurel railroad tie there to mark the linking of the rail systems of the East and West. This binding together by iron and steel of 37 states was the foundation for the industrialization of the country. Now, somebody is trying to dig up the golden spike and effectively undo a railroad passenger system that today efficiently carries 21 million people a year coast to coast. The oddest part of the story is that central casting has assigned the destruct role to a man with deep affection for the traditions both of the West and the railroads, President Reagan. Can his heart be in it? Hardly. And his head ought not to be.

The story goes that the President's imagination was captured when David Stockman, then budget director, walked into the Oval Office with a trolley conductor's change dispenser. He clicked out a nickel and told the President that 700 such federal nickels (I make that $35, right?) are spent in subsidy every time a passenger boards an Amtrak train. So, the President pledged himself to end "this huge federal subsidy." Congress has resisted. The President has persisted. If the President prevails, the end of subsidy would permanently and irrevocably terminate all intercity passenger services (with billions wasted in labor compensation and unusable equipment). Some 83 communities would be isolated without train or bus—including towns nearest Promontory.

Now, I appreciate that subsidy is the dirtiest word in the vocabulary, but let's rerun the Stockman walk-on scene. Let's call him back to click out a federal nickel for the subsidy arguably provided every time a passenger gets on a plane. That's 780 nickels, Mr. President—$39 against Amtrak's $35. And try it for the bus. That's 1,000 nickels—$50, or $15 more than that for each train passenger. Yet there is no proposal to ax the air or highway subsidy. Why not?

The answer is that the costs of the rail system are an easily identified line item in the federal budget, but the larger costs of the other services are indirect and concealed. And the historic cost is ignored.

Air and bus lobbyists will argue with my nickel-dispensing calculation, and it is a complex affair, but the fact is that air gets free what rail has had to pay for itself in signaling and track. This year, more than $2 billion from general funds will be used to operate and maintain the air-traffic-control system. Amtrak has to pay for its own. Nearly $16 billion was doled out in federal support for airport and airway development before 1971—and not a nickel of it was charged to air carriers. As for the highways, the Coleman report showed that spending exceeded user payments by no less than $120 billion through 1975; in 1983, more than $13 billion was collected for highways from nonuser taxes. Dealing in billions like that puts a different gloss on the amount of Amtrak's federal subsidy for next year: $606 million.

The truth is that Amtrak is a success story that merits not the slings and arrows of outrageous accounting, but the warmth of a Reagan smile. Every year, its efficiency improves. In 1971, it generated only 52 cents of each operating dollar. In 1985, it covered 58 cents, and in 1986 it will cover 61 cents. It is carrying 4 million more people than in 1972. It is the sixth-largest passenger carrier. And its passengers get there more often on time than passengers on the congested air routes.

If subsidies are to end, let them end for air and road, too. If not—and the howls and chaos would be interesting to observe—let the President ride "Liberty Limited" July 4 and toot its whistle to mark the end of a campaign that merits derailment.

The editorial points out that Amtrak subsidies must be considered in the context of large indirect subsidies to other modes. Furthermore, the editorial correctly notes Amtrak's increasing efficiency.

I am hopeful that this continuing support for Amtrak, both in Congress and among the public, will convince the administration to end its campaign to eliminate Amtrak.

INTERESTING THINGS, WORDS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. DOWNEY of New York. Mr. Speaker, a celebration was held recently in Hollywood of the contribution women artists are making in the world of American film.

Songwriter Marilyn Bergman, three time Oscar winner with her husband Alan, for "Windmills of Your Mind," "The Way We Were," and the score of "Yentl," delivered a memorable keynote address which has received wide attention as an elegant analysis of the persuasive power of words, and especially of the social responsibility of working in mass media production.

As communicators themselves, the Members of the House would enjoy Ms. Bergman's observations, I believe, and request that the speech be printed below.

SPEECH BY MARILYN BERGMAN ON THE OCCASION OF THE 10TH ANNIVERSARY OF THE PRESENTATION OF THE CRYSTAL AWARDS FOR WOMEN IN FILM

This award is particularly meaningful to me as it comes from women in film—both very important in my life—women and film. Not girls in film. Not ladies in film. But women in film.

Interesting things, words.

Girl: non-threatening, unempowered, nonauthorative. According to Webster: "a female servant."

Lady: identifying class or social position. Not free. Belonging to. A mistress of a lord. Webster again: "Well-bred, or refined and gentle manner."

Woman: clearly and cleanly identifying gender. Independent, responsible, empowered. According to Webster: "An adult female person."

Interesting things, words.

I've had a love affair with them for as long as I can remember. As a writer, I spend my days in pursuit of the right word. Words can be used to express or repress, to release or restrain, to enlighten or obscure. Through words we can adore each other or abhor each other. Nations can offend or befriend one another. Words can enslave and keep people in their place. They're easy prey for those who would tamper with the integrity of their meaning. Like those who use the words "Peacekeeper" for an instrument of death and destruction—who refer to the contras of Nicaragua as "freedom fighters." And "moral majority." To my mind, neither moral nor the majority. Or those who call themselves "Pro-life," a word which makes it appear that those who oppose them are anti-life.

Interesting things, words.

How stealthily they can enter the vocabulary and lose their real identity in the crowd. "Fall-out" for example: a word that was born with the bomb. Meaning radioactive particles in the atmosphere as a result of nuclear explosion. How benign the word has become through usage. We use it now to mean, "the result of something" a meeting, a conversation—with no positive or negative implication, and certainly no danger. Meltdown—I dare say before too long it will wend its way into the vernacular, stripped of its malignant meaning.

Are we not creating a language with which to describe the indescribable? To make thinkable the unthinkable. And the sinister innocent, so that people are not outraged. So that these horrors are taken as a part of life, a fact of life. When in reality they are the facts of death and we should not accept them.

Interesting things, words.

Message movies: that invariably means that a movie is not commercial and is left of center. And yet, aren't "Rambo" and "Cobra" perfect message movies? Their message is loud and clear: "violent solutions are the only solutions." According to the New York Times review of "Cobra," its message is: in this case, the rules are the Constitution of the United States, the Courts, and the laws of due process. All drowned in blood—in orgies of murder and weapon worship, and all for the almighty buck. Aren't we selling our souls?

I remember the "Grapes of Wrath," about the hungry and homeless in America in the 1930's. "To Kill a Mockingbird," about racism. "Doctor Strangelove," which addressed the insanity of war, and "Tootsie," perhaps one of the most insightful movies about sexism ever made. Highly successful, all of them.

Sure we want to entertain and be entertained, and made to forget the fear, the violence, the wars, slums, the greed. The sounds of people devouring each other and the earth. But don't we have to make sure that there's always a place for films that reaffirm the best in us? That elevate, that illuminate. That call upon us to hold out a vision of ourselves in relationship to others—to all others. To not deny the problems of our times, but to raise questions in our work and perhaps even to help find some answers.

We are the communicators. We deal with words and images. We must remember that words need the resonance of ideas—or thought. Otherwise they wear out—become deprived of their levels, their richness. We live in an atmosphere of slogans where content is not questioned, and unless something can be reduced to a bumper sticker or a ten second news bite it is discarded.

We help provide the mirror into which America—if not the world—looks to see itself. That's power—and with it comes responsibility.

I remember when I first read Rachel Carson's "The Silent Spring" in which she

warned us of the consequences of destroying the balance of nature. I remember thinking: "But they won't allow that to happen. They know better. They won't allow the seas to die, the air to become polluted. They won't allow the food chain to be poisoned." I was wrong. Not only has all that happened, but who are they?

I've come to think that there is no "they." Trusting that there is, is a way of abdicating responsibility, of copping out, of leaving it to others. But we mustn't. For it's becoming more and more clear, that "we" are "they."

Thank you again for this wonderful award and for letting me get all these words off my chest.

IMMIGRATION REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, July 23, 1986, into the CONGRESSIONAL RECORD:

IMMIGRATION REFORM

Hoosiers have mixed views toward immigration. They show sympathy for immigrants individually, but think that our immigration policy is out of control. They have changed from asking what kind of immigrant should be admitted to how entry can be restricted. They think that the immigrants who came here 100 years ago were wonderful, but the current wave of immigration is less desirable. Similar feelings are evident in the Congress, as it again wrestles with immigration reform.

Although we are a nation of immigrants, immigration reform is overdue. Under the current system, we let in 270,000 immigrants annually under preference categories favoring relatives of US citizens and certain needed workers. Immediate relatives of US citizens are admitted without limits, last year adding 200,000. We also accepted some 70,000 refugees last year fleeing persecution. By historical standards, these levels of legal immigration are not high. The problem instead lies with illegal immigration. The total number of legal immigrants each year may be outstripped by the number entering illegally. Up to 3% of our population may now be illegal.

The main idea behind the immigration reform package now moving through Congress is that jobs are the magnet drawing illegals to the US. To make it more difficult for them to obtain US jobs, the bill provides stiff penalties for employers who knowingly hire illegals. It also provides for a limited program of amnesty for otherwise law-abiding illegals who have been here several years.

I support the bill's efforts to curb illegal immigration. My sense is that we have lost control of our borders, and something must be done. Illegal immigration is unfair to those seeking legal entry, undermines our efforts to strike a balance among admission categories, and boosts social program costs in certain localities. Although the bill is a step in the right direction, my expectations for it are modest. We must also reform our system of preference categories, beef up our border security, and, perhaps most importantly, put our immigration problems into a wider, international context. Unless steps are taken to help our neighbors improve their economies and job prospects, the flood of illegal entry into the US will only continue. For example, in Mexico, for every 1 new job that is created, there are 500 births.

Yet there is another side to our immigration policy. Our problems with illegal immigration should not lead us to sharply cut all immigration. Legal immigration has produced enormous benefits to America. For example, ⅓ of our Nobel Prize winners were born abroad. Recent legal immigrants have brought in new cultural traditions, started businesses, revitalized declining neighborhoods, and excelled academically. The goal of immigration reform should be to close the back door to illegal entry, and open slightly the front door to legal entry that is in the US interest. America will be a poorer place if legal immigration is cut back because we have failed to control illegal entry.

Patterns of immigration have changed markedly in recent years. While 80% of our immigrants came from Europe and Canada between 1930 and 1960, 95% now come from Asia and Latin America. We should also put the immigrant numbers into perspective. Even including illegal entries, annual immigration today is estimated to amount to only ⅓ of 1% of our total population. Some 7% of the US population is foreign-born, compared to France's 11% and Canada's 16%. Our new immigrants are being hit by critics on both sides. Many object that they are unskilled and swell our public welfare rolls, while others object that they are too-skilled and too-hardworking, taking jobs away from natives.

Evaluating the new immigrants is difficult because they are such a diverse group—from skilled neurosurgeons to illiterate refugees. Moreover, experts disagree over almost every key estimate in the debate. Yet various studies cast doubt on the charge that, overall, immigration puts an enormous strain on the US. On the one hand, legal immigrants receive fewer social security and medicare benefits than do natives, and most illegals pay social security taxes but do not get anything back. Immigrants also pay their share of income taxes. On the other hand, they increase our public education costs, and utilize our welfare services at the same rate natives do. In a time of tight budgets, concerns about spending our limited resources on immigrants while many Americans are needy cannot be ignored. Eligibility for various federal welfare programs has been tightened to try to keep US benefits from serving as a lure for the unproductive.

On the question of immigrants taking US jobs, some job displacement is certainly taking place. Yet many of the jobs that immigrants take are menial ones that many Americans shun. The availability of immigrant labor has in some cases kept US companies from relocating overseas, and has reduced prices to consumers. Moreover, as the "baby boom" has been replaced by the "baby bust", we may need more immigrants to fill a labor shortage in the next few decades, and to ensure a stable base of contributors to social security. Without immigration, the US will begin losing population in about 35 years. Immigrants also have created a large number of jobs—indirectly because of the purchases they make, directly because they frequently open small businesses. The President's Council of Economic Advisers recently concluded that, despite job displacement along the Mexican border, overall, and for most people, job opportunities, real wages, and economic welfare are increased by immigration. Even so, the question of job losses from illegal immigration is a sensitive one. The employer sanction provisions in the reform bill could help address the problem.

Immigration reform is difficult, as varied regional impact, conflicting estimates, and even prejudice cloud the debate. My sense is that the US can continue to absorb roughly the number of legal entrants it now accepts, but we must act resolutely to make illegal entry more difficult. We have limits; we cannot take in all who want to come. The pending bill is no panacea, but it should be enacted. Unless we get better control of our borders, a restrictionist backlash could let loose against all new immigrants. In a nation of immigrants, that would be unfortunate.

DAVID G. KNAUTH, ATLANTIC FLEET SAILOR OF THE YEAR

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. BOEHLERT. Mr. Speaker, I stand before the House today with justifiable pride, to recognize Aviation Electronics Mate First Class David G. Knauth, of Utica, NY and the 25th Congressional District, who has been selected as 1986 U.S. Navy Atlantic Fleet Sailor of the Year.

Begun in 1972, the Sailor of the Year Program singles out exceptional noncommissioned men and women of the Navy for their sustained superior performance, leadership abilities, educational enhancement, command or community involvement, and the demands of their particular type of assignment. Petty Officer Knauth was chosen this year from among 347,000 active-duty and inactive reserve-duty sailors—all of whom serve their Nation with pride and dedication in the pursuit of peace and freedom.

Petty Officer Knauth was born in Cooperstown, NY (which, by the way, is also in the 25th Congressional District). His family then moved to Utica. After graduation from Utica Free Academy, he enlisted in the Navy in September 1977.

The old recruiting slogan says, "Join the Navy and See the World": Petty Officer Knauth's career certainly reflects that. After basic training in Great Lakes, IL, and specialized training in Memphis, TN, he was assigned to active duty with the Atlantic Fleet in Norfolk, VA. He has seen two tours of duty in the Persian Gulf and the Arctic aboard the fast frigate U.S.S. *Thomas C. Hart*, and has also seen duty in the Mediterranean aboard the destroyer U.S.S. *Spruance*.

In his 9 years of outstanding dedicated and professional service in the Navy, Petty Officer Knauth has achieved recognition as Maintenance Professional, and as a three-time Sea Sailor of the Month. He has also earned two Navy Achievement Medals. The Sailor of the Year Award is yet another mark of distinction for this fine young man.

Mr. Speaker, there is an traditional English toast which reads:

"To the wind that blows,
to the ship that goes,

and the lass that loves a sailor . . ."

I would like to add my expressions of admiration—to Petty Officer Knauth; his wife, Sheryl Lynn; his family; his service; and his country. I invite my colleagues, the people of New York State, and all America to join with me in saluting Petty Officer David G. Knauth, the 1986 U.S. Navy Atlantic Fleet Sailor of the Year.

IN OPPOSITION TO THE SUPPLEMENTARY EXTRADITION TREATY WITH THE UNITED KINGDOM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. BIAGGI. Mr. Speaker, as chairman of the bipartisan 114-member ad hoc Congressional Committee for Irish Affairs I have been strongly opposed to the Supplementary Extradition Treaty between the United States and the United Kingdom of Great Britain and Northern Ireland. This treaty I should note was ratified last week by the Senate by a vote of 87-10.

I am critical of this treaty for several reasons. The most important of these is the fact that it eliminates the so-called political offense with respect to cases involving those the British seek to extradite back to Northern Ireland. This political offense exception is common to almost 100 other extradition agreements we are party to with other nations. It was also upheld by several recent U.S. court decisions.

One of the most eloquent criticisms I have yet to see about the treaty was contained in an article in the New York Post earlier this week by Beth Fallon entitled "Disgrace All Around on Ulster." I urge my colleagues to read this article and join with me later when I sponsor legislation to reinstate the political offense exception to our extradition policies with Great Britain and Northern Ireland.

DISGRACE ALL AROUND ON ULSTER

The "supplemental" extradition treaty voted by the U.S. Senate last week is a disgrace all round.

It is first and foremost a disgrace to the United States of America, which abandoned a principle going back to 1793 that those adjudged to be genuine political dissidents have a right to make revolutions, and a right to flee and be protected from kangaroo opposition courts.

It is an even further disgrace that it is an ex post facto agreement, endangering the safety of Irish Republicans already protected from extradition by the decisions of American judges.

It is a further disgrace in that it singles out the Irish opponents of British rule in Northern Ireland, while maintaining the original extradition standards in treaties with nearly 100 other countries.

As with all abandonments of principle, however, this will quickly lead to others. The Reagan administration is said to be seeking similar changes in our treaties with several Western European powers.

The treaty was effectively assured on the day that PLO terrorists threw Leon Klinghoffer and his wheelchair off the Achille Lauro, and locked up when British Prime Minister Margaret Thatcher permitted U.S. jets to take off from their British bases to pound the Libyans last April.

Americans are fed up with guerrilla warfare, having conveniently forgotten their own successful one two centuries ago—against the British, as it happened.

Had it not happened, we too could have all the fun of an Established Church, rancorous religious enmities and possibly the political and economic repression of a religious minority by the majority that is the chief distinguishing feature of Northern Ireland today.

We would not have Sen. Richard Lugar (R-Ind.) on the floor of the U.S. Senate, intoning:

"Violence should never be deemed part of the political process.

"You can bring about change by the ballot box. The bomb and the bullet have no place."

The senator here performed a dazzling feat of historical obtuseness, forgetting both George Washington and the successful bombing raid on Khadafy only three months ago.

He thus obliterated 210 years of American experience in only three sentences.

The British are also disgraced, not only by seeking the treaty but by the economic, political and moral decay they have fostered in the six counties of Northern Ireland.

They have repeatedly abandoned their own law to stop dissent there. They have tried people without juries on the word of paid informers.

They have watched as an independent English policeman, John Stalker—sent to investigate whether the Royal Ulster Constabulary did in fact shoot to kill unarmed civilians—was smeared, and then suspended, for finding evidence the RUC did not want found.

Disgraced as well are the governments of Ireland, both in the North and even more in the southern Republic.

The only pretense that the Northern, London-imposed government can make to equality is that its Constabulary is now shooting Loyalist demonstrators with plastic bullets, as well as Catholic dissidents.

Protestant unemployment continues at around 12 per cent, while Catholic unemployment is 40 per cent. This is the true breakdown of the 23 per cent Northern unemployment rate so beloved of American editorial writers.

And the Republic itself put the final signature on the treaty with its plebiscite vote three weeks ago rejecting the legalization of divorce in the last Western nation to forbid it.

The Irish have a right to do what they want. Others also have a right to condemn their narrowmindedness and receive once again the impression that here is a people incapable of making a deal for the sake of true peace.

The overriding impression is that any Irish person with even a modicum of political savvy got on a boat and left between 1720 and 1900, either in chains to Australia or in steerage to New York. To refuse the olive branch of civil tolerance at this delicate stage of the consultative role for the Republic in Northern Irish affairs is political insanity.

It demonstrates once again that the Catholic Irish cling just as desperately to the 17th century as their Protestant neighbors, and prefer not to make any accommodation that would make unity, or at least amity, possible.

If the Irish cannot make a deal, however, the governments of Margaret Thatcher and Ronald Reagan have no such problems.

One of the great laws of politics is that people who cannot make a deal will usually be outmaneuvered—and often outgunned—by people who can.

RULE ON H.R. 3129, THE SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1986

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on Ways and Means on Tuesday, July 22, 1986, approved an amendment which would provide for the extension of the highway trust fund. It is the committee's intention to offer this amendment as a separate title V to H.R. 3129, the Surface Transportation and Uniform Relocation Assistance Act of 1986. The Committee on Ways and Means amendment is necessary to continue the funding for this authorizing legislation.

I wish to serve notice, pursuant to the rules of the Democratic caucus, that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration of this committee amendment by the House of Representatives.

CONSIDERING THE SOURCE

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. HAMMERSCHMIDT. Mr. Speaker, I would like to commend to the attention of my colleagues, an article that appeared in the Washington Times which traces the source of one particular statistic that has been interjected into the continued debate on the war in Nicaragua.

I urge my colleagues to take the time and read "Without First Considering the Source * * *" by John Lofton.

WITHOUT FIRST CONSIDERING THE SOURCE * * *

(By John Lofton)

In their Adolf Hitler-style Big Lie smear campaign against the Nicaraguan freedom fighters, two congressional opponents of the "contras"—Reps. Peter Kostmayer, Democrat of Pennsylvania, and Rep. Jim Bates, Democrat of California,—have unwittingly repeated as fact information from Nicaragua's Communist Sandinista government.

On June 26, 1986, Rep. Kostmayer, appearing on the CBS late-night *Nightwatch* program, declared that 42 percent of the people killed by the "contras" have been children. A legislative assistant to Rep. Kostmayer, Jay Heck, told me that his boss got this statistic from Rep. Bates on the House floor. Ed Swanson, a legislative assistant to Rep. Bates, told me his boss got this 42 percent figure from a copy of a fund-

raising letter a constituent sent their office, a letter signed by Dr. Benjamin Spock for the Nicaragua Network, a pro-Sandinista organization based in Washington. In this letter, Dr. Spock alleges in part, without citing a source:

"Especially shocking to me as a pediatrician is this heartrending fact: *Nearly half the "contras'" victims*—42 percent—*have been children*" (emphasis Dr. Spock's).

In this letter, Dr. Spock also says that what the Reagan administration is saying about the Communist Sandinistas is "a horrible lie" which is part of "a relentless campaign to distort the truth." He alleges, without citing any sources to back up his assertions that under Nicaragua's Communist government illiteracy has been reduced; health care is better; and the country's Communist government is "so popular" with a majority of its citizens that it has distributed arms to tens of thousands of civilians so they can better protect themselves against the "contras."

But who, really, is distorting the truth here?

When I called Dr. Spock's home in the Virgin Island, a furious Mrs. Spock, who calls herself Mary Morgan, angrily denounced the Nicaragua Network letter bearing her husband's signature. Complaining that this group mailed this fund-raising letter without first sending them even a draft, as they had requested, she blasted the Nicaragua Network people, observing that, "They did this whole damn thing without even calling me, without any consent or anything. And I've tried to clean up the mess afterward, and I don't like it at all."

Mary Morgan, noting that this fund-raising letter contained "many mistakes," said that when she was told this letter had to be sent without herself and her husband reviewing it, she said no, they couldn't do this. But they did. "So, they did it without his knowledge or consent. It wasn't done properly," she said. She said that the facts and figures in the fundraising letter signed by her husband were supplied by the Nicaragua Network.

When I called the Nicaragua Network to check out the source for the 42 percent statistic, Debbie Rubin, the national coordinator for this group, asked me what kind of story I was doing.

Me: I'm just trying to check out your allegation that 42 percent of the "contras'" victims have been children.

Her: But what's the story?

She complained that the last time *The Washington Times* did a story about her group, its purpose, obviously, was to decimate its fundraising program. So, she said, she was just curious why *The Times* had taken an interest in them again.

Me: Look, I'm just trying to check this 42 percent figure.

Her: But could you clarify what you're doing with your article?

Me: That's it. I'm just trying to find out the origin of your statistic because Dr. Spock and Reps. Kostmayer and Bates have repeated it.

When I noted that, regardless of which side of the Nicaragua debate one is on, the 42 percent charge is very serious, she interrupted me, saying: "So, you're writing an article in defense of the 'contras'?"

Me: I'm just trying to find out where your statistic came from. Do you know?

Her: "Yeah, I do, but I'm much more interested, frankly, in finding out from you what your article is about. Because it seems like a very strange thing for a paper to be investigating."

Once again, Ms. Rubin complained about our paper's previous article concerning the Nicaragua Network.

Me: So, where did your 42 percent statistic come from?

Her: "[It] comes from the Institute of Social Security and Social Welfare reports on victimization and the results of the 'contras' war."

Me: And where is this institute?

Her: "It's the equivalent of our Social Security Administration."

Me: But where is this institute?

Her: "It's the equivalent of our Social Security Administration."

Me: It's part of the Nicaraguan government?

Her: "That's right. It's the exact equivalent of our Social Security Administration and compiles statistics on the same basis."

Sensing that this revelation that the Communist government of Nicaragua isn't, perhaps, the most credible source for information about the "contras," Ms. Rubin was quick to try and assure me that her organization has treated the 42 percent statistic "as cautiously as possible." She said: "We're very, very careful about our statistics," and that's part of the reason she resented any implication that there's any looseness about the statistics—an implication which I had not expressed.

When I asked just exactly what she meant when she said her group has used this 42 percent statistic "as cautiously as possible," she said: "What I've heard reflected back is that somehow there's some sort of impression that that 42 percent figure is children who have been killed by the 'contras.' And we in no way, shape, or form have ever said that." This is, however, exactly what Rep. Kostmayer said on national television.

When I told an increasingly testy Ms. Rubin that Mary Morgan, Dr. Spock's wife, is outraged that the Nicaragua Network would send out a letter over her husband's name without first showing it to them as they had requested—and I asked why in the world they would do this to a friend who was trying to help them—she said: "We didn't."

Me: You mean Mary Morgan is a liar? I say I just talked with her and she is angry and upset.

Her: "That's okay."

Me: You mean you *did* send the letter to them first before you mailed it?

Her: "I'm not talking to you about this subject."

She hung up the phone.

In the Nicaragua Network's fundraising letter signed by Dr. Spock but, according to his wife, not seen before it was mailed, the goals of this group are said to be to build "people-to-people connections" between our two countries; to coordinate with other groups to bring "sanity" to U.S. policies in Central America; and to channel "material aid" to Nicaragua.

But the Nicaragua Network's claims are far too modest. Another goal, obviously—and in this case successfully—is to feed to "useful idiots" (Lenin's phrase) like Reps. Peter Kostmayer and Jim Bates Communist-supplied data which they swallow hook, line, and sinker and blissfully repeat without even caring about the source of this suspect information.

MAURICE RUSSELL—A DISTINGUISHED CAREER

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. SOLOMON. Mr. Speaker, I wish to take a few moments to recognize the career accomplishments of Mr. Maurice Russell, Assistant Director for Resource Management at the Selective Service System. Mr. Russell, who recently retired after a distinguished career as a U.S. Marine officer and an official with the Selective Service System.

For the past 15 years Mr. Russell distinguished himself with an unusually outstanding performance in positions of increasing responsibility at the Selective Service. Mr. Russell played a major role in the development of Selective Service mobilization plans and the field structure essential to military readiness. He served as manager of personnel for several years, responsible for all aspects of military and civilian personnel at the agency. This position also included the program which identifies, trains, and manages more than 11,000 volunteer local and appeal board members.

In the recent past, Mr. Russell served as Assistant Director for Resource Management, recognizing, officially, his many years of involvement in the financial and logistic aspects of the Selective Service national headquarters and field operations as well as continuing his role as senior manager in the fields of administration and personnel. Mr. Russell's exceptional ability to interact with the board spectrum of agencies and personalities, coupled with his management talent, has been a valuable asset to the Selective Service mission.

As an ex-marine myself, I am especially proud of Maurie's service to our country. At the age of 17 he joined the U.S. Marine Corps and was the youngest fighter pilot to serve in the Pacific during World War II. He continued military service in the U.S. Marine Corps during the Korean war and the Vietnam war, and was a full colonel in the Marines before beginning a new career with Selective Service.

Mr. Russell's career, or I should say service to our Nation, reflects great credit upon himself, the Marine Corps, the Selective Service System, and the United States of America.

MARYLANDER IS NAMED ATA'S 1986 DRIVER OF THE YEAR

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Ms. MIKULSKI. Mr. Speaker, I rise today to call attention to this year's American Trucking Association National Driver of the Year Award. I am very pleased to announce to my colleagues that this year a Marylander from the Third Congressional District, Davis C. Ulrich, won the award. I want all the Members to have the chance to read about Mr. Ulrich. He is a true American hero, an ordinary citizen

who by his actions does extraordinary things. I am very proud of Americans like Mr. Ulrich. They make America the great country it is today.

I submit for the RECORD the news release issued by the ATA:

MARYLANDER IS NAMED ATA'S 1986 DRIVER OF THE YEAR

WASHINGTON.—A 19-year veteran truck driver, who has logged more than 1.5 million miles of accident-free driving, has been named the 1986 National Driver of the Year, American Trucking Associations (ATA) President and CEO Thomas J. Donohue announced today.

Davis C. Ulrich, 39, who drives a flatbed rig for MacMillan Bloedel Building Materials Inc., Baltimore, Md., "is representative of the thousands of safety-conscious professional truck drivers on the nation's highways," said Donohue.

"Davis' accomplishments are a source of pride for the entire trucking industry. His performance and positive attitude reflect ATA's focus on highway safety," Donohue added.

Transportation Secretary Elizabeth H. Dole presented the ATA driver of the year trophy to Ulrich at ATA's Executive Committee meeting.

A winner of numerous company—and industry-sponsored awards, Ulrich was also recognized for the part he played in returning a lost child safety to his parents in 1984. While driving on Maryland's Route 301, Ulrich spotted a small boy standing near the highway's edge. The child, 3, was lost and frightened.

Upon sighting the child, Ulrich got out and rescued the boy. With the assistance of the Charles County (Md.) Sheriff's Department, the child's parents were notified and the boy was returned safely.

Ulrich has frequently competed in state and national driving championships, which concentrate on driving skills. He is a three-time Maryland State Champion, and he finished fourth in the national finals in both 1981 and 1983. He helped found the Professional Association of Champion Truckers, a group made up of former driving champions that actively promotes safe driving.

Other achievements include Ryder Truck Rental's Driver of the Month and Driver of the Year Awards, both presented in 1980. MacMillan Bloedel leases its equipment from Ryder.

The MacMillan Bloedel management has described Ulrich as "our top driver," and "a proven . . . leader, with a sense of urgency to accomplish."

On the job, Ulrich drives a Mack Super Liner with a 42-foot flatbed trailer, on which he hauls building supplies. From his base in Baltimore, he typically drives either to New York or North Carolina, racking up more than 65,000 miles per year.

Off the job, Ulrich is a member of the Moose Lodge and has coached little league baseball. He also served six years in the Army National Guard.

Ulrich lives in Baltimore with his wife, Mary, and their five children. He was nominated for recognition as the nation's top truck driver by the Maryland Motor Truck Association.

CONGRESSMAN DORNAN'S STATEMENTS TO THE NATIONAL LEAGUE OF FAMILIES

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. DORNAN of California. Mr. Speaker, I rise today to submit for the CONGRESSIONAL RECORD my recent statement to the National League of Families for Missing in Action. I bring this to the attention of my colleagues because I feel strongly that we must remain focused on our efforts to achieve a full accounting of our American soldiers in South East Asia.

The statement follows:

CONGRESSMAN DORNAN'S STATEMENT TO THE NATIONAL LEAGUE OF FAMILIES

Ladies and Gentlemen, I appreciate the opportunity to address this very, very special group of dedicated Americans. I am confident that all of us share a common hope that live American heroes some day be returned to their country and loved ones. Unfortunately, our hopes have led us on an endless emotional roller-coaster. I know that we will not rest until we know beyond any reasonable doubt that a full accounting has been accurately achieved.

The families of our MIA's are an inspiration to me because over the years you have not been paralyzed by emotion. The League has been the instrumental force in focusing national attention on this tragedy. With the death of what I call the "Vietnam Syndrome"—a self-inflicted, insular, and self-defeating attitude, crippling to American leadership—the days of inaction are mercifully behind us.

I have been a little encouraged by recent developments in the Pentagon, and more specifically the DIA. I have noted a favorable change in attitude, characterized by new efforts to ferret out any clues which might lead us to conclusions about live American captives. My office monitors very carefully the efforts of our government for a full accounting. Congressman Bill Hendon and eight others of us have taken a very aggressive stance. We have made it very clear that any government employee who is not investigating live-sightings as if the missing hero were his own flesh and blood brother, then that DIA employee must be rotated out to less demanding position which requires a less aggressive, or inquisitive approach. We need natural detectives working this American tragedy, nothing less.

An additional development which you fought to bring about involves the formation of the Tighe Commission. Essentially Eugene Tighe, ex-Director of the DIA—has been heading an oversight commission which will monitor and recommend changes aimed at overcoming past bureaucratic obstacles. Hopefully he will overhaul the entire DIA investigative process. This most definitely is a positive development although so horribly late in the process.

After all, our men went to Vietnam with the implicit commitment of the United States nation standing by them. I intend to see to it that our government honors that commitment 100%. Our men deserve more than periodic hand-wringing on Memorial Day and Veterans Day. You deserve that kind of commitment, and so do all of us. So let's continue to work together and make sure that all parties involved are working as hard as is humanly possible in a coordinated and resolute manner. We must also not forget, my friends, that another major player is involved here—the Communist government of conquered Vietnam. This government succeeded once before in bringing the United States to a pathetic lack of resolve by fostering internal divisions in our great land. Communists understand power and tough-mined, coherent, consistent policies. Let us also achieve toughminded consistency then and push this country into a position of strength so that we can resolve this issue with honor. God bless and watch over our long suffering heroes.

OBSERVANCE OF CAPTIVE NATIONS WEEK

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. YATRON. Mr. Speaker, I want to take this opportunity to pay tribute to a very important occasion. The week of July 20–26, 1986, represents the 28th commemoration of Captive Nations Week.

Captive nations are those which suffer under Communist domination. They consist of the Baltic States, various Republics in the Soviet Union, East Europe, and other nations such as Afghanistan, mainland China, Cuba, Vietnam, where communism is the prevailing political and economic ideology. Clearly, people residing in these nations, cannot, in general, exercise their full complement of fundamental individual freedoms and liberties as enumerated in the Universal Declaration of Human Rights and other international covenants.

As chairman of the House Foreign Affairs Subcommittee on Human Rights and International Organizations, I have conducted extensive hearings and investigations into human rights abuses committed by Communist governments. Captive Nations are indeed deserving of the name, because freedom is suppressed and there is little regard for the individual or his basic rights as recognized under international law.

Thus, the week of July 20–26 is important because it serves as a beacon of hope to millions of oppressed people striving for liberty and the right to be free. It also serves as a reaffirmation of our commitment to the democratic principles on which this country was founded and under which we are governed.

I also want to commend the National Captive Nations Committee, Inc., for all their efforts in keeping the plight of people in Communist-dominated areas in the public consciousness and in the forefront of foreign policy. As the leader of the free world, the United States must continue to actively promote democracy and human rights throughout the world.

UNITED STATES-CAYMAN TREATY SHOULD IMPROVE LAW ENFORCEMENT

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. SMITH of Florida. Mr. Speaker, earlier this month, the United States concluded a wide-ranging Mutual Legal Assistance Treaty with the Governments of the United Kingdom and the Cayman Islands. The treaty was signed on July 3, in George Town, Grand Cayman, and will enter into force upon ratification by all parties.

The treaty calls for mutual cooperation between Cayman and American law enforcement officials in the investigation, prosecution, and supression of a wide range of criminal offenses including racketerring, foreign corrupt practices, fraudulent securities practices, unlawful insider trading, and crimes relating to narcotics trafficking and money laundering.

Under the treaty, Cayman and American law enforcement officials will cooperate in the investigation and prosecution of criminal offenses by among other things honoring each other's requests for financial records and other documentary or physical evidence, immobilizing criminally obtained property, and locating fugitives or witnesses. Each government will designate a central authority to review the other's requests and execute those requests that are sufficiently specific and pertain to crimes covered by the accord.

While the treaty does not cover pure tax matters—since there are no tax laws in the Cayman Islands—it will apply to tax crimes that arise from the profits of any criminal matter covered by the treaty.

Mr. Speaker, the treaty has its origins in a 1984 Narcotics Agreement between the same parties, under which the Department of Justice has obtained useful documentary evidence pertaining to narcotics matters.

Last year, as chairman of the House Foreign Affairs Committee's Task Force on International Narcotics Control, I hosted a meeting with a delegation from the Cayman Islands. I expressed my appreciation for their cooperation under the 1984 agreement and indicated my hope that a full fledged legal assistance treaty would be finalized. The Cayman delegation in turn expressed their resolve not to have their financial confidentiality laws serve to protect narcotics traffickers from justice.

I am very pleased that we now have a Mutual Legal Assistance Treaty with the Cayman Islands. This treaty represents another positive step in our continuing war against drug traffickers. I hope that the Department of Justice will avail itself of the opportunity this treaty presents and that we will make every effort to go after those people who have used the Cayman Islands to launder the receipts of drug trafficking.

I also urge the administration to hasten its negotiations for similar treaties with other nations that have strict financial secrecy laws.

SOUTH AFRICA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. ACKERMAN. Mr. Speaker, there he goes again. Another rhetorical speech lacking any substance. President Reagan believes that South Africa is an economic locomotive whose progress must not be derailed. But, he fails to understand that the black laborer is the energy which fuels the engine and apartheid represents the tracks which guarantee that the train only serves the white minority.

In closing his statement, the President remarked that, and I quote, "Now is a time for healing." Mr. President, whose wounds are to be healed? Certainly not the blacks. You have done nothing to help relieve their suffering or remove the shackles which bind them. And now it seems that the power of the Botha government extends to our shores. In the face of Pretoria's taskmaster, this administration has abrogated its responsibility to guide our Nation along the proper path.

Mr. President, if this country moves down the tracks on which you have placed us, the only wounds which will need mending will be our own. I trust this Congress can correct the errors of this administration and avert a devastating turn of events for the United States and the people of South Africa.

CALVARY CHURCH OF GRAND RAPIDS, MI, CELEBRATES 57TH YEAR OF MINISTRY

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. HENRY. Mr. Speaker, the year was 1929. A medical doctor by the name of M.R. DeHaan was joined by several dedicated evangelical Christians in establishing an undenominational Protestant ministry in Grand Rapids, MI. Known as Calvary Church, its 57 years of service has reached well beyond the immediate western Michigan area and across the world.

Calvary Church first met in a theater building, then in the St. Cecilia Music Society Building—a historical landmark—and subsequently purchased an old school building on Michigan Avenue. As the congregation grew, Calvary Church built a large auditorium on the Michigan Avenue location which is a landmark to all Grand Rapids area residents.

Mr. Speaker, on August 3 of this year, Calvary Church will dedicate its new facility located at the crossroads of I-96 and East Beltline Road. The new auditorium will seat 2,300 persons—and separate provisions such as a nursery for 150 infants, a fellowship hall and banquet facilities for up to 800 individuals, and a new educational unit indicate the strength and vitality of this community of Christian believers.

From its very beginnings, Calvary Church has been committed to a program of missions and evangelization. The church presently raises $350,000 a year for the spread of the gospel around the world. Its media ministries such as the "Radio Bible Class" are known to millions of listeners.

Calvary Church is also known for its singing of "psalms, hymns, and spiritual songs with gratitude * * * to God." The renowned John W. Peterson was a former music director for this fellowship. Truly, "heaven has reached down and touched the souls" of scores of thousands of believers through the musical ministry of those who have shared in the life of this congregation.

Mr. Speaker, the people of Calvary Church would be the first to recognize that the vitality they have experienced throughout their history cannot be measured simply by the size of the church's budget or building facility. They would want me to remind you of the fact that a church is not just a building or human organization, but a body of individuals living lives in conformity with the Holy Scriptures and in obedience to Jesus Christ. I ask you, Mr. Speaker, and my colleagues in the House, to join with me in commending Calvary Church for its past years of service, and in wishing them God's richest blessing as they dedicate their new church facility.

PERSONAL EXPLANATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. GOODLING. Mr. Speaker, yesterday, I was unavoidably detained en route to Washington and did not arrive in time to vote on two important issues. Had I been present, I would have voted yea on both H.R. 5050, To Prohibit Social Security Trust Fund Disinvestment, and on House Joint Resolution 461, Impeachment of Judge Harry Claiborne.

CONGRESSIONAL SALUTE TO JOSEPH KARAN, SECRETARY-TREASURER OF LABORER'S LOCAL 185

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. MATSUI. Mr. Speaker, I would like to call to the attention of my colleagues the outstanding achievements of Joseph Karan as he approaches retirement from his post as Secretary-Treasurer of Laborer's Local 185 in Sacramento, CA.

Joseph Karan has an impressive history filled with hard work, dedication to ensuring constitutional rights for our Nation's citizens, and honest leadership. Upon graduation from Westinghouse High School in Pittsburgh, PA, Joseph joined the Army and served for 3 years. Following his duty in the armed services, Mr. Karan joined Laborers' Local 185 in 1948. It did not take long for Joseph's colleagues to recognize his leadership qualities and, in 1953, he was hired as a business agent for the laborers.

Twenty-one years later he was appointed financial secretary. Then in June of that same year, he was elected to that post and has held the position ever since.

Joseph Karan has been Local 185's driving force for voter registration. In addition, through, his positions of President of the Sacramento-Sierra Building Trades Council, member of the executive board of the Northern California District Council of Laborers and member of the board of Publishers of the Sacramento Valley Union Labor Bulletin, Joseph has proven to be an influential and dedicated leader of the labor movement.

Mr. Speaker, I would like to express my gratitude to Joseph Karan for his many contributions to the labor movement in California. I wish him a happy and satisfying retirement.

IN SUPPORT OF THE IMPOSITION OF SANCTIONS AGAINST THE SOUTH AFRICAN GOVERNMENT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. STOKES. Mr. Speaker, I rise today to express my deep disappointment with the Reagan administration's failure to develop a new and effective policy toward the eradication of apartheid in South Africa.

Mr. Speaker, the Congress and the people of the United States and most importantly, the black citizens of South Africa have been extremely patient with the Reagan administration. We have waited for Mr. Reagan's master plan of constructive engagement to bear fruit and improve conditions for blacks in South Africa.

But blacks continue to be killed, oppression continues, and the situation worsens with each passing day.

In his speech yesterday, the President essentially urged the Congress to "stay the course." It is, however futile and dangerous to stay on a course that will lead us to disaster.

It is time for the Reagan administration to admit that the policy of constructive engagement is a failure. It is time for the Reagan administration to concede that the imposition of economic sanctions are the only way that the United States can demonstrate that it is serious about ending apartheid.

It is evident that the United States Congress must assume leadership on this issue and therefore pass legislation to impose the strictest economic sanctions on the nation of South Africa.

We can wait no longer. The time to act is now.

GERALD J. LUONGO AT HELM OF VINELAND HIGH SCHOOL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. FLORIO. Mr. Speaker, I was pleased to learn of the recent appointment of Dr. Gerald J. Luongo as principal of Vineland High School in New Jersey. As chairman of the fine arts department at Vineland and one of my constituents from Turnersville, Gerry Luongo has exemplified a deep interest in broadening the learning horizons of his students as well as a firm commitment to excellence.

Gerry has dedicated his life to the teaching profession, helping his students excel in music and other fine arts. For the past 18 years, he has directed the fine arts department at Vineland and has been an inspiration to his students and his teachers. I wanted to share with my colleagues an article detailing Gerry Luongo's lifetime of experience in teaching and his many achievements. I extend to Gerry my heartfelt congratulations for his appointment and join the staff and students in looking forward to his leadership at Vineland High School. The article from the Italian Tribune News follows:

[From the Italian Tribune News, June 26, 1986]

LUONGO NAMED PRINCIPAL AT VINELAND HIGH SCHOOL

Dr. Gerald J. Luongo was appointed principal of Vineland High School in a 7-0 vote by the Board of Education.

During his 18 years as Fine Arts Department chairman at Vineland High School, Dr. Luongo and his students have earned numerous awards, including several gold medals in international choral competitions.

"We feel Dr. Luongo possesses the qualities and experience necessary to continue the leadership of Vineland High School," said Superintendent Carl Simmons after the appointment at a special board meeting. "He has a deep interest in the students at the high school and a commitment to excellence." The board has not yet come up with a replacement for Luongo.

Although the board interviewed nine candidates for the job, residents and nonresidents of Vineland, Simmons said Luongo was chosen for the $40,250 post because of his wealth of experience in teaching, supervision and as assistant administrator of the school.

Two board members, Rev. Joseph Donchez and Elizabeth Peters, were not present at the special noon meeting.

Luongo will replace Gerald Barry, a 34-year veteran of the local schools, when he retires in August. The two will work together throughout the summer.

"Jerry Barry has certainly put in a real career for the City of Vineland," said Simmons. "We've been fortunate to have him all these years."

Luongo, a resident of Turnersville, has chaired the Vineland High School Fine Arts Department since 1969. He began his teaching career in the Vineland Schools, and spent some time as a choral director for Mahwah and Hillsdale high schools before returning to Vineland.

"I feel elated, excited and very, very pleased that the board has enough confidence in me to give me the job," Luongo said. "I would have to say, after 25 years of making music, it will be difficult to walk out of this office."

Luongo earned an associate of arts degree in music composition from the Juilliard School of Music in New York; a bachelor of arts in music education (voice) and a master of arts degree in music education (conducting) from Trenton State College, and a Ph.D. in administration from Catholic University of America in Washington, D.C.

He is certified by the state of New Jersey as a music teacher K-12, Supervisor of Instruction, Supervisor Principal and School Business Administrator.

At Vineland High School, he has been supervisor of staff in Art, Music and Home Economics, preparing the yearly budget for the departments, and director of the internationally award-winning Select Choir and Madrigal Singers. Since 1981, he has been chairman of the Middle States Evaluation, Director of Student Activities and Supervisor of Faculty Advisors, Administrator in charge of Commencement, Field Trips and Fund Raising Activities, and a member of the district's curriculum committee.

In addition to winning myriad awards and honors for the Vineland High School music department, Luongo was assistant director of the South Street Seaport Dedication Ceremonies last year in New York City, and recipient of the Master Teacher Award and Governor's Award. He has directed all state, regional, district and county choruses in New Jersey, New York, Delaware and Massachusetts, and was choral judge in 1985 for the Mid-Atlantic Festival of Champions.

COSPONSOR BILL TO BLOCK UNILATERAL DISARMAMENT OF U.S. CHEMICAL WEAPONS FROM EUROPE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mrs. ROUKEMA. Mr. Speaker, together with Mr. FASCELL and Mr. PORTER, I have introduced a bill (H.R. 5142) that prohibits the production of binary chemical weapons. We intend to offer this measure as an amendment to the DOD authorization bill when it comes before the full House the week of August 4.

Last year, Congress fenced all funding for new chemical weapons until two main conditions were met: one, that the weapons proposed actually worked, and two, that our NATO allies approved their production. Neither condition has been met.

Since last year's action, several new developments have transpired which make it crucial for Congress to block all funding for new chemical weapons:

The United States agreed to withdraw the entire United States chemical deterrent force from Western Europe in return for West German acquiescence in NATO to the production of new chemical weapons. As a consequence, the United States will withdraw our chemical weapons 5,000 miles from Europe while the Soviet Union and its allies retain their stockpile of deadly chemical munitions only miles from NATO troops.

The GAO found that the Big Eye nerve gas bomb consistently fails to meet the Pentagon's own operational and safety standards. In their latest report, GAO concluded that the "Big Eye bomb is not ready for production" and that certain problems remain "intractable."

Last year Congress fenced all funding for chemical weapons until "a force goal of binary munitions has been formally adopted by the North Atlantic Council." Such a force goal has not been adopted by the Council, and yet the

Pentagon is prepared to go ahead with production.

Our bill would prevent the withdrawal of our chemical deterrent stockpile from Europe and block all funding for new chemical weapons. By blocking all funding for renewed production, we can save some $200 million this year and at least $2.6 billion over 5 years.

With our current deficit crisis, we should not fund weapons systems that the GAO has certified do not work, that our NATO allies state they will not deploy, and that we clearly cannot afford. I urge you to cosponsor H.R. 5142. For further background on this important issue, I encourage you to read the following July 19 National Journal article entitled "Chemical Weapons Rerun."

CHEMICAL WEAPONS RERUN

(By David C. Morrison)

When the request for funds to initiate production of new chemical weapons came up for debate last year, several Members of Congress used the same metaphor to express their frustration. It was time for "the annual nerve gas reruns," proclaimed Mark O. Hatfield, R-Ore., during the Senate's May 22 debate. "Here we are; back again." Chemical weapons colloquies "are like reruns of old TV series in which you can anticipate the dialogue," complained Marge Roukema, R-N.J., during the House's June 19 debate.

An attitude of weary déjà vu was understandable. Congress had been wrestling with the chemical warefare question since 1982, arriving at the same impasse every year. The Senate would approve production funds by a narrow margin twice because of tie-breaking votes cast by Vice President George Bush—only to see the proposal voted down by the House and die in conference.

It has been an uncomfortable controversy for most Members. "Chemical warfare is not a convenient political issue, and from the congressional viewpoint, the less said about it the better," Army Lt. Col. Hugh L. Stringer wrote in *Deterring Chemical Warfare: U.S. Policy Options for the 1990s* (Institute for Foreign Policy Analysis, 1986). "It is not surprising, therefore, that against a background of 20 years of embarrassment—testing accidents, stockpile management problems, the MK ULTRA CIA [covert drug experimentation] programs and human testing revelations—the Congress should be skeptical of chemical programs."

Last year, nonetheless, the chemical weapons ritual spun out to a different denoucement. After a complicated series of legislative maneuvers, conferees on an omnibus spending bill last December worked out a formula for the first new chemical munitions appropriation since President Nixon initiated a ban on their production in 1969. The agreement stipulated that funds for chemical weapons could be obligated only after the North Atlantic Treaty Organization (NATO) had approved production and the General Accounting Office (GAO) had certified the technical performance of the troubled "Bigeye" chemical bomb.

Seven months later, however, last year's patchwork chemical compromise is looking somewhat ragged. Some Members dispute whether the Regan Administration has satisified the NATO clause. Others are convinced that the Bigeye bomb is not, and may never be, ready for production, grounding their doubts on a devastating GAO report last May. Many also question the wisdom of a separate Administration agreement with Germany to remove all chemical weapons stockpiled in that country, which will not accept storage of the new binary weapons.

And so the stage is set for yet another rerun of the fractious legislative battle over chemical weapons. "We've inched towards the production decision each year, and last year we made a significant movement," said Rep. John M. Spratt Jr., D-S.C. "But there's still hesitation in going all the way."

POLITICAL CONTROVERSY

Notwithstanding political, military and technical disputes over the Administration's chemical weapons program, few Members of Congress and few defense experts question the need for some sort of deterrent response to possible Soviet use of chemical weapons. Likewise, notwithstanding disagreements between the CIA and the Pentagon over the likelihood of Soviet use of such weapons, it is generally agreed, as the Defense Intelligence agency reported last year, that the Soviets "have a wide range of chemical warfare agents and associated delivery/dissemination systems."

In contrast to its position on nuclear weapons, the United States has forsworn first use of chemical weapons because, Arms Control and Disarmament Agency chief Kenneth L. Adelman testified last September, "we do not rely on chemical weapons for the ultimate guarantee of our security as we do nuclear weapons." But as with nuclear weapons. Army Brig. Gen. Jerry C. Harrison told Congress last year, "only the President may authorize the employment of lethal chemical agents [in a procedure] very similar to our nuclear weapons release system."

The United States currently maintains a large stockpile of chemical weaponry produced before the 1969 production moratorium, estimated at 30,000-80,000 tons and stored at eight U.S. sites, one on Johnston Island in the Pacific and one in West Germany. Over the next decade, the Pentagon plans to spend $1.9 billion to destroy those munitions, $8 billion to buy defensive chemical gear and about $2.5 billion to produce a new class of binary weapons—in which two nonlethal chemicals are mixed to produce deadly nerve agents—in the form of 155-millimeter artillery shells, Bigeye bombs and warheads for the tactical Multiple Launch Rocket System.

There is nothing especially controversial about the roughly $800 million the Pentagon will spend annually on chemical protection. Nor do plans to "demilitarize" the existing stockpile of unitary chemical weapons arouse much opposition, save in those states where the deadly agents would be burned. The bone that sticks in Congress's craw, as always, is the binary component of the Pentagon's three-pronged chemical effort.

Earlier in the decade, opponents' arguments centered on their reluctance to cede the moral high ground by getting back into chemical weapons production after about 15 years of abstinence. Increasingly, however, the focus has shifted to questions about the technical feasibility of the new binary munitions and the fiscal wisdom and military necessity of replacing the existing weapons.

"It seems to me the opponents have come around to saying, 'Yes, we need a chemical retaliatory capability,'" said Thomas J. Welch, the deputy assistant Defense secretary for chemical matters, in an interview. "Once you say that, it seems to me the issues come down to safety. Either you're for safety or you're against it." Because the two components of binary munitions can be stored and transported separately, Welch said, they could be deployed both more quickly and with less fear of accident.

The safety issue played a leading role in last year's debate, especially in the floor speeches of Sen. John Glenn, D-Ohio, who contended that "all this argument is about" is a choice between "old and increasingly dangerous unitary canisters" and "new and safer binary shells."

Rep. John Edward Porter, R-Ill., a leading opponent of binary weapons who unsuccessfully attempted last year to eliminate all funds for the program, asserted in an interview that safety was a red herring. "Unitaries are not safe to move, but neither are high explosives, and we don't make those into binaries," Porter said. "Ammunition is dangerous, no doubt about it. But to say that the stockpile is in bad shape or unsafe is simply untrue."

The Chemical Warfare Review Commission, which President Reagan appointed last year, agreed, finding rumors of leaking unitary munitions to be "exaggerated and inaccurate." The number of leaking unitary artillery shells was "infinitesimal," the commission reported, only 6 per 10,000 rounds.

And, in an interview in the January 1986 issue of *NATO's 16 Nations*, Defense Secretary Caspar W. Weinberger stated that "the chemical-filled artillery rounds that are currently forward-deployed in Europe are in fact in excellent condition. They serve as our only deterrent capability until binary production has been completed."

Welch asserted that the condition of the unitary arsenal was irrelevant because the range and configuration of those older chemical weapons do not fit current requirements. "The way we fight in 1986 is different than the way we fought in Korea," he said. "We can't deter anybody with what we have left from the 1950s and 1960s."

ALLIED REACTION

Nevertheless, Weinberger's statement may come back to haunt him given the strongly negative reaction to an agreement Reagan reached with West German Chancellor Helmut Kohl during last May's economic summit meeting in Tokyo to withdraw the estimated 4,000 tons of chemical munitions stored in his country by 1992. Kohl has not, however, agreed to accept the new binary weapons.

"It's a one-sided agreement, as far as I'm concerned," complained House Foreign Affairs Committee chairman Dante B. Fascell, D-Fla., a binary weapons opponent. "Withdrawing the current unitary stockpile leaves us with a deterrent gap that's so obvious it's painful."

Even boosters of the binary program are dismayed by the prospect of pulling U.S. chemical stocks from their most important place of potential use. Retired Gen. Frederick J. Kroesen, former U.S. Army commander in Europe and head of a 1985 Pentagon-contracted chemical weapons study, said in an interview, "If you're going to have forces deployed, the armament that they need to be most effective should be with them."

Washington attorney John G. Kester, a former Army official who served on last year's Chemical Warfare Review Commission, also called it "a mistake to take the existing weapons out of Germany until we have something to replace them with." Somehow, he said, "the goods got sold; it was a political misjudgment."

The Pentagon's Welch argued that the removal agreement was driven by Congress's requirement last year that all unitary muni-

tions be destroyed by 1994. Congress allowed 10 per cent of the stockpile to be retained if sufficient binary weapons were not on hand. But, Welch said, "I hope we don't have to exercise that option."

He also said it made more sense to have a central stockpile of binary weapons in the United States than to build up a larger arsenal and store it globally for Third World conflicts. Because binary weapons offer fewer safety and security complications, he said, "it's easier in some cases to deploy [them] from the States to Europe than to get [unitary] munitions from their depots in Europe onto trucks and to the front."

As always, the devil is in the details. The U.S. reportedly plans to produce 410,000 155-millimeter binary shells, 608 of which could be moved to Europe in a single sortie by a C-141, airlifter, and 44,000 Bigeye bombs, 60 of which could be lifted in one sortie. At that rate, the entire U.S. fleet of 270 C-141s would have to make more than five sorties each to move the binary stockpile to Europe, at the very time when the need to transport thousands of reservists and thousands of tons of matériel—including neutron weapons, which the NATO nations have also refused to accept—would be making urgent demands on limited airlift capabilities. Deploying the binary weapons by sealift would probably take too long unless NATO approval could be secured very early in a burgeoning crisis.

In that event, politics might be even more crucial than logistics. Last June, Spratt successfully attached language to the House defense authorization bill stipulating that the NATO nations must agree to accept storage or deployment of the binary weapons. Porter warned at the time that the NATO clause was "smoke . . . it will simply not be in the conference report when it comes back." That turned out to be the case. "In all candor," Spratt conceded in an interview, "we relaxed the requirements that we originally imposed on NATO considerably in the process of the conference."

So when the House Appropriations Subcommittee on Defense walked into conference with its Senate counterpart last December, it carried with it the same language on binary weapons that the House had brought into the authorization conference. In their compromise, the conferees stipulated that a "force goal" stating the requirement for the weapons must be "formally adopted by the North Atlantic Council," NATO's highest political body.

"We were very insistent that the [council] be in there," said a House aide to a binary opponent, while the Pentagon "was very insistent on having the word 'force goal' in there." As it happened, that formulation created a curious diplomatic conundrum. Because the foreign ministers of France and Spain, which are not party to NATO's military planning, sit on the North Atlantic Council, that body does not pass on defense force goals. That task falls to the Defense Planning Committee, a regular gathering of NATO defense ministers, which last May "took note" of the binary force goal, the pro forma procedure by which it traditionally addresses such matters.

While the Administration's failure to take the issue to the North Atlantic Council elicited a protest from 10 members of the Senate Appropriations Committee, led by chairman Hatfield, that it was trying "to flout the congressional directive," Welch asserted that the congressional language was simply "technically incorrect." The Administration, he said, met its requirements "not only in spirit, but also the appropriate NATO body at the highest level has passed the force goals."

Porter objected, however, that "the language is very specific calling for formal approval by the North Atlantic Council. The [council] is a political body; if we'd wanted to designate military people in the law, we would have."

The fact that 6 of the 15 NATO nations represented at the May meeting expressed opposition to or reservations about the binary program has also generated some disquiet. Referring to caveats registered by the Netherlands, for instance, Spratt noted that the main transshipment point for chemical weapons would be Rotterdam. "If the Netherlands is saying they are opposed to the storage of chemical weapons there," he wondered, "are they also opposed to offloading them there?"

TECHNICAL DISPUTES

Along with the logistical and political questions, technical issues abound. In May, the GAO delivered yet another stinging report on Bigeye, citing flaws in the testing procedures. In 1982, for instance, a Bigeye bomb exploded during a test when high temperatures drove up internal pressures. This prompted the Pentagon to adopt a new delivery technique that prevents the binary chemicals from beginning to mix until after the bomb has been launched toward its target. But the GAO said that all mixing tests since 1982 have been unrealistically performed with a pressure valve on the bomb.

The GAO also contended that the nerve agent in Bigeye was subject to "flashing," or burning when released, and that there were serious problems with the nerve agent's purity and persistence (staying power). While further developmental tests may resolve some of Bigeye's problems, the GAO concluded, "other questions appear to be intractable and not likely to be solved." It recommended that other weapons be developed in its place.

Welch takes issue with the GAO's conclusions. "Over the last four years," he complained, "opponents of chemical weapons have sponsored more GAO manyears of efforts to criticize the [binary] program than we have expended" in running it. The GAO's charges all involve "nonproblems," he said. The pressure valve on the test bombs is set well above the pressure thresholds the weapon would encounter in actual use, flashing is not an issue because Bigeye contains no high-explosion burster to ignite the agent, and the levels of agent purity and persistence that the GAO demanded amount to little more than "gold-plating," Welch said.

He also complained that the GAO did not look at the results of operational tests concluded in February using nonlethal simulants. The Navy encountered 17 successes out of 20 bomb drops and the Air Force, 12 out of 15. The failures, which he attributed to faulty air turbines and nose fuses, should be ironed out in a second round of operational tests slated for this fall, he said.

Finally, Welch said, the Pentagon is aware that other nations are researching binaries. He could not discuss the details of the intelligence reports, he said, but "it is reassuring to note that they have successfully developed and tested binary munitions." The most likely suspects are France, which maintains a small chemical arsenal, and Great Britain, which has no declared arsenal but has long maintained a robust chemical research effort.

Porter retorted that "attacking the GAO is a very thin tactic." Its credibility, he said, "is far greater than either the House of Representatives or the Department of Defense [and it] said that the state in which they found this weapon system was absolutely disastrous."

The binary artillery shell also has its critics. Saul Hormats, who directed chemical weapons development at the Edgewood Arsenal in Maryland until his retirement in the mid-1970s, rapped the weapon's "Rube Goldberg" design. "My prediction," he said, "is that when a binary munition hits the target, it will be a 'whoosher.' The gas will go up above the heads of the [enemy] troops and will go off target and kill civilians."

Not so, Welch said. "We have fired hundreds of this 155 shell with simulant—liquids of the same viscosity—and there is simply nothing unacceptable about the way it functions." Hormats, he said, "may have experienced in earlier models some of these problems, but it's certainly not something now."

STRATEGIC FIT

Similarly contentious issues have also been raised about how binary munitions mesh with military doctrine. While the binary weapons are often presented as an alternative to nuclear retaliation against Soviet chemical use, some worry about the potential they afford for unintended nuclear escalation.

"Bigeye is delivered from 500 to 300 feet up, and 15 per cent or more of the VX [nerve agent] is in a very fine mist and will drift downwind," asserted Harvard University biochemist and chemical warfare expert Matthew S. Meselson. "That stuff, when inhaled by civilians, is incredibly lethal. A war gets to be perceived as antipopulation, and things get very out of control." Chemical warfare, he concluded, "is a kind of banana peel upon which you can slip into nuclear warfare."

Responded Welch: "Matt fails to say out front that the United States will not be the first to use chemical weapons, that when the Soviets lay down chemical weapons, there will be collateral damage." Since World War I, chemical agents have been used only against nations that cannot retaliate, he said, and so "the best way to eliminate civilian casualties is to have a credible chemical capability."

Meselson, who believes in retaining a chemical deterrent but thinks binary weapons are a needlessly complex and expensive expression of the "technological imperative," also contended that the VX agent dispersed by Bigeye is "very much overrated" because it is too viscous to penetrate clothing. "If you deposit 5 grams per square meter—which is a lot—on men protected only by gas masks and gloves, you'll get only a few per cent casualties," he said. "But Bigeye . . . puts down only 0.1 gram. If you're fighting against troops in short pants in Asia, it's very effective. But against Soviet troops in standard fatigues, it's not."

The issue is an important one. The major goal of chemical warfare, besides producing physical and psychological casualties and denying terrain, is to drive the enemy into encumbering protective gear. If the chemical agent is easily defended against, the point is lost.

Welch denied that VX will not soak through clothing. VX, according to Kester of the chemical warfare commission, "is some mean, nasty stuff. To say that you

could dump some on a Soviet airfield and they wouldn't be affected is difficult to accept."

Meselson's argument that using strike aircraft to deliver Bigeye munitions is a waste of scarce resources is more widely accepted, however. Last year's review commission said Bigeye was "not the optimal solution" for longer-range battlefield delivery and urged development of binary-armed missiles. According to Rep. Ike Skelton, D-Mo., who fought for acceptance of the binary program during last year's House floor debate, "We ought to keep the Bigeye and view it much as we view the B-1 bomber—as an interim weapon. We need modernized missile delivery systems."

The House Armed Services Committee's fiscal 1987 defense authorization bill would delete all but $10 million of $72.2 million requested for Bigeye, require further operational tests and direct the Defense Department to compare the bomb's efficacy with that of a missile system. Its Senate counterpart, however, declared itself "satisfied" with Bigeye's technical performance and approved its production.

The House panel's proposal is but one of the many chemical weapons matters that Congress will have to address this year as it goes for its fifth rerun on binary munitions. The NATO consultation and European deployment issues will receive their share of attention. "The interesting thing to me is whether the consensus that emerged last year about the desirability of engaging NATO in this process will reform this year," commented Brad Roberts, a chemical weapons expert at Georgetown University's Center for Strategic and International Studies.

"It made for some strange bedfellows; Different people wanted different things out of this process," Roberts said. "Some wanted [consultation] to torpedo U.S. plans. Some wanted it in the interest of NATO political health so [the binary issue would not] blindside the alliance the way nuclear modernization did."

Bigeye will again be a major focus in the debate this year. Last month, based on the GAO's negative findings, Sens. David Pryor, D-Ark., and Slade Gorton, R-Wash., secured 20 signatures on a letter to Weinberger urging withdrawal of funds requested for Bigeye.

"For anyone to think that the Russians are going to think the Bigeye is a suitable way to deliver binary gas," Pryor said, "they are not going to be fooled. This is not going to deter anything."

Gorton, who last year for the first time voted in favor of the program, has now changed his mind. "What tipped me over on this one," he explained, "was the GAO report that what we have produced so far was not adequately tested and may not be safe to the people who would use it." Also, he said, citing Weinberger's comments published in *NATO's Sixteen Nations*, "to a certain extent, Congress was misled as to the condition of the existing weapons."

Welch, for his part, is confident that this year's chemical rerun will end much like last year's, with a decision to proceed. "I think most in the Congress believe this is behind them and don't want to bring out the old arguments again, especially in an election year," he said. The GAO report, however, was "unfortunate," he added. "They have put the requirement back on us now to put the word out on the Hill that these are nonproblems."

GILMAN DISCUSSES DRUG TRAFFICKING WITH MEMBERS OF THE EUROPEAN PARLIAMENT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. LANTOS. Mr. Speaker, the problems of narcotics trafficking, production, and consumption are not confined to any one nation. This premise was hammered home last month when Members of the United States House of Representatives met with members of the European Parliament in Santa Fe, NM.

Narcotics abuse was an important item on our agenda. Our European friends who are recognizing the seriousness of the problem shared their ideas on how to combat this deadly menace. Their perspectives differ from ours in some respects and the interparliamentary exchange is an excellent medium for mutual enlightenment on this difficult subject.

On the American side, the principal contribution was made by the distinguished cochairman of our delegation, Representative BENJAMIN A. GILMAN, ranking minority member on both the Select Committee on Narcotics Abuse and Control and the Subcommittee on Europe and the Middle East of the Committee on Foreign Affairs.

In an effort to share with my colleagues the dangers that narcotics trafficking and drug abuse present to nations on both sides of the Atlantic Ocean, as chairman of the House delegation which met with our European counterparts, I am delighted to insert at this point in the RECORD the complete text of Representative GILMAN'S statement:

STATEMENT OF REPRESENTATIVE BENJAMIN A. GILMAN

The very survival of certain Latin American nations are threatened. In some countries, the central regimes are no longer able to control their own territory and their capitals are subject to armed attack by narcoterrorists. There are also reports that government officials are involved in illicit drug and arms trafficking and money laundering. In certain regions, cocaine and heroin have become an international currency . . . a means to conduct business and to run corrupt governmental institutions.

In the United States alone, drug trafficking is estimated to be at least a $110 billion per year illicit activity, and the worldwide figure, which no one really knows, is astronomical. During our fiscal year 1985, our Federal Drug Enforcement Administration (DEA), in cooperation with other Federal, State, and local law enforcement agencies, seized 446 kilograms of heroin, compared to 346 kilograms of heroin seized in FY 1984. The amount of cocaine seized during this period increased by 50 percent: from 11,742 kilograms of cocaine seized in FY 1984 to 17,742 kilos seized in FY 1985.

Europe has also felt the debilitating effects of the increased production of illicit drugs and the constantly shifting trafficking patterns of the drug dealers. The increasing volume of cocaine entering Western Europe, coupled with the abundant supplies of heroin, hashish, and other psychotropic substances, presents Europe with a grim picture. Cocaine seizures have grown from less than one kilogram 15 years ago to well over a ton at the present time, and heroin seizures continue to mount as well. Early this month, Dutch police announced the seizure of 220 kilograms of heroin which is believed to be one of the largest seizures of heroin in Europe.

The number of heroin addicts in Western Europe has been conservatively estimated in the 350,000 range, and in the United States, the number of addicts exceeds 500,000. There are an estimated 60,000 to 80,000 heroin addicts in Great Britain; Paris alone reports 20,000 addicts. Approximately 200,000 heroin addicts reside in New York City.

Furthermore, the drug traffickers have become ruthless in their operations. The Minister of Justice of Colombia was assassinated two years ago; the judge who was investigating this murder was gunned down; and last year, 12 members of Colombia's Supreme Court were murdered in the Palace of Justice. An American Drug Enforcement Administration agent was kidnapped and brutally murdered in Mexico, and 19 coca eradication workers were murdered last year in Peru. The list goes on and on.

The traffickers have also become more brazen in their actions. Recently, leading drug traffickers in Colombia attempted to negotiate a deal with the Government prior to the Presidential elections. In an open letter to the Colombian press, they offered to finance Colombia's $13.5 billion foreign debt, transfer funds from foreign banks to Colombia, and surrender their cocaine processing laboratories in that nation in return for a guarantee that they would be prosecuted in Colombia, where they expect to receive more lenient treatment. Last March a major drug trafficker and prime suspect in the murder of our DEA agent in Mexico recently bribed 18 Colombian prison guards with about $2 million and walked to freedom from a Bogata jail. He escaped to his native Honduras which does not extradite its nationals. The director of prisons in Colombia reportedly resigned.

We can and must put an end to these criminal dealings, and there are bright spots which give some hope that our efforts have not and will not be in vain. Traditional drug producing nations are now beginning to realize that their own populations are falling victim to drug abuse. Some nationa, including Colombia, Peru, Jamaica, Pakistan, Burma, and Thailand, have initiated strong anti-narcotics programs, but they desperately need our continued assistance.

One such mechanism for cooperative support is the United Nations Fund for Drug Abuse Control (UNFDAC). Since 1971, when the U.N. Drug Fund was created, UNFDAC, whose budget is derived from voluntary contributions from nations of the international community, has been working closely with drug producing nations to develop drug eradication and crop substitution programs. Financial support from member States of the United Nations to help underwrite these programs is crucial, and I am happy to say that the news is encouraging.

Although in 1984, only 39 of the 159 member nations of the United Nations contributed a mere $12 million to the U.N. Fund, contributions for 1985 more than doubled to $24.4 million, and participation increased to 53 nations, or one-third of the U.N. membership. In addition, it is important to note a first time contribution of $20,000 from the Peoples Republic of China. Finally, there is the strong support received in 1985 from some member nations of the European parliament: Denmark ($15,789), the Federal Republic of Germany

($1,615,384), France ($187,500), Greece ($7,000), Italy ($10,280,899), Portugal ($10,000), Spain ($61,728), and the United Kingdom ($5,289,876). While these figures are most encouraging, it still must be noted that only 10 nations have accounted for 96.3 percent of UNFDAC contributions since 1971. We must continue the upward surge in contributions, from the entire family of nations, and in this regard, I urge all of us to encourge our respective governments to contribute to UNFDAC and to support its drug-related projects.

Another key ingredient in the global war against narcotics trafficking and drug abuse is the formulation and implementation of comprehensive regional and global drug strategies to eradicate the illicit production of drugs at their sources, to interdict drug trafficking, to educate the public as to the dangers of drug abuse, and to treat and rehabilitate those indiviudals who are dependent upon drugs. In this regard, the Organization of American States (OAS) met for the first time at a special narcotics conference that was held in Rio de Janeiro last April and agreed to join with us in preparing a strategy to combat drug trafficking throughout the Americas and to formulate an Inter-American Commission for Drug Control.

Recently Law enforcement officials from the Andean Pact nations of Colombia, Venezuela, Ecuador, Peru, and Bolivia signed an agreement calling for better cooperation to halt the volume of narcotics trade in the region. The treaty calls for participating nations to coordinate drug raids along their borders, to develop extradition agreements for drug traffickers, and to legislate similar jail terms for convicted smugglers.

On another front, just three weeks ago, the Chairman of our House Narcotics Select Committee, Congressman Charles B. Rangel, and I participated in the 26th Mexico-United States Interparliamentary Conference that was held in Colorado Springs, Colorado and offered a resolution, which was adopted by the delegations from both nations, establishing a joint Mexico-United States Intergovernmental Commission on Narcotic and Psychotropic Drug Abuse and Control. The Commission, which would include members of the Mexican Parliament and members from our Congress along with members of the Executive Branch of both governments, would review the problems of narcotics production and trafficking in both countries as well as joint efforts to prevent drug abuse. The Commission would also make recommendations to improve the effectiveness of narcotics control.

With regard to reducing the demand for drugs, under the leadership of Chairman Rangel, our Narcotics Select Committee has sponsored legislaton that would provide $750 million a year for five years in grants to our State and local governments to develop drug law enforcent, treatement, rehabilitation, and education programs. Another legislative proposal, H.R. 4155, the Drug Abuse Education Act of 1986, would provide $100 million a year for five years in grants to local communities to help develop drug education programs in our schools.

We are also expanding the involvement of our military to assist civilian law enforcement authorities in combatting the drug traffickers, but it is clear that we need to do much more to interdict the vast quantities of heroin, marijuana, and cocaine that are penetrating our defenses and entering every city, town, and school district in our nation.

In an effort to increase the use of our military to combat the drug traffickers, President Reagan recently signed a secret national security directive that defines drug trafficking as a national security threat and permits our military personnel to help foreign governments plan operations against narcotics traffickers, to transport foreign police to attack sites, to support regional anti-drug operations, and to elevate narcotics trafficking to a higher priority on our defense agenda.

On a personal note, I recently had the opportunity to meet with the distinguished Chairman of the European Parliament's Committee of Inquiry on Narcotics, Dr. Marietta Grannakou-Koutiskou, and the distinguished Rapporteur of that Committee, Sir Jack Stewart-Clark, during their recent mission to the United States to discuss with us efforts to combat the illicit production, trafficking, and consumption of drugs. I understand that the Committee's report will be debated this October and I look forward to learning its recommendations.

I certainly do not want to intrude on the internal matters of another parliamentary body, but when the European Parliament's Drug Inquiry Committee completes its report, I hope that my distinguished colleagues from across the Atlantic will consider the idea of continuing the Drug Inquiry Committee, or in the alternative, to establish a narcotics committee to monitor the drug situation in Europe and to recommend initiatives to combat this deadly menace. Narcotics trafficking and drug abuse are too important to be relegated to the backburner of our agendas, and there is an urgent need, I believe, for the European Parliament to have an ongoing committee to help formulate a comprehensive, coordinated European drug strategy. Such a committee could also work with our House Narcotics Select Committee to exchange information and ideas, to help raise the consciousness of the public as to the dangers of narcotics trafficking and drug abuse, to help formulate legislative initiatives, and to prod our repsective national governments to elevate drug-related issues to a top priority on the agendas of the Executive Branch.

A comprehensive, coordinated transatlantic drug strategy is crucial if we are to win the war against the narco-terrorists. The threat is real, the challenge is difficult, and time is short. Let us use this opportunity to join together to combat narcotics trafficking and drug abuse. The health of citizens everywhere require it; the survivial of our institutions depend upon it.

Thank you, Mr. Chairman.

CONGRESSIONAL SALUTE TO BOB LENT: 1986 AGRIBUSINESS PERSON OF THE YEAR

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. MATSUI. Mr. Speaker, it is with extreme pleasure that I honor here today the Sacramento Metropolitan Chamber of Commerce 1986 Agribusiness Person of the Year, Mr. Bob Lent. He has served the Elk Grove community with the highest degree of dedication—not only to agricultural interests, but to civic and social interests as well.

Mr. Lent is a fourth generation California farmer. He has been involved in agriculture as a livelihood and a family tradition for all of his life. In 1939, his father began farming on 900 acres of unimproved land in Elk Grove, and since that time the Lent family business has grown and prospered.

Mr. Lent's service to the community has also been a lifelong activity. At the age of 18 years, he was elected chairman of the local California Farm Bureau Young Farmers and Ranchers. That was just the beginning of his distinguished career of service in State and local agricultural organizations. He is particularly enthusiastic in his work with young people. That work enables him to pass on his valuable agricultural expertise and to provide an exemplary role model for the young to follow.

Perhaps the simplest and highest tribute to Mr. Lent comes from a colleague with the Sacramento County Farm Bureau: "Bob is a very community-minded person and a very caring person. He just doesn't say no when someone needs him or asks for help."

Mr. Speaker, I congratulate Bob Lent on being named 1986 Agribusiness Person of the Year and commend him on his service and dedication to his community.

THE POLLEY FAMILY REUNION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. STOKES. Mr. Speaker, on behalf of the residents of the 21st Congressional District, State of Ohio, I would like to take this opportunity to salute the Polley family on this, their third biannual family reunion in dedication to the late Dr. William E. Polley. I ask that we take a moment and reflect on the warmth of this beautiful family's tree of love, and the vitality of their devotion and unselfishness.

Mr. Speaker, I am extremely proud of the Polley family's endurance of many trials and tribulations. Through it all, they have been spared once again to commune in fellowship and love to celebrate the tradition of many generations.

I ask my colleagues to join with me in extending heartiest best wishes to the entire Polley family on this joyous occasion and dedicate this poem, entitled "Tribute," to this outstanding American family.

TRIBUTE

It's so nice to see all the folks you love together.
Sitting and talking about all the memorable yesteryears.
Family reunions are like a Golden Chain,
The links are relatives so close and dear.
And like rare and precious jewels,
Their love is measure more each year.
Family members' love is deep and true
And it's rich with happy, loving memories.
And fond recollections, too.
The Golden Chain of Family Love
Is a strong and blessed tie,
Binding kindred related hearts together
As the years go passing by.

GREECE IMPROVES TRAVELER SECURITY AND FIGHTS TERRORISM

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. BROOMFIELD. Mr. Speaker, I want to take this opportunity to commend the Greek Government for undertaking programs to improve traveler security. Recent Greek Government actions also indicate a greater concern about the threat of international terrorism.

In the aftermath of the hijacking of the TWA flight last summer, and the U.S. Government's travel advisory concerning that country, Greek airport authorities undertook a major security enhancement effort at Athens Airport.

According to a member of my staff on the House Foreign Affairs Committee, who is a member of a staff task force which recently returned from an inspection of security measures at Greek airports, the Port of Piraeus and our Embassy in Athens, Greek officials are providing excellent cooperation with United States carriers in conducting redundancy or secondary passenger and baggage screening efforts.

New x-ray and metal detector units were installed and additional airport security personnel were added. More thorough passenger and baggage checks were instituted. Guard towers are being constructed and a new airport perimeter fence is nearly completed. Police vehicles and armored cars can now be seen patrolling on the tarmac near parked airliners.

Greek officials recently decided to participate in the Department of State's antiterrorism assistance program which provides training and equipment to airport security personnel. Most importantly, Greek Government officials now have a far more positive attitude toward improving security at Athens Airport in light of the massive decline in tourism in the aftermath of the TWA hijacking and bombing incidents, and the general concerns about terrorism in the Middle East.

Following the hijacking of the Italian *Achille Lauro* cruise ship and the tragic murder of Leon Klinghoffer, the Greek cruise industry suffered a 70-percent decline in the number of passengers taking cruises. Now, however, cruise line security has been dramatically improved. Access to the cruise line area at the Port of Piraeus is controlled by Greek officials. Armed guards control the dock area. Passengers boarding cruise vessels are checked with metal detectors along with their luggage. In addition, passengers are required to wear identification badges and suspect passengers who fit a typical "terrorist" profile may be denied boarding.

Greek cruise ships now have emergency plans and security teams onboard to ensure that no incidents occur.

The Greek Government is interested in working with the United States in a joint initiative at the next International Maritime Organization meeting in order to present a plan for better port security. Andreas Potamianos, a Greek cruise line owner, is to be given much of the credit for quickly moving to upgrade the security onboard Greek cruise ships. The ship owners unilaterally imposed the security measures outlined in a draft International Maritime Organization [IMO] agreement to be considered at the upcoming IMO meeting. Shipboard security is basically the responsibility of the cruise lines.

The Greek-United States initiative would highlight the need for a commonality in port security and a mechanism for enforcing compliance with those port security standards.

In the aftermath of Libyan terrorist activity in Europe this year, the European Economic Community [EEC] agreed to take certain steps against the Libyan People's Bureaus in various European countries. In complying with its obligations as an EEC member to reduce the size of Libyan diplomatic missions, Greece recently announced that the Libyan People's Bureau in Athens would reduce its staff by 15 to 20 people.

In a recent speech, President Papandreau commented that his country would "confront terrorism decisively and effectively."

I also want to commend Greek security officials for their excellent support of the American Embassy in Athens. During the recent wave of terrorism in Europe, Greek officials provided timely and ample security support to the Embassy and related United States diplomatic offices.

The Greek Government is to be commended for the progress it has made in improving the security of travelers in that country. It is fair to say that United States travelers in Greece now travel in an environment that is far more secure than in previous years.

I am encouraging our Government and President Papandreau to continue to work together to improve traveler security in Greece and to work together in facing up to the threat of terrorism.

THE PLIGHT OF SOVIET JEWS

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. FAZIO. Mr. Speaker, I rise today to comment on the present plight of the Jews in the Soviet Union and to protest the growing campaign of antisemitism in that country. Opportunities for Jews to advance in Soviet society have been radically circumscribed and Jewish emigration barely exists. Jews are being persecuted merely because they are Jewish. This is intolerable and deplorable.

In recent years, Soviet authorities have cut Jewish emigration to a trickle. The exodus rate has recently plunged to the lowest level in nearly a quarter of a century. In 1985, only 896 visas were granted versus the 51,000 granted in 1979. The predictions for 1986 appear to be even lower—331 people were granted visas for the first 5 months of 1986—25 percent below last year's figures.

Paralleling this decline has been a sharp increase in officially sanctioned antisemitic campaigns directed at Soviet Jewish refuseniks. Discrimination permeates the economic, social, and religious lives of the Jews in the Soviet Union. They suffer from restrictions in jobs, schooling, and all aspects of Soviet life. They are victims of state-sponsored, institutionalized racism. Innocent citizens are being persecuted for their very virtues: their curiosity to learn the Hebrew language, their courage to teach it, and their audacity to request emigration to Israel. They adhere to their beliefs in a society that suppresses Jewish consciousness and culture.

We must commend them on their determination, yet mere approbation is not enough to relieve them of their misery. We must do more than just acknowledge their efforts to shed the shackles of oppression; we must aid them in their cause. We cannot tolerate the fact that the Soviets are not adhering to international treaty obligations like the Universal Declaration on Human Rights of 1947 and the Helsinki Final Act of 1975. Refusing prospective emigration applicants the necessary forms is in direct violation of the spirit of these treaties.

We must convey to the Soviet Union that such behavior is intolerable. We have such power. We can make a difference. We must continue our support of the refusenik cause, because if we do not, the refusenik have no lives to continue.

In closing, I would like to leave you with Leopid Feldman's account of a fellow refusenik's plight: When Isai Goldshtein was released from prison, the guard took him to a room filled with letters addressed to him and said, "You'll never read these, but the moment they stop coming, you will die." It is for this reason that we must make clear to the Soviet authorities that we know, that we care, that we will not forget.

MEXICO—A NEIGHBOR IN CRISIS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. UDALL. Mr. Speaker, this is the seventh in a series of articles that I will be submitting over the course of the next several weeks that will illustrate the current crisis in Mexico.

I feel it is critically important to remember that Mexico is not some distant trouble spot, but rather, our friend and valued neighbor to the South.

Yesterday, Mexico took a big step toward solving its huge debt crisis. Mexico signed a $1.6 billion rescue agreement with the International Monetary Fund, which triggered a promise of $2 billion in World Bank loans. Today's article by Stuart Auerbach, observes that the commercial banks are still somewhat reluctant to loan Mexico more money until the issue of capital flight has been addressed. The reaction of the banks is critical to the success of the IMF-Mexico accord.

The article follows:

[From the Washington Post, July 23, 1986]

MEXICO, IMF SIGN ACCORD

(By Stuart Auerbach)

Mexico signed a $1.6 billion rescue agreement with the International Monetary Fund yesterday that immediately triggered the promise of $2 billion in World Bank loans and intensified pressure on commer-

cial banks to provide more money to help the country through its current debt crisis.

"The effective implementation of Mexico's courageous efforts to deal with its problems will require the full cooperation of Mexico's commercial creditor banks in Europe, the U.S., Japan and elsewhere," said World Bank President Barber Conable.

His view was echoed at a signing ceremony at the Mexican Embassy by IMF Managing Director Jacques de Larosiere, who called for a "major cooperative effort" by the world financial community "to provide the necessary resources."

Major money-center banks remained noncommittal yesterday, saying they had not been informed about details of the latest rescue plan, which became necessary as Mexico's financial plight worsened because of the sharp drop in the price of oil, its major export. Representatives of the banks said they are unsure how much new money Mexico will want from them, although most sources believed it would be in the $5 billion to $6 billion range over the next two years.

The commercial banks, which hold a large part of Mexico's $98.7 billion debt, the second largest in the developing world, will learn details today in New York from Mexico Finance Minister Gustavo Petricioli, who signed the loan agreements with the IMF and World Bank yesterday.

"The banks are not going to do anything until they take a careful look at the agreement," said one banker. Others raised the question of capital flight, believed to be a major cause of Mexico's debt problems, and said the banks are not likely to pour new money into that country unless they are convinced that it will shape up its economy.

But Treasury Secretary James A. Baker III, who was a behind-the-scenes force, along with Federal Reserve Board Chairman Paul A. Volcker, in forging the agreement between Mexico and IMF, praised the Mexican government's growth-oriented" economic program.

The agreement appears to be the first successful application of Baker's debt initiative, unveiled in October, to provide for recovery for debt-strapped Third World nations without subjecting them to an IMF austerity program. Key elements of the Baker initiative are the increased participation of commercial lenders and a larger role in the debt crisis for the World Bank.

In a statement issued by the Treasury Department yesterday, Baker singled out "wide-ranging structural reforms" in Mexico's agreement with the IMF that he said were designed to increase the efficiency of the public sector, promote trade liberalization, reduce subsidies to make prices conform to the marketplace and allow more foreign investment.

De Larosiere said the objective of the new agreement "is to help Mexico deal with its economic imbalance, which has been intensified as a result of the oil price drop. We expect this program to lay the basis for a return to economic growth in Mexico."

The new agreement is precedent-setting in at least two ways: it provides for a contingency investment fund to boost the Mexican economy if growth falls below 3.5 percent next year, and allows for extra financing if the price of oil drops to a level between $5 and $9 a barrel.

The reaction of the banks is critical to the success of the plan.

While U.S. banks are under pressure from Baker and Volcker to join in, they are reluctant to become more vulnerable there than they already are. But without their participation, the banks are unlikely to recover the more than $75 billion that Mexico currently owes them, representatives of the banks said.

The most reluctant to loan Mexico more money are small- and medium-sized banks that joined in the syndicates in the late 1970s at the urging of the money-center institutions that are the major lenders.

Petricoli will present details of the IMF agreement to 150 major bankers at a dinner tonight a New York's Hotel Pierre. "It will be a long meeting," predicted one banker. "There will be a long presentation by Mexico and then there will be a lot of questions."

Among the banks invited are the 13 members of the steering committee representing about 700 private creditors. The cochairman of that group. Citibank Vice President William Rhodes, will meet with Mexican negotiators Thursday. The negotiations could take weeks, banking sources said.

Many questions bankers said they will be asking Petricioli, who will be making his first appearance before the world banking community as finance minister since Jesus Silva-Herzog was fired from the job last month, concern Mexico's plan to reform its economy.

"That will be a key question since we are being asked to spend more money," said one banker. "We don't want the money to flow out in capital flight. We want citizens to bring money back in. They will only do that if they think the economy is strong."

Bankers said they will also ask Petricioli if Mexico has tapped other sources of funds, including cash-rich Japan. In April, Silva-Herzog went to Tokyo seeking cash and investment, and there have been reports in the Japanese press that Japan will provide $1 billion.

NEW LIVES FROM TRANSPLANTS

HON. FRED J. ECKERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. ECKERT of New York. Mr. Speaker, organ transplants are the object of much public interest these days as the result of encouraging advancements, public appeals and controversy about donors and recipients and recommendations of a government task force on policies and practices. Transplants are on the frontier of medical progress and have given new life to many patients whose prognosis was otherwise bleak.

There are now more than 100 regional organ procurement agencies across the country, each serving people of their own areas and coordinating efforts to serve patients in need elsewhere. One of these is the University of Rochester Organ Procurement Program which serves a nine-county area in western New York that includes 30 hospitals. The university program works with hospital administrators to carry out organ procurement and transplants, conducts educational programs for the medical staffs and provides 24-hour service to evaluate donors and arrange for transplantations to suitable recipients.

The University of Rochester Transplantation Program of kidneys has been in existance since 1966 with transplantation of over 370 kidneys. The procurement program has also obtained hearts, livers and pancreases for both transplantation and research at the university and at other medical centers throughout the Nation.

These humane efforts are abetted by a number of community agencies: The Kidney Foundation of Upstate New York, the Rochester Chapter of the American Liver Foundation, the American Red Cross, and the Rochester Eye Bank. These organizations carry out a variety of public educational projects to illuminate the purposes and achievements of the organ procurement program.

This organizational structure is obviously important to the success of the organ transplant program, but the system still remains critically dependent upon the decisions of individual donors. No circumstances are more poignant or moving than those of one family participating in the Rochester Organ Program during the past year. On last Christmas Eve, a 16-year-old youth, Kenneth Daniel Reasoner of Victor, was critically injured in an auto accident. In the words of his parents, Ken and Sheila Reasoner, he was "a good student, competitive athlete, weekend sailor, Boy Scout, and religious participant." When it was determined that all brain function was lost, his parents asked the Rochester Organ Program "about the possibility of transplanting his organs in order to give us the ability to save someone else's life, now that we could not save his." As a result another 16-year-old boy and a 41-year-old man received young Kenny's kidneys, two other patients had sight restored with his corneas and his heart valves were to be used in subsequent heart surgery.

So impressed were the Reasoners by these rewarding results that they offered to the Rochester program a letter describing their experiences which the program might give to other families as encouragement to participate in the donor program.

"We have asked this hospital and the transplant team at the University of Rochester to allow us to be the first to ask you to save a life," read their letter. "Through all the mourning, anguish and pain we were consoled in knowing that we improved the quality of life of at least four who were in need.

"It is our hope to give comfort. If you are asked to consider donating your loved one's organs, you can trust the gift will be rewarded to you in return," the letter concluded.

Mr. Speaker, this is a life-saving medical practice about which we will hear more and more and on which we in Congress will have to make decisions. I believe this experience of one family in our Rochester regional organ agency can be helpful to all of us in assessing the role of organ transplantation in our medical system and in setting public policy. Kenny Reasoner's family made clear their assessment.

NARCOTICS TRAFFICKING AND THE MEXICO-UNITED STATES INTERPARLIAMENTARY CONFERENCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. GILMAN. Mr. Speaker, I want to commend the distinguished gentleman from Texas [Mr. DE LA GARZA] for his leadership as chairman of the House delegation that attended the 26th Mexico-United States Interparliamentary Conference which was held in Colorado Springs, CO on May 30–June 1, 1986. My good friend and colleague, the distinguished gentleman from Pennsylvania [Mr. YATRON], served as vice chairman of our House delegation. The distinguished gentleman from Texas Senator GRAMM and the distinguished gentleman from Connecticut Senator DODD served as chairman and vice chairman respectively of the Senate delegation.

One of the major topics discussed at the bilateral conference was narcotics trafficking and drug abuse, which have reached epidemic proportions on both sides of our common border and indeed throughout the world. Mr. Speaker, we—Mexico and the United States—are losing the war against the narcoterrorists. Our 2,000 mile common border is hemorrhaging; it is out of control, and our two nations are reeling under the onslaught of narcodollars that are corrputing the political, economic, and social institutions of both nations.

Through the combined cooperative efforts of the distinguished gentlemen from Texas [Mr. DE LA GARZA and Senator GRAMM] and the distinguished chairman and vice chairman of the Mexican delegation, respectively, Senator Antonio Riva Palacio Lopez and Diputado Juan Jose Bremer Martino, the distinguished chairman of our Narcotics Select Committee Mr. RANGEL and I were able to formulate a resolution that was adopted by the delegations of both nations recommending that a Mexico-United States Intergovernmental Commission on Narcotics and Psychotropic Drug Abuse and Control be established to review the problems to prevent drug abuse. The joint intergovernmental commission would also make recommendations to improve the effectiveness of narcotics control, cooperation and mutual assistance between the two nations. With respect to membership, the Commission, which would meet semiannually, would be composed of members from Mexico's Senate and Chamber of Deputies and Members of the United States House of Representatives and Senate as well as representatives from the executive branches of both governments.

Narcotics trafficking and drug abuse are too important to be placed on the back burner of our agendas. By implementing the joint Intergovernmental Drug Commission, we have a unique opportunity to develop a comprehensive, coordinated program to help combat the illicit production, trafficking, and consumption of drugs as well as a mechanism to help iron out wrinkles that have occasionally strained the relationship between our two nations. By working together in a spirit of mutual respect, understanding, and trust, both nations can achieve the objectives of the resolution that was adopted at the 26th Bilateral Interparliamentary Conference.

Mr. Speaker, in an effort to better inform my colleagues of our efforts to combat narcotics trafficking and drug abuse, I am inserting at this point in the RECORD the complete text of my statement that I delivered at our 26th Interparliamentary Conference and the complete text of the resolution that would establish the Bilateral Intergovernmental Drug Commission. Accordingly, I urge my colleagues in the House, in the Senate, and in the executive branch to help us implement this resolution.

The information follows:

STATEMENT OF HON. BENJAMIN A. GILMAN

COOPERATION AGAINST DRUG TRAFFICKING

Mr. Chairman, distinguished legislators from Mexico and the United States, it is always a pleasure for me to participate in our annual Mexico-United States Interparliamentary Conference and, as the Ranking Minority Member of the House Select Committee on Narcotics Abuse and Control, I am delighted that the Chairman of our House of Representatives Narcotics Select Committee, Congressman Charles B. Rangel, is able to join us as we deliberate how bilaterally we can best combat the illicit production, trafficking, and consumption of drugs that is adversely impacting on both our nations. Chairman Rangel's tireless efforts to wage war against drugs has been an inspiration to our colleagues in the U.S. Congress.

Mr. Chairman, we . . . Mexico and the United States . . . are losing the war against the narcotics traffickers. The flow of heroin, marijuana, amphetamines, and cocaine from Mexico has again reached epidemic proportions. Our joint 2,000 mile border is hemorrhaging . . . it is out of control and our two nations are reeling under an onslaught of narco-dollars that are corrupting the political, economic, and social institutions of both our nations.

Narcotics trafficking and drug abuse constitute a clear and present danger to the very existence of our two societies. This is occurring despite intensified efforts and high-level exchanges between our respective Secretaries of State, and regularly scheduled working meetings between Attorneys General Edwin Meese III and Sergio Garcia Ramirez to review the progress that is being made on drug raids.

Under the leadership of Chairman Rangel, our House Narcotics Select Committee visited our joint border in January to study the critical situation existing there. As part of that mission, we met with President Miguel de la Madrid and Attorney General Garcia Ramirez, both of whom emphasized the strong commitment of the Government of Mexico to fight the illicit production and trafficking of drugs and to cooperate internationally in the war on drugs. They also pointed to Mexico's drug eradication program including the use of its armed forces, and to the more than 300 Mexicans officials who have been killed in the war against drugs since 1976.

We also flew over the rugged mountainous terrain in the Culiacan region to see at first hand the effective aerial spray operations and the extensiveness of the drug producing areas. We were impressed by the maneuvers despite reports we had received that in some drug eradiction operations the spraying canisters were filled with water or fertilizer, rather than herbicide.

We were encouraged by the meetings with your President and Attorney General. However, reports of the increased production of heroin and marijuana, the transshipment of large quantities of Colombian cocaine through Mexico, the unsuccessful prosecution and conviction of the traffickers who murdered our DEA agent Enrique Camarena Salazar and his Mexican colleague Alfredo Zavalar Avelar, and the widespread corruption among high Mexican Government officials (including the Federal Judicial Police) have resulted in severe criticism by our law enforcement officers who are frustrated by the impact of the drug traffickers in undermining the hitherto exemplary Mexican drug eradication and law enforcement efforts.

Opium production in Mexico has escalated from 21 tons produced in 1984 to 45 tons for 1985; marijuana production ranges from 2.5 million to 3 million metric tons; and approximately 49,000 pounds of cocaine have been transshipped from Mexico to the United States. As friends and neighbors, we must not tolerate a situation where 35 percent of the heroin, 18 percent of the cocaine, and 30 percent of the marijuana entering the United States comes across our joint border, thereby undermining the political stability and the economic viability of our two nations. Only through strong and sustained cooperative action can this situation be corrected.

It is frequently asserted that if there was no demand for drugs there would be no supply of these deadly substances. Mr. Chairman we all recognize that this is without any substance for, in reality, drug producing nations have become drug consuming nations and drug consuming nations (including the United States) have become drug producing nations. In the United States, we now have a problem of illicit production of marijuana and in this regard, we are beefing up our Federal and State drug law enforcement efforts to eradicate this deadly substance.

With regard to reducing the demand for drugs, under the leadership of Chairman Rangel, our Select Committee and other Members of our Congress have sponsored legislation that would provide $750 million a year for five years in grants to our State and local governments to develop drug law enforcement, treatment, rehabilitation, and education programs. Another legislative proposal, H.R. 4155, the Drug Abuse Education Act of 1986, would provide $100 million year a year for five years in grants to local communities to help develop drug education programs in our schools.

We are also expanding the involvement of our military to assist civilian law enforcement authorities in combatting the drug traffickers, but it is clear that we need to do much along our side of the border to interdict the vast quantities of heroin, marijuana, and cocaine that are penetrating our defenses and entering every city, town, and school district in our nation.

Mr. Chairman, it serves no useful purpose to find fault with each other as to who is to blame for the recent successes that the drug traffickers are having in both our nations. Rather, we must recognize that *both* our societies have been adversely impacted by the tremendously successful multibillion dollar ilicit activities of the drug traffickers.

Accordingly, we must work together in a cooperative manner in order to effectively conduct joint operations, to eradicate the illicit production of drugs, to interdict the drug trafficking operations, to incarcerate

corrupt officials and drug traffickers, to educate the citizens of both nations as to the dangers of drug abuse, and to treat and rehabilitate those who have become dependent on drugs. Only by working together and by pooling our resources, equipment, personnel, and funds will we be able to effectively combat the drug traffickers. Otherwise, it is clear that the drug traffickers, who have vast financial resources and who are well organized and possess highly sophisticated equipment, will succeed in totally corrupting our political institutions. They are already undermining our economies and they are turning the citizens of our two nations into a society of drug addicts.

We must formulate a comprehensive, coordinated drug strategy. In this regard, Mexico recently participated in the drug trafficking conference sponsored by the Organization of American States (OAS) that was held last month in Rio de Janeiro. Mexico joined the 21 other member States in establishing an Inter-American Drug Control Commission to develop and implement common strategies to control drug trafficking and drug abuse. The conference also recommended that the OAS Judicial Committee help member States create mechanisms for extraditing drug traffickers, for promoting cooperation among police, judicial and customs agencies, and for developing uniform national laws on drug trafficking. Mexico's participation in this conference and support for these recommendations are critical if the Americans are going to effectively win the war on drugs.

With regard to the United Nations Fund for Drug Abuse Control (UNFDAC), it is encouraging to note that the contributions to the Drug Fund doubled from $12 million contributed in 1984 to $24.4 million for 1985 and the number of contributing nations increased from 39 to 53, or one-third of the U.N. membership. We commend the Government of Mexico for its contributions to the Fund, under very trying economic conditions, and would urge Mexico to take the lead in encouraging other Latin American nations to participate in the vital U.N. effort. According to UNFDAC's 1985 report, only nine Latin American and Caribbean nations contributed to the U.N. Drug Fund in 1985: Argentina ($12,000); Barbados ($500); Bahamas ($1,000); Brazil ($5,000); Chile ($4,000); Ecuador ($2,500); Mexico ($292); Panama ($2,470); and Venezuela ($8,879). Mexico's leadership in encouraging other nations to contribute to UNFDAC is crucial if the war against drug trafficking and abuse is to be a global effort and if mankind is to win the war against this deadly menace.

Mr. Chairman, our bilateral interparliamentary conference no longer can afford the luxury of just passing well-intentional resolutions condemning drug trafficking and drug abuse. We are well beyond that point. We must act upon our words and resolutions, especially the Queretaro resolution, which our interparliamentary conference adopted last year, that calls for establishing a consultative body and more frequent meetings between our two legislative bodies.

For 26 years, we have met annually to discuss the problems confronting our two nations. As elected officials, we share similar problems that give us a special bond and respect for one another. We are also friends and neighbors sharing the same border and, for many of our citizens, sharing a similar culture, heritage, and language. We have always been able to speak freely and candidly to each other. We have worked together in a spirit of mutual respect, understanding, and trust to iron out troublesome issues that at times have strained the relationship between our two nations.

By highlighting these problems I do not seek to minimize the problems that Mexico faces in fighting the illicit production and trafficking of drugs, or to relieve my country from its mutual responsibilities in achieving the goals that we both seek.

As we start the second quarter century of our bilateral interparliamentary conferences, let us continue to work together as friends and neighbors to help wage war against our common enemy—the narcotics traffickers who are jeopardizing the health of the citizens of both of our nations and who are effectively undermining the political, economic, and social institutions of our two great societies.

Thank you, Mr. Chairman.

RESOLUTION

The twenty-sixth Mexico-United States Interparliamentary Conference, held at Colorado Springs, Colorado, May 30-June 2, 1986.

Whereas the production, traffic, financing, distribution, and consumption of narcotic and psychotropic drugs pose grave, increasing and potentially dangerous public health and security problems for the societies of both nations;

Whereas, the necessity for expanded programs of cooperation to eradicate the production of narcotic crops and to suppress the illicit manufacture and traffic of drugs is essential and indispensible to effectively eliminate supply and to combat the crime and corruption associated with drug trafficking in both countries;

Whereas, the need to intensify and expand the education programs for citizens of both countries, particularly our children and youth, of the dangers of experimenting with or using narcotic or psychotropic drugs is essential and indispensible to prevent and reduce the consumption and demand for drugs;

Whereas, the treatment and rehabilitation programs for victims of drug addiction and dependency are essential and indispensible in reducing consumption and demand for drugs: Now, therefore, be it

Resolved, That the 26th Mexico-United States Interparliamentary Conference recommends that to achieve the joint objective of the governments of Mexico and the United States in controlling drug trafficking and abuse, a Mexico-United States Intergovernmental Commission on Narcotic and Psychotropic Drug Abuse and Control be established that would meet semiannually and include members of the Mexican Senate and Chamber of Deputies and the United States and the House of Representatives and members of the Executive Departments of both governments with responsibility for drug abuse, education, prevention, treatment and enforcement of the pertinent laws; and be it further

Resolved That the Commission at its semiannual meeting would review the status of the problem of narcotics production and trafficking in both countries as well as joint efforts to prevent drug abuse through education, treatment and rehabilitation and would make recommendations for improving the effectiveness of narcotic control, cooperation, mutual assistance and support between Mexico and the United States.

H.R. 5042

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. TORRES. Mr. Speaker, in June I cosponsored a bill that attacks adult illiteracy. This legislation give people a chance to learn English and become full members of American society.

English is the undisputed language of the United States. The proceedings of our legislatures, our courts and our city councils are conducted in English. Proficiency in English continues to be a requirement for new citizens. But many citizens in this country prefer to communicate in a language other than English. That doesn't bother me. What bothers me is the prospect that we do not devote the resources we need to teach people English so they can become fully participating members of our society. This is why I have joined with Congressman MARTINEZ and other Members of Congress in introducing the English Proficiency Act (H.R. 5042)

The U.S. Census Bureau has found that one out of eight adults living in the United States is illiterate in English. In Los Angeles, English classes at community colleges and adult schools have long waiting lists. Existing resources are not sufficient to change this situation. As a result, thousands of adults from non-English backgrounds find themselves unable to learn and become literate in English.

The other body recently passed a resolution declaring that "it is the sense of the Congress that the English language is the official language of the United States." Passing resolutions and making declarations will not help teach anybody the English language. We need more instructors who can teach English and fewer resolutions that state the obvious. I believe that bringing all Americans into the mainstream of society is more appropriate and in the best traditions of our Nation. Full proficiency in English is fundamental to the future well-being of our citizens and our country.

The following article was written by Raul Yzaguirre of the National Council of La Raza for the Hispanic Link dangers of the English only movement:

THE PERILS OF PANDORA

Most of us are familiar with the Greek myth about Pandora's box, the story of a young woman whose curiosity got the better of her and led her to open a forbidden and tightly chained box. According to the myth, as soon as Pandora unlatched the container to peer inside, the lid burst wide open and all sorts of evil creatures were set free to roam among us, never to be captured again.

While most Americans have long understood this truth—that it's impossible to dabble with the devil and then casually walk away—some of the organizers of English-only efforts are just now realizing the ramifications of the deal they've struck. By playing on Americans' fears about immigrants and distorting the facts about Hispanic Americans, they have awakened, encouraged and provided a kind of surface legitimacy to racist and nativist sentiment. In fact, in a recent Education Week interview,

Gerda Bikales, Executive Director of U.S. English—the national organization dedicated to "protecting" the English language—admits, "the situation is somewhat out of control."

According to Bikales, "anybody can and does join U.S. English." The organization has a very diverse constituency. Its advisory board includes such luminaries as Walter Annenberg, Saul Bellow, Alistair Cooke, Norman Cousins, Walter Cronkite and Gore Vidal. Some local members are undoubtedly fine citizens, thinking that they are simply supporting symbolic measures to proclaim English as our common language and promote its use by all Americans.

However, U.S. English has opened Pandora's Box. The organization has appealed to the nativism and fear of foreigners which are among the less attractive latent beliefs of some Americans. Over the last few years, in response to the group's claim that English-only measure will repeal bilingual ballots and bilingual education, U.S. English has attracted increasing numbers of members who are clearly anti-Hispanic.

Although U.S. English is now attempting to distance itself from these sentiments, saying that there is no "company line that everybody who say's he's a member of U.S. English buys," the initial rhetoric which attracted these members was crafted by the organization. Spokespersons for U.S. English have raised money and recruited members by telling the public that the United States is "facing another Quebec" and that Hispanics are refusing to assimilate and learn English. They have consistently spread misinformation about bilingual education, bilingual voting materials and the use of non-English languages.

Now the group finds itself in a sticky situation of its own making. The radical right has captured this movement and made it its own. Perhaps inspired by U.S. English's rapid growth, these folks have discovered that nativism is a lucrative ground for fund raising.

Recently, Richard Viguerie, the ultra-conservative fund raiser, financed a mass mailing to 250,000 American homes for an organization he calls "Save Our Schools," asking for support to repeal bilingual education. Each letter includes a Mexico peso, and begins, "I know the peso is worthless in the U.S., but I enclosed it to make an important point about a billion-dollar U.S. government program that's worthless too. It's called the Bilingual Education Act." The letter goes on to accuse Hispanic immigrants of refusing to learn "our language, our customs—even our currency," and plays on stereotypes of immigrants as a welfare class: "Think of the billions of dollars it will cost us—and our children and grand children!"

The Council for Inter-American Security goes even further, claiming that public use of non-English languages promotes "cultural apartheid" and warning that "terrorist groups are now seeking to restore old Mexico, which they call Aztlan."

Our country's history demonstrates the dangers posed by demagogues who play on fear and intolerance to promote an anti-ethnic agenda. In the late 1800s, fears of a "yellow peril" resulted in a series of laws known as the Chinese Exclusion Acts, which denied Chinese and other Asians the opportunity to come to this country. During the same period, Italians, Southern and Eastern Europeans, and Jews were thought to be "inferior races" and immigration laws were designed to restrict the entry of these peoples. Xenophobia and anti-Japanese hysteria led us to incarcerate thousands of loyal Japanese Americans at the outbreak of World War II. Hispanics themselves have been the target of similar campaigns in which public bigotry and hysteria incited immoral and in some case illegal government "solutions." In the 1930s and again in the 1950s, fears of a "wetback menace" resulted in "repatriation" efforts, which included large numbers of native born Americans and legal immigrants of Hispanic descent.

Thus we can't afford to laugh at those who are drawn together by U.S. English demogogues. Nor can we dismiss them as part of some "lunatic fringe." What they are doing is dangerous, not just to ethnic minorities, but for our nation as a whole.

If we were to treat this nativist movement the way they treat our national concern over immigration policy, we would respond by warning that xenophobic hordes are taking over our nation. The truth is, they aren't. But they are a serious problem, large enough in power and influence to cause much of the nation's media to buy their line that Hispanics are "resisting assimilation." They pose an increasingly serious problem with their inflammatory rhetoric, distortion of reality, and use of fear and innuendo. Neither the press nor the Hispanic community itself has responded effectively to the xenophobes.

How should we respond? First and foremost, I believe that our response should be a positive one. It should affirm our community's desire to learn English, without surrendering our hard-won civil rights gains like bilingual education and language assistance under the Voting Rights Act.

I must admit, however, that it is becoming tiring to have to explain over and over that Hispanics do want to learn English and that a growing body of literature confirms that they lose their native language—perhaps unfortunately—at about the same ways and same number of generations as other immigrant groups—three. I am tired of explaining that the federal bilingual education progarm is transitional, designed to help students learn English without falling behind in other subjects.

Most importantly, I am tired of hearing Hispanics accused of not wanting to learn English when the fact is that there are insufficient opportunities for them to do so. It's a national disgrace that adult English as a Second Language (ESL) classes regularly turn people away; as many as 5,000 adults each month are turned away from adult education classes in states like California. That an ESL class at a community college in Texas—ostensibly designed to serve low-income persons—can cost $600 a semester. That most community "literacy" programs do not admit limited-English proficient individuals. That changes in federally-funded job training programs have made it almost impossible for local programs to teach English to non-English speakers. That at least half of limited-English proficient youngsters do not receive the language services to which they are entitled.

The solution to the problem of limited-English proficiency lies not in telling people that they must speak English—as the English-only movement advocates—but in teaching them to speak, read and write the language. The National Council of La Raza, and a coalition of other national Hispanic organizations, believes that it is time for a national English Opportunities Program, a program that would provide affordable opportunities for limited-English proficient persons to learn English.

An English Opportunities Program is not only justified on the merits, it would be a powerful political response to the English-only movement. Instead of merely saying that Hispanics want to learn English, we can prove it.

It's time to examine our federal education and job-training programs, realign some, and perhaps create others to ensure that those who do not speak English have the opportunity to learn English. It's time to introduce a positive alternative to English-only efforts, which are inherently offensive and divisive. It's time for responsible Americans to push the knee-jerk, nativist rhetoric aside and address the problem of limited-English proficiency productively. It's time for a national English Opportunities Program.

SUPPORT THE WORK OF THE COMMISSION ON THE BICENTENNIAL OF THE CONSTITUTION

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. SHARP. Mr. Speaker, during its session, Congress passed Public Law 99-194 which authorized $5 million a year to be appropriated to the Commission on the Bicentennial of the Constitution and Bill of Rights designed for use by elementary or secondary school students and, in particular, to implement an annual national bicentennial Constitution and Bill of Rights competition in those schools. I am pleased that the Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies has recommended an appropriation of $13 million for the Commission on the Bicentennial of the Constitution and that they have also recommended earmarking $2.7 million of those funds for the nationwide implementation of a National Bicentennial Competition on the Constitution and the Bill of Rights. I support these recommendations.

Presently students and teachers in the New Castle school system in my congressional district in Indiana and several other areas in my State are field testing the National Bicentennial Competition on the Constitution and Bill of Rights. The Indiana project is being conducted under the supervision of William Baker, Esq., chairman of Indiana Governor's Task Force on Citizenship Education. Our experiences in Indiana have revealed the great potential of this program for developing among students a profound understanding and respect for the most basic principles and values of our system.

I am pleased to say that I serve on the National Advisory Committee to the project which is being supported in its development stages by the Department of Education and the Department of Justice. The project is being administered by the Center for Civic Education, a nationally prominent group with an exemplary record in conducting such programs. The outstanding quality of the project has recently led to its being granted official recognition by the Commission on the Bicentennial of the United States Constitution chaired by the Chief Justice.

We are rapidly approaching the 200th anniversary of the signing of the Constitution. What better way is there to commemorate this remarkable event than to promote, throughout this Nation, the implementation of an instructional program and competition in public and private schools that fosters among our youth that increased understanding of the fundamental principles and values of our Constitution and Bill of Rights that leads to a reasoned commitment to their preservation and the furthering of the ideals of our free society.

I commend this program, ask my colleagues to join me in supporting its national implementation during 1987.

U.S. APOLOGIZES TO AIDS RESEARCHER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. FRANK. Mr. Speaker, on Monday of this week I discussed in a special order speech, the very unfortunate Justice Department memorandum which distorted section 504 of the Rehabilitation Act and in particular, without any foundation, sought to cast doubt on the conclusion of the Center for Disease Control that AIDS cannot be casually transmitted. I pointed out at that time that the major sources cited by the Justice Department in this effort had repudiated the Justice Department's use of their quotations. I was therefore pleased to see in the New York Times for Wednesday, July 23, an article headlined "U.S. Apologizes to AIDS Researcher," in which the Times reported that Charles Cooper, author of that memorandum, acknowledged that he had inappropriately and inaccurately quoted Dr. William Haseltine.

I am including that article for the RECORD.

[From the New York Times, July 23, 1986]

U.S. APOLOGIZES TO AIDS RESEARCHER

(By Robert Pear)

WASHINGTON, July 22.—The Reagan Administration has apologized to a Harvard researcher who says the Justice Department misrepresented his views on the transmission of AIDS.

The department had quoted the researcher, Dr. William A. Haseltine, in an effort to show that there was disagreement in the medical community over how AIDS was spread. The Justice Department suggested that some scientists believed there was at least a theoretical possibility that the virus for acquired immune deficiency syndrome might be transmitted through "casual contact" or "proximity to infected persons."

The Public Health Service, a unit of the Department of Health and Human Services, has repeatedly said there is no evidence that the AIDS virus is spread through casual contact on the job, or in schools or similar settings.

IT WAS CITED IN AN OPINION

The quotation from Dr. Haseltine appeared in a 49-page Justice Department opinion issued last month. The opinion concluded that Federal law generally did not prohibit employers from discriminating against people with AIDS if the discrimination was based on a "fear of contagion."

After receiving a complaint from Dr. Haseltine, Assistant Attorney General Charles J. Cooper apologized, saying: "We did not intend to misrepresent your views, and I am sorry if you have been dragged into a controversy not of your own choosing, or of ours."

But Mr. Cooper said that discovery of the error would not lead to any change in the Justice Department's assessment of the issue, because the medical evidence was "fundamentally irrelevant to the question put to us with respect to the Federal handicap discrimination laws."

A 1973 law prohibits discrimination on the basis of handicap in any program receiving Federal financial assistance. The Justice Department opinion, signed by Mr. Cooper, concluded that the "disabling effects" of AIDS constituted a handicap, but that "an individual's real or perceived ability to transmit" the virus to others "is not a handicap."

HE REPEATS HIS VIEWS

In the opinion, Mr. Cooper declared that the 1973 law "simply does not reach decisions based on fear of contagion, whether reasonable or not," unless the fear was a pretext for discrimination on account of handicap. Similarly, in a letter to Dr. Haseltine last week, Mr. Cooper said it did not matter whether discrimination was "rational or irrational from a medical perspective," so long as it was not based on handicap.

Dr. Haseltine has carried out research on AIDS at the Dana-Farber Cancer Institute in Boston, where he is chief of the laboratory of biochemical pharmacology. He is also an associate professor of pathology at the Harvard Medical School.

In a letter to Mr. Cooper on June 30, Dr. Haseltine said: "To my knowledge, there is no evidence that transmission of the AIDS virus other than by intimate sexual contact or exchange of body fluids and/or organs has resulted in infection. What is called casual transmission such as is likely to occur in workplace settings will never pose a significant risk to uninfected co-workers.

"The evidence that such transmission does not occur is drawn from studies of families in which one member is infected and studies of health-care workers who treat AIDS patients. These studies demonstrate that 'casual transmission' has not and will not occur to any significant extent."

In his reply, Mr. Cooper said that "perhaps we are naive, but we are frankly surprised by the attention that has been focused upon the portion of our opinion" discussing the transmission of AIDS.

In that section of the opinion, Mr. Cooper noted assurances from the Public Health Service that "nonsexual person-to-person contact" in the workplace did not create a risk for transmission of the AIDS virus. But, he added, some scientists believe that "conclusions of this character are too sweeping." He then cited Dr. Haseltine as one of these scientists.

THE HOLLIDAY CREEK FLOOD CONTROL PROJECT

HON. BEAU BOULTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. BOULTER. Mr. Speaker, the fiscal year 1987 energy and water development appropriation bill, which we will address on the floor of the House today, provides for financial support and assistance to a project of vital concern to the citizens of Wichita Falls, TX, which I represent. Section 1 of this bill provides for $700,000 of funding, through the U.S. Corps of Engineers, to begin construction on the Holliday Creek flood control project. This project has been included in President Reagan's fiscal year 1986 and 1987 budget proposals, and is also included in both H.R. 6 and S. 1567, which were recently passed in each body of Congress to provide for the conservation and development of water resources through land improvement and the rehabilitation of water and flood control projects.

As I have stated before on the floor, the threat being faced by the residents and property of Wichita Falls is truly one that needs to be addressed and remedied. Last year, as has been the case so many times before, the citizens of Wichita Falls faced rains that caused millions of dollars of damage and cost the lives of two city residents, one of them a child. The sad and true fact is that such disastrous events can be prevented.

The Holliday Creek project is one that has been studied and approved by the Corps of Engineers, and unlike most other flood control projects, includes local cost-sharing provisions that have been voted upon and approved by the voting residents of the city. As a matter of fact, Mr. Speaker, 1 year ago this very day the people of Wichita Falls, with support from their city council, voted in favor of sharing the costs of this project by an 8-to-1 margin. Today they stand ready to dedicate more than $13 million to this effort. That is $13 million out of a total project cost of approximately $30 million. Past efforts to obtain funding for this project have not met with success, which is why I am so encouraged to see these worthy and needed funds allocated for in this piece of legislation.

Mr. Speaker, in closing I want to mention that not only is completion of this project a necessary expenditure, it is also the most cost efficient solution for the Federal Government. According to the U.S. Army Corps of Engineers' study, the average annual cost to the Federal Government attributable to the flooding of Holliday Creek has been $3.9 million per year. If the flood control project were to be completed, that annual Federal cost would fall to just $36,000. To me, the answer is clear—this project is needed and worthwhile, and it will pay for itself in less than 5 years.

THE GRAMM-RUDMAN-HOLLINGS DEFICIT REDUCTION LAW

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. MACK. Mr. Speaker, I recently had the opportunity to speak at the U.S. Chamber of Commerce on the need for reconstructing the Gramm-Rudman-Hollings deficit reduction law. I insert my remarks upon that occasion in the RECORD at this point:

STATEMENT OF REPRESENTATIVE CONNIE MACK

(U.S. Chamber of Commerce, July 22, 1986)

It is indeed a pleasure for me to join my colleagues from the Senate here today. It is seldom that so much fiscal sanity gathers in one room at the same time.

We are here today to reassure the American people. We are here today to hoist once again the flag of fiscal responsibility. Perhaps most importantly, we are here to say to the United States Congress that the window of opportunity for those who seek political asylum from the tough decisions of public service is about to slam shut.

Last December, the Congress finally admitted to its inability to perform its duties. The Gramm-Rudman-Hollings Deficit Reduction Law put us on a course to ending the annual federal deficit. Those of us who are here today are dedicated to keeping America on that course. The Supreme Court's decision provides us with an opportunity to strengthen this landmark legislation. We will make the most of this opportunity.

To those who argue that Congress should face up to its job, I would simply say, I agree. History argues, however, that Congress will not do that. The last Congress did not do it; this Congress is not doing it; and sadly, the next Congress can not be expected to do it.

To those on the other side who argue that Congress has learned its lesson, that Congress will act differently because of the political consensus manifest in Gramm-Rudman-Hollings, I must say that very recent history dashes those hopes.

Last week, the House of Representatives considered the fiscal year 1987 appropriations bill for State, Commerce, and Justice. An amendment to remove the $190 million for the Economic Development Administration was defeated; 302 members voted against it. An amendment to reduce EDA funding by $50 million was defeated; 256 members voted against it. An amendment to remove $305 million for the Legal Services Corporation was defeated; 278 members voted against it. An amendment to reduce Legal Services Corporation funding by $25 million was defeated; 204 members voted against it.

Ladies and gentleman, if ever there has been a clarion call for legislation, it was heard last Thursday on the floor of the House. Congress will not even make the easy decisions, let alone the difficult ones. So the imperativeness for Gramm-Rudman-Hollings II is unassailable. The American people want to get back on the road to fiscal sanity. The burden to act on their behalf falls to those of us in this room. And with your help, we shall succeed.

REMARKS ON HOUSE RESOLUTION 461, THE IMPEACHMENT OF FEDERAL JUDGE HARRY E. CLAIBORNE

HON. HARRY REID

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. REID. Mr. Speaker, the House of Representatives has initiated the historic impeachment process of Federal Judge Harry Claiborne. The Claiborne impeachment, like the 13 previous impeachments of Federal officials, unequivocally demonstrates one fact: After 200 years, through numerous wars, civil turmoil, and technological advancement, the processes outlined in the Constitution still function smoothly.

The case of a Federal judge is unique. While any other official can be dismissed from office, Federal judges are appointed for life and can only be removed from office by impeachment. Eleven of the 14 House impeachments have involved Federal judges.

Impeachment can be a time-consuming and involved process, but it is the necessary complement to the appointment for life of Federal judges. Federal judges are appointed for life to protect them from public and political pressures when presiding on crucial legal questions. This lifetime appointment has only one caveat: Judges are appointed for lifetime "during good behavior." Under our system, Federal judges have the protection they deserve, but are denied carte blanche to do as they please.

Our Founding Fathers knew how important the process of impeachment would be. Although they did not outline every last detail, they went out of their way to include provisions in the Constitution creating a general structure for the impeachment process. According to the Constitution, the House of Representatives has "the sole power of impeachment," the equivalent of an indictment. The Senate is granted "the sole power to try all Impeachments," the power to acquit or convict. The Constitution stipulates that a Federal official can be impeached for "Treason, Bribery, or other high Crimes and Misdemeanors." A person who is impeached is subject to the laws of the land just like any other citizen.

With every passing year, Americans become increasingly aware of the finesse of our Founding Fathers in drafting the Constitution. Countries throughout the world draft several new constitutions every century, often looking to ours as a model of success. They look to ours because our forefathers carefully crafted a Constitution that was flexible enough so that it would work as well in 1986 as it did in 1987.

SOUTH CAROLINIANS SAY THANKS

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. CAMPBELL. Mr. Speaker, during the past few days the State of South Carolina has been the grateful recipient of an outpouring of generosity that has reaffirmed my belief in the American people.

As I am sure you know, South Carolina, like most of the Southeast, has been hard hit by high temperatures and drought. Crops have burned up in the fields. Cattle have no pastures for grazing and are literally starving. Many farmers are facing the loss of an entire season's hard labors.

In the face of all this adversity, a diverse group of individuals and organizations came together to provide help to the cattle farmers in South Carolina and save the lives of thousands of cattle. It is with deep gratitude that I recognize and thank those who played such an important role in supplying relief to farmers who had just about given up hope. Unselfish farmers in the Midwest from Illinois, Iowa, Missouri, Kansas, and Indiana have donated thousands of tons of hay to my State to maintain the cattle over this difficult period.

Governor Jim Thompson of Illinois deserves so much credit for helping to arrange the gathering of this hay. The White House, at my request and knowing the urgency of the situation, ordered a military airlift of the hay and the Air Force supplied transport planes and pilots. On extremely short notice, the Clemson University Extension Service, notably Dan Ezell and B.K. Webb and the Drought Control Office set up by South Carolina's Governor Richard Riley, set up the distribution plan and notified eligible farmers. The Donaldson Industrial Airpark provided landing facilities and Lockheed Aeromod the forklifts for unloading. Lastly, the South Carolinians themselves who unloaded and distributed the hay throughout the affected areas and contributed to their neighbors' well-being. All of these individuals and groups in the true spirit of working together to help each other have made it possible for farmers who might have lost everything to hang on a little longer.

And, the kindness and munificence of our Nation has not stopped. South Carolina has had offers of help from New York, Maine, Colorado, and others. The CSX Railroad has volunteered a train for transport and truckers are willing to drive long miles to deliver their cargo of much needed hay.

The crisis is still with us and a long-term response to the problems faced by southeastern farmers must be formulated. However, this demonstration of the generous spirit of our Nation has helped give us in the Southeast the heart to carry on. I join my fellow South Carolinians in saying once again thank you to everyone involved.

A CONGRESSIONAL SALUTE TO SPEAKER PRO TEMPORE FRANK VICENCIA ON HIS RETIREMENT FROM THE CALIFORNIA STATE ASSEMBLY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a very good friend of mine, Speaker pro tempore Frank Vicencia who is retiring this year from the California State Assembly.

Frank, who was first elected to the State legislature in 1974, has served his constituents well over the years. For 6 years he chaired the important Government Organization Committee. It was in this capacity that Frank was able to implement a comprehensive regulatory reform procedure which, in turn, opened up the bureaucratic process and gave private citizens a better chance to influence the decisionmaking process.

Frank has also served on the Agriculture, Policy Research and Transportation Committee. He is vice chairman of the Intergovern-

ment Relations Committee and chairman of the Select Committee on Child Abuse. It is important to note that although Frank has given priority to working on a number of important issues, such as education, public transportation and aid to the elderly and handicapped, he has contributed much to the prevention of child abuse.

Mr. Speaker, Frank Vicencia will be missed by his colleagues in the assembly. He has proven himself to be one of our State's most competent and respected public officials and I am confident that he will continue to be a positive force in our community.

My wife, Lee, joins me in commending and congratulating Frank Vicencia on a job well done. We wish him and his wife, Lil, their children, Steve, Michele, David, Michael and Laura, and their grandchildren, Kristen, Brian, Nicholas, Anthony and Christina, continued success and happiness in the years ahead.

CAROLYN BLAYDES: PROFESSIONAL PAREXCELLENCE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. DOWNEY of New York. Mr. Speaker, I would like to take this opportunity to commend a valued member of my staff, Ms. Carolyn Blaydes, who has served as my chief tax assistant for the past 6 years. Carolyn will be leaving this week to have a baby and has decided to end her 10-year career on Capitol Hill to devote time to her child.

Carolyn Blaydes epitomizes the model congressional staff person. She is a shinning example of dedication to good public policy. I will greatly miss her counsel, her efficiency, and her common sense. She has worked hard to help me in my responsibility to the people of New York's Second Congressional District and has served their needs with patience, understanding, and compassion.

Carolyn first came to Capitol Hill in 1975 to work on the staff of the Committee on Banking, Currency, and Housing, after having worked as a reporter for the Dallas Morning News. When Carolyn joined my staff in 1980, she took over staff responsibility for Ways and Means Committee work, energy, commerce, and constitutional issues.

This was and is a heavy workload, but in 1984, Carolyn took on the additional responsibility of legislative director. In this capacity she has provided leadership and guidance to the other members of my legislative staff. She has been patient in explaining the intricacies of the legislative process and has always been accessible to help other staff to get the job done.

More importantly, she has given a great deal of time to constituents. During the past year, as we all labored on tax reform legislation, she worked overtime to ensure that all who had questions about tax reform received attention and a careful answer.

Carolyn's work has always been inspired by a strong belief in the House of Representatives as an institution, as the people's house. She never forgets that it is the people back home who matter; that they're what it's all about. She is keenly aware that the strength of our political system lies in the fact that there are many people—church and community leaders, labor and business leaders, teachers, doctors and nurses—who play an active and vital role in national decisonmaking. She has always been sensitive to their contributions to the political process. I will miss her and so will the Congress.

Carolyn can be sure that her own contribution to public life is valued. I wish her good fortune as she and her husband embark on the great adventure of raising a child.

HOUSTON CITY COUNCIL JOINS FIGHT AGAINST APARTHEID

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. LELAND. Mr. Speaker, today, the Houston city council took a strong step in the fight against apartheid. The city council overwhelmingly approved an ordinance prohibiting all vendors, contractors, and professionals who presently, or within the past year, have had business dealings in South Africa from bidding on any city contract. In addition, this ordinance presents all Houston banks and financial institutions with a 2-year deadline to end their financial transactions in South Africa. This provision includes all loans, lines of credit, and portfolio holdings.

Despite President Reagan's apparent lack of understanding of the suffering of the South African people under apartheid, it is understood by millions of Americans across this country. I am proud to say that the citizens of my city of Houston and its leaders clearly understand and have compassion for these people. And maybe more importantly, they have acted in response to the immoral practice of apartheid. Houstonians have shown that they will no longer finance the racist, immoral Government of South Africa.

The American public has demanded an end to apartheid—the city of Houston has acted to end the suffering of millions in South Africa. I expect and hope that other cities will respond with similar compassion.

SOCIAL SECURITY DUE PROCESS AMENDMENTS OF 1986

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1986

Mr. DELLUMS. Mr. Speaker, it is with pleasure that I come before you today to offer the Social Security Due Process Amendments of 1986. I am concerned about a process that punishes applicants for Social Security benefits because of the mistakes or misleading information given by employees of the Secretary of Health and Human Services. Currently, applicants lose their standing in court if they file later than 60 days after the date of a decision by the Department of Health and Human Services. Many times, this descrepancy has led to applicants being ineligible for claims. The Social Security Due Process Amendments of 1986 will correct this travesty.

The Social Security Due Process Amendments of 1986 will, among other things, establish a mechanism for ensuring due process for applicants. It requires that each application include a separate statement, in such form as shall be prescribed in regulations of the Secretary and signed by the applicant (or the applicant's representative, as appropriate) which certifies that the applicant has been informed of the 60-day period (including any further time). The Secretary shall prescribe by regulation reasonable procedures to ensure that the applicant or representative signing the statement understands the statement and the effects of signing such statement.

I am hopeful that this legislation will correct an inadequacy that has caused great suffering. I call upon my colleagues to join me in this effort.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, July 24, 1986, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 24

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on the establishment of new short-line and regional railroads.

SR-253

10:00 a.m.

Energy and Natural Resources

Business meeting, to resume consideration of S. 2427, to improve the administration of the Federal coal leasing program, and other pending calendar business.

SD-366

Judiciary
Courts Subcommittee
To hold hearings on S. 2529, to provide for retired magistrates to be recalled to service and to provide a retirement system for U.S. magistrates.
SD-225

Conferees
On H.R. 3838, to reform the Internal Revenue laws of the United States.
1100 Longworth Building

11:00 a.m.
*Conferees
On H.R. 2005, to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund).
SD-G50

JULY 26

10:00 a.m.
Conferees
On H.R. 3838, to reform the Internal Revenue laws of the United States.
1100 Longworth Building

JULY 27

10:00 a.m.
Conferees
On H.R. 3838, to reform the Internal Revenue laws of the United States.
1100 Longworth Building

JULY 28

2:00 p.m.
Environment and Public Works
To hold hearings on the nominations of Thomas L. Adams, Jr., of Kentucky, to be Assistant Administrator for Enforcement and Compliance Monitoring of the Environmental Protection Agency, and Kenneth M. Carr, of California, to be a Member of the Nuclear Regulatory Commission.
SD-406

JULY 29

9:00 a.m.
Office of Technology Assessment
The Board, to meet in open and closed sessions, to discuss pending business matters.
S-407, Capitol

9:30 a.m.
Agriculture, Nutrition, and Forestry
Foreign Agricultural Policy Subcommittee
To resume hearings to review agricultural trade issues, focusing on the impact of the 1985 farm bill (P.L. 99-198) on world agricultural trade.
SR-332

Finance
International Trade Subcommittee
To hold hearings on S. 2614, to establish customs regulations allowing parallel importation of genuine, trademarked articles in the case where related parties own the trademarks in the United States and abroad.
SD-215

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
To hold hearings on the nomination of William H. Rehnquist, of Virginia, to be Chief Justice of the United States.
SD-106

Joint Economic
Trade, Productivity, and Economic Growth Subcommittee
To hold hearings to review the costs of insurance premiums for business and the present insurance availability crisis.
2218 Rayburn Building

3:00 p.m.
Select on Ethics
Closed business meeting, to discuss pending committee business.
S-128, Capitol

JULY 30

9:00 a.m.
Rules and Administration
To hold oversight hearings to review the activities of the Office of the Senate Sergeant at Arms.
SR-301

9:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider S. 2346 and S. 2215, bills to authorize funds for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), establishing the standards by which the Environmental Protection Agency regulates the production and application of pesticide used for agricultural and other purposes.
SR-332

Finance
To hold hearings on S. 1871, relating to imports which threaten to impair the national security (incorporated in S. 1860 as Title X).
SD-215

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings to examine energy innovation and the patent process.
SD-342

Judiciary
To continue hearings on the nomination of William H. Rehnquist, of Virginia, to be Chief Justice of the United States.
SD-106

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

2-00 p.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To hold hearings on S. 2209, to make permanent provisions of the Social Security Act which allow disabled recipients of benefits under the Supplemental Security Income program to receive benefits while working.
SD-215

JULY 31

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on scrambling of satellite delivered video programming.
SR-253

9:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider S. 2346 and S. 2215, bills to authorize funds for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), establishing the standards by which the Environmental Protection Agency regulates the production and application of pesticide used for agricultural and other purposes.
SR-332

Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on S. 2159, to designate the Big Sur National Forest Scenic Area in California.
SD-366

Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of section 404 of the Clean Water Act, relating to the wetlands dredge and fill permit program.
SD-406

10:00 a.m.
Judiciary
To continue hearings on the nomination of William H. Rehnquist, of Virginia, to be Chief Justice of the United States.
SD-106

4:00 p.m.
Select on Intelligence
Closed business meeting, to be followed by a closed briefing on intelligence matters.
SH-219

AUGUST 1

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 1817, to temporarily suspend Most Favored Nation status for Romania for six months, and S. 1492, to permanently withdraw Most Favored Nation status for Romania.
SD-215

AUGUST 5

9:30 a.m.
Agriculture, Nutrition, and Forestry
Foreign Agricultural Policy Subcommittee
To resume hearings to review agricultural trade issues.
SR-332

Rules and Administration
To hold hearings on the nomination of Thomas J. Josefiak, of Virginia, to be a Member of the Federal Election Commission, proposed legislation authorizing funds for the American Folklife Center of the Library of Congress, S.J. Res. 268, to provide for the reappointment of Murray Gell-Mann as a citizen regent of the Board of Regents of the Smithsonian Institution, S.J. Res. 269, to provide for the reappointment of David C. Acheson as a citizen regent of the Board of Regents of the Smithsonian Institution, and S. 1311, to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct facilities for the National Air and Space Museum at Washington Dulles International Airport.
SR-301

10:00 a.m.
Energy and Natural Resources
Natural Resources Development and Production Subcommittee
To hold hearings on prospects for exporting American coal.
SD-366

Judiciary
To hold hearings on the nomination of Antonin Scalia, of Virginia, to be an Associate Justice of the Supreme Court of the United States.
SD-106

AUGUST 6

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to mark up S. 1225, to revise certain provisions of the Atomic Energy Act of 1954 regarding liability of nuclear accidents.
SD-406

Judiciary
To continue hearings on the nomination of Antonin Scalia, of Virginia, to be an Associate Justice of the Supreme Court of the United States.
SD-106

Select on Indian Affairs
To hold hearings on S. 2504, to provide for the exchange of certain lands between the Pueblo of Santa Ana and the University of New Mexico, and H.R. 3214, to provide for the use and distribution of funds awarded to the Crow Creek Band of Umpqua Indians held in trust by the Secretary of the Interior.
SR-485

AUGUST 7

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
To continue hearings on the nomination of Antonin Scalia, of Virginia, to be an Associate Justice of the Supreme Court of the United States.
SD-106

AUGUST 12

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
Aging Subcommittee
To hold hearings to review certain reauthorization provisions of the Older Americans Act.
SD-430

AUGUST 13

9:30 a.m.
Energy and Natural Resources
To hold hearings on H.J. Res. 17, to consent to an amendment enacted by the legislature of the State of Hawaii to the Hawaiian Home Commission Act, 1920.
SD-366

10:00 a.m.
Labor and Human Resources
To hold hearings to review the private sector initiatives in human services.
SD-430

AUGUST 14

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
Business meeting, to consider the nominations of William H. Rehnquist, of Virginia, to be Chief Justice of the United States, Antonin Scalia, of Virginia, to be an Associate Justice of the Supreme Court of the United States, and other pending calendar business.
SD-226

SEPTEMBER 9

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings to review graduate medical education in ambulatory settings.
SD-430

SEPTEMBER 10

10:00 a.m.
Labor and Human Resources
To hold hearings to review the human resources impact on drug research and space technology.
SD-430

SEPTEMBER 16

10:00 a.m.
Labor and Human Resources
To hold hearings on pending nominations.
SD-430

SEPTEMBER 24

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

CANCELLATIONS

JULY 24

3:30 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219