SENATE—*Tuesday, July 28, 1987*

(Legislative day of Tuesday, July 23, 1987)

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

PRAYER

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

Let us pray:

*I am the Lord thy God, which have brought thee out of the land of Egypt, out of the house of bondage, thou shalt have no other gods before Me. Thou shalt not make unto Me any graven image or any likeness of anything that is in the heaven above or the earth beneath or that is in the water under the earth: thou shalt not bow down thyself to them or serve them: for I thy God am a jealous God * * **—Exodus 20: 2-4.

Eternal God, omnipotent, omniscient, and omnipresent, help us to hear these mighty words as the very foundation for life and order both physical and moral. Help us to hear them as absolute and unequivocal—violation of which leads to destructive consequences for individuals and nations. In the words of Ted Koppel, speaking to graduates at Duke University: "What Moses brought down from Mount Sinai were not the 10 suggestions." And his closing reminder "righteousness exalts a nation, sin is a disgrace to any people"—Proverbs 14: 34 NIV. As You have ordained a natural order, You have ordained a moral order which we disregard or reject at our own peril. Save us from the presumptuous arrogance which treats humans as gods—arbiters of their own morality—results in moral and ethical anarchy. Help each of us to heed His God-illumined conscience and obey. We pray in the name of Him Who is Truth and Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 28, 1987.

To the Senate:

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

JOHN C. STENNIS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

RESERVATION OF LEADERSHIP TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved for his use later in the day.

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

ORDER FOR TIME FOR VOTE ON SENATE RESOLUTION 255

Mr. BYRD. Mr. President, I ask unanimous consent that the vote which was earlier set to be at 10 a.m. occur at 11:30 a.m. today.

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

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I yield such time as he may require to Mr. PROXMIRE.

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

WHY THE CONGRESS SHOULD HOLD DOWN SDI APPROPRIATIONS

Mr. PROXMIRE. Mr. President, the administration has requested $5.7 billion for SDI research, testing, and development. The House has cut that request to $3.1 billion. The Senate Armed Services Committee is requesting $4.5 billion. Obviously, we in Congress face a multibillion dollar question. We must answer this question in the next few months. How we answer this question is specially important for two reasons.

First, if the Congress decides to go ahead with a large appropriation for SDI this year, that decision will have a mammoth effect on the size of the military budget, the overall budget and the deficit not just this year, but in the immediate years to come. Here is an expenditure that the experts tell us could build up in the next few years to a trillion dollars or more. Even after all the research, development, testing, hardware procurement and the immense cost of lifting this vast armada into space, after all of this there will continue to be an annual cost for maintaining, operating, and modernizing SDI of between $100 and $200 billion each and every year in 1986 dollars. This is what the Appropriations Committee was told by former Defense Secretary Harold Brown.

Second, here is the real shocker. This immense, biggest-of-all-time, military expenditure, will drastically diminish our country's military strength. How so? Here's how: It is inconceivable that any Congress would permit the annual $150 billion or so SDI expenditure to become simply another military add-on. Congress will insist that much—and maybe all of the additional spending come out of the military itself. If all of it comes out of the military that would mean a $150 billion cut in the rest of our Armed Forces. We would cut our Army, our Navy, our Air Force, our military personnel in half. If "only" $7.5 billion or one-half the annual cost of SDI comes out of the military, there would still be the most devastating reduction in military strength this country has ever suffered. Can we afford this kind of reduction in our conventional military strength? Isn't it a fact that the greatest danger to the free world is the present enormous advantage the Soviet Union and the Warsaw Pact enjoys in conventional military strength compared to NATO and the free world? So won't a decision by this Congress to appropriate billions so that our country proceeds with SDI right up to the point of deployment bring the danger of moving on with a momentum that will carry this country to an irresistible SDI commitment?

Mr. President, one of the most difficult actions for the Congress to take is to say "no" to a project on which we have already invested billions of dollars. How hard it is to face the facts. How painful to cut your losses when the Congress has already poured billions into a project. Why is it so difficult? First, we have to admit we were wrong in spending so much of the public money. We have to admit a multibillion dollar mistake. It is not easy to face a challenge for an oppo-

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

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nent for your seat here in the Senate, when your opponent can point to the votes you cast for more and more SDI expenditures, and then when the Secretary of Defense says now we are ready to go with the really big commitments—the $100 and $200 billion per year spending, anyone who has ever run for political office will tell you how much easier it is to vote to continue the program under those circumstances than to cut it off, and in doing so concede your error.

And, Mr. President, why do these costly projects win a special political momentum, like a giant snowball rolling downhill? Here's why: SDI will involve not only hundreds of billions of dollars but literally millions of jobs, and not just in a few States. It will include subcontracts. It will bring jobs to many States. No matter how grim the scientific outlook may become for SDI, Congress will push ahead. No matter how firmly the National Academy of Sciences speaks out to tell us that SDI cannot survive Soviet counter measures we will go on. No matter the total absence of any answer to the contention that cruise missiles can defeat SDI by simply underflying it, we will appropriate more and more. We will know that mobile Soviet submarines and bombers cannot possibly be reached by the kinetic kill vehicles which constitute the heart of any space based SDI. Still the project will move on. It will exhaust the Treasury. It will pump up the deficit. It will expand the national debt. It will enfeeble our conventional military strength. It will divert our scientific genius from strengthening our economy and our Nation's health by drawing tens of thousands of our very best and brightest scientists, engineers, and technicians into this hapless project. It will do all this to advance a project that has been totally discredited by the most knowledgeable scientific experts in our Nation, the National Academy of Sciences and the American Physical Society.

CHANGE IN U.S. FINANCIAL MARKETS COMING ON WITH A RUSH

Mr. PROXMIRE. Mr. President, is it time for the Congress to make far-reaching changes in our banking system? The fact is that even if the Congress does nothing, some dramatic changes will come and come soon to American banking. What changes? Here are a few:

The so-called nonbank banks will come on with a rush unless the Congress acts. In 1986, far and away the most rapidly growing banks were nonbanks. Did I say rapidly growing? Just listen: The nonbank owned by American Express is the Boston Trust and Deposit Co. This bank grew in 1986 alone by more than any other large bank in the country. It increased its deposits by 137 percent to a $6 billion level. The Greenwood Trust Co.—a nonbank owned by Sears, Roebuck grew from $27 million to $1.4 billion—a 38-fold, I repeat a 38-fold, growth in the single calendar year 1986! No other bank anywhere has ever grown with such fantastic rapidity. So nonbanks could if unchecked largely replace our present banks. On March 27, the Senate passed a major banking bill that would prevent the formation of future nonbanks. It would grandfather but also limit the growth of nonbanks in the future. That bill is expected to go to conference between the House and Senate shortly. If the limits on nonbanks survives the conference, the administration may veto the bill. So there is a prospect the Congress will end the nonbank threat. If not the transformation of American banking through nonbanks would be dramatic.

The nonbank-bank route is one way that could dramatically change our banking system. If the country follows that course, it would have several substantial consequences. First, the separation of banking and commerce would be ended. That separation has played a major role in keeping our lending institutions safe and sound. It has also prevented the kind of blatant conflict of interest that would occur if borrowing firms as they do with nonbanks owned the institutions that loaned them money. Obviously this would provide a built-in guaranteed prejudice and preference—especially in times when credit is tight—for those firms that owned their own bank.

Second, as the nonbank bank absorbed a rapidly increasing share of the country's deposits, small business bank borrowers would have dramatically less credit available. Most American banks presently make most of their loans to small business. Nonbanks make virtually none of their loans to small business. What is the consequence of the invasion of the credit market by nonbanks? One major consequence is small business will find its credit costs rising. In periods of credit crunch, small business might even find its credit sources largely disappearing. Third, large conglomerates that owned their own nonbanks would enjoy lower cost credit than ever. Big business already enjoys lower credit costs than small business. That differential would grow with nonbanks.

The banking bill that passed the Congress last March also provided a limitation on the authority of the Federal Reserve Board to permit banks to underwrite securities. That limitation expires next March. The 50-year-old Glass-Steagall Act strictly limits that Federal Reserve power. But the Fed has found a way to kick slightly ajar the door Glass-Steagall seemed to have slammed tightly shut in the 1930's. The moratorium limitation passed by the Senate last March is designed to give the Congress a few months to decide on a coherent, national basis whether the banks should have new powers. And, if they should, which new powers they should have. If the Congress fails to act by next March, a dramatic if gradual change in our financial markets will begin to take place with banks entering securities markets at whatever pace the Federal Reserve Board, and the courts allow.

Brookings economist Robert K. Litan and Nobel Prize-winning economist James Tobin have both indicated their support for a more decisive and swift transformation of our financial markets. They would allow banks to enter any financial market; but the banks or the segment of the bank that did this would not have insured deposits. They would fund their loans in the short-term money market. These institutions could be owned by commercial or industrial firms. They could in fact function under present law. They could also function under the proposal passed by the Senate in March that outlawed nonbanks without deposit insurance. In fact, without bank deposits, they would not be subject to bank regulation.

Would these institutions without insured deposits be viable? This Senator doesn't think so. If they were, they would be operating now. There is no present law that prevents their operation. Since they would be free of the onerous and costly regulation the law requires of banks, why haven't such institutions come into existence? A prime reason is because they can't compete with the low-cost credits banks attract with Federal insurance of deposits. How would Litan and Tobin meet this problem? They would confine those institutions that accept Federal deposits to 100 percent safe Government deposits. Litan-Tobin would simply knock the low-cost insured deposits out of the Lending Act.

The Litan-Tobin proposal would do the following: It would end any safety and soundness problem for insured deposits. It would also tend to reduce the return on such deposits. Since the proposal would raise the cost of money to the new institutions that could make loans, it would also raise the cost of credit to American business. Since the supply of credit to these institutions would come from short-term money market sources and not from insured depositors, that supply would be more sensitive to the increased risk, the institutions would undergo in recession periods. So the cost of credit for American business would not only be higher. It would be more volatile and more likely to rise in periods of recession when the risk factor would increase.

Of course there are many other potential scenarios for change in what has become an increasingly more dynamic financial market. The job of the Congress must be to make these changes rather than leave them to the regulators and the courts. We should make changes so that we protect the safety and soundness of our financial institutions, reduce discrimination and conflict of interest to a minimum, and provide for maximum competition.

Once again I thank my friend, the distinguished majority leader, and yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m. and that the vote that was originally scheduled for 10 occur at 11:30 as already indicated. Shortly I will know from Mr. PELL and others as to whether or not they wish to change the period for debating the resolution on which the vote will occur.

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

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

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

The legislative clerk proceeded to call the roll.

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

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

DEBATE ON MIA RESOLUTION TO BEGINS AT 11:10 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the time for debate on the MIA resolution begins at 11:10 under the same conditions as heretofore entered.

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

RECESS UNTIL 11 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 11 o'clock a.m.

There being no objection, the Senate, at 9:15 a.m., recessed until 11 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ADAMS).

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business between now and 11:10 a.m., and that Senators may speak therein up to 5 minutes each.

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

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, at 11:10 a.m., the time would be under control and there would be debate on Senate Resolution 255, with a time limitation of 20 minutes to be equally divided. A vote will occur at 11:30 a.m. That will be a rollcall vote. If Senators wish to begin discussing the resolution, they may do so even now.

The PRESIDING OFFICER. Does the majority leader wish the time to be counted against them if they should start? Is that part of the unanimous-consent agreement?

Mr. BYRD. No. I would simply suggest that the time start running at 11:10 a.m.

The PRESIDING OFFICER. I thank the majority leader.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

VESSEY MISSION TO VIETNAM

Mr. McCAIN. Mr. President, I thank you, Mr. President, for recognizing me and allowing me to begin, a few minutes early, the discussion of the resolution Senate Resolution, 255 which will be before the Senate.

The PRESIDING OFFICER. If the Senator will suspend for a minute, the Senate is on morning business and the Senator may, of course, discuss any subject he wishes but the time will not be counted against the Senator or the time until 11:10 a.m. But the Senator is recognized for any purpose he wishes.

Mr. McCAIN. I thank the President again. I would also like to express my sincere appreciation to the majority leader for allowing this resolution to come to the floor of the Senate in this very timely fashion.

I am very aware of the dedication of the majority leader to all of our veterans, particularly those of the Vietnam war and his commitment to the resolution of the issues that remain outstanding between ourselves and the Vietnamese Government.

I am also grateful to Senator DOLE, our distinguished Republican leader, Senator NUNN, Senator DECONCINI, Senator PELL, and others, who have joined in submitting this resolution to this body.

I am also told, Mr. President, that today the other body will also consider this resolution, and I am assured that it will proceed without delay. Consideration of this measure is propitious because General Vessey, the former Chairman of the Joint Chiefs of Staff, will proceed today to Hanoi to begin these very important meetings and negotiations on the MIA's and other issues.

In my discussions with General Vessey about his mission, he told me that the best way Congress could assist him in his efforts would be a resolution which gave the Vietnamese a clear signal that the President, the Congress, and the American people are united and undivided in support of an early resolution to the humanitarian issues that exist between ourselves and Hanoi.

Mr. President, almost 15 years ago, on January 28, 1973, the United States and the Vietnamese concluded an agreement to end hostilities in Vietnam. There were many facets to that agreement. One of them was that all those held captive by both sides would be returned and a full accounting of those listed as missing in action on both sides would be rendered.

Over the past decade and a half, this country's attitudes toward that war and the men who fought in it have changed rather dramatically. Vietnam veterans, once excoriated, reviled, and insulted, and many whom, were ashamed to wear their uniforms or even be recognized for the fact that they served in Vietnam, are now proud of their service. Perhaps the greatest event of the eighties as far as American veterans are concerned is the recognition and appreciation that the American people have expressed to those who fought in that war. Although we may have had severe chasms and disagreements within our society, the American people have concluded that those who fought deserve our appreciation and whatever benefits we can provide them which they so richly deserve as do all veterans who fought in all wars.

For some Americans, however, the war has not ended. The families of over 2,400 Americans missing in action live in limbo, without knowledge of the fate of their husbands, fathers, sons, and brothers.

Mr. President, this issue remains alive. It remains important. Indeed, it remains critical to millions of Americans across this country.

A visit to the Vietnam War Memorial, which I made as recently as last week, will show that this issue still preys on the minds of all Americans. There is no way we can ever close the chapter on that unhappy part of America's history, the Vietnam war, unless we have a full accounting for those who are still listed as missing in action. In the years since the war, a resolution of this issue has been pursued by a number of dedicated Americans. It has also been perceived by some charlatans and deceivers as a money and profitmaking opportunity.

A great deal of misinformation has been conveyed to the American people on this issue. The Vietnamese for their part, in my opinion, have failed to live up to the spirit of the agreement that they signed in Paris in January 1973 that a full accounting would be rendered.

In fact, as far as the remains of Americans who are still missing in action, Mr. President, there has been a tremendously cruel and even cynical attitude in that the Vietnamese have, from time to time, given three or four bodies back to the American authorities. Hanoi knows that we have full knowledge that they have held those remains for many, many, many years.

For several years after the war's end, the belief was that we had left no Americans behind in 1973. This view was corroborated by a number of commissions in the late 1970's.

In fact, in our desire to put the Vietnam war behind us and close this unhappy book, the American people were, I think, too quick to reach the assumption that there were no Americans left in Vietnam.

There has been a change since then. The belief that Americans might still be held captive has been corroborated by such respected individuals as Gen. Eugene Tighe, former head of the Defense Intelligence Agency, and others who say there are legitimate questions about the status of Americans who remain missing in action. In my opinion, Mr. President, we must assume that there are still Americans being held against their will in Southeast Asia until we have evidence to the contrary.

Mr. President, I want to fully and clearly point out that I have no evidence nor do I believe that the DIA or anyone else has firm evidence that there are Americans left alive in Southeast Asia. There are, however sufficient allegations and live sightings reports which have not been resolved to give sufficient doubt regarding this issue. It cannot and will not lose its highest priority, as President Reagan has stated, until it is resolved.

Mr. President, General Vessey's trip provides the relationship necessary for the level of cooperation on this issue crucial to its resolution.

Other issues to be raised by General Vessey during his trip will include the 30,000 Amerasian children who deserve the opportunity to come to this country if they choose to do so, the thousands of Vietnamese who are held in so-called reeducation camps to this day, and the rejuvenation of emigration procedures for those wishing to leave Vietnam.

I would also suggest that if we could resolve these issues, perhaps there is a much greater opportunity to resolve others.

MISSING IN ACTION NEGOTIATIONS

The PRESIDING OFFICER. The Chair will state the control time will now start. The Senator from Arizona is recognized for 10 minutes and will control that time. The Senator from Rhode Island is recognized for 10 minutes and will control that time.

The clerk will report the resolution at this time.

The legislative clerk read as follows:

A resolution (S. Res. 255) expressing the sense of the Senate with regard to the forthcoming negotiations by General John Vessey to resolve the fate of Americans missing in Southeast Asia, and other issues of humanitarian concern to the people of the United States and Vietnam.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Thank you, Mr. President.

General Vessey travels to Vietnam as the Special Presidential Emissary for POW/MIA affairs. The resolution before us expresses the Senate's "full and undivided support for General Vessey in his forthcoming negotiations" regarding the MIA's and other issues of humanitarian concern to both nations.

I might point out here, Mr. President, that the Vietnamese Government has changed. For the first time, there is a change from the old traditional, hard-core Marxist ruling body to what is perceived by many observers as a more pragmatic and forthcoming group of leaders.

It is also very clear that, despite the fact that the Vietnamese won the war, they have lost the peace. They are an international pariah, in desperate need of increased contact with other nations, not only the United States, but its neighbors as well.

This resolution, Mr. President, calls on Vietnam to respond positively, in a humanitarian context, to the concerns of the American people despite the political differences that exist, and probably will continue to exist, between our two countries.

I have asked that this resolution be considered under unanimous consent, as I mentioned, because it is important that Hanoi know, before General Vessey arrives, that the President, the Congress, and the American people stand united behind our special emissary. Further, as the resolution states, we are united in calling on Vietnam to respond in a positive manner to the humanitarian issues being raised by General Vessey during his trip.

Other humanitarian issues, as I mentioned, remain unresolved. I hope that we could address all of those as time and the ability of the Vietnamese Government permits.

The recent resumption of interviews for those wishing to leave Vietnam is a hopeful sign that humanitarian issues of concern to both nations can be resolved. Hanoi's willingness to receive General Vessey is evidence that they are interested in addressing these issues in a constructive manner.

As General Vessey departs, he takes with him the hopes of the American people that the fate of Americans missing in action, and other humanitarian issues, may soon be resolved.

I want to thank the distinguished majority leader, Senator BYRD, again, and the distinguished Republican leader, Senator DOLE, for allowing this resolution to be brought up today. I know that their concern on this issue extends back many years.

I ask that my colleagues join in a bipartisan, united expression of support for General Vessey, and for the objectives he hopes to attain during his trip to Hanoi.

Mr. President, I obviously have a deep interest in this issue. There are comrades of mine who still remain listed as missing in action.

In closing, we not only have an obligation to the men still listed as missing in action and their families, we also have an obligation to future generations of Americans that, if called upon to sacrifice on behalf of freedom, this Nation will do everything in its power to ascertain their whereabouts and ensure their return should they be missing in action.

I hope that the American people will unite, and I believe that the American people will unite, behind General Vessey in this resolution and the Congress of the United States and the President as we seek to resolve this one last remaining issue of the Vietnam war.

I reserve the balance of my time.

The PRESIDING OFFICER. The Senator reserves the balance of his time.

Who yields time?

The Senator from Rhode Island.

RESOLUTION OF SUPPORT FOR GENERAL VESSEY'S MISSION TO VIETNAM—IT'S TIME FOR ACTION ON MIA'S, REEDUCATION CAMP PRISONERS, AMERASIANS AND THE ORDERLY DEPARTURE PROGRAM

Mr. PELL. Mr. President, I have long been interested in the question of prisoners of war. I can remember in 1940 going to Geneva and seeing the files of prisoners of war at that time as a delegate of the Red Cross.

Through the years I have seen the sad fate that POW's have suffered. In 1970, I remember working on this subject as a delegate representing the United States to the U.N. General Assembly. At that time, Commander McCain was a prisoner of war himself, and his father, Admiral McCain, was commander in chief of our naval forces in the Pacific (Cincpac). I remember serving with him earlier when he was vice chairman of the U.S. delegation to the U.N. Military Staff Committee.

The suffering of those men was very real to those of us who were charged with POW matters. I remember talking with the wives and children, the dependents of the POW's.

I believe that this resolution is very timely and very useful and very good. We do not know whether there are any still missing in action there, but the matter should be settled, if possible, once and for all. I think that this mission of General Vessey's is an excellent one and one that we all support and encourage.

I have joined with Senator MCCAIN, no longer Commander McCain, and others in submitting a resolution stating that General Vessey will have the "full and undivided support" of the Senate in his forthcoming negotiations concerning our missing in action personnel in Southeast Asia and the other humanitarian issues affecting the United States and Vietnam—the release and resettlement of so-called reeducation camp prisoners who have been incarcerated since 1975, the need for improved arrangements for the U.N. High Commissioner for Refugees Orderly Departure Program, and the need to facilitate the departure of the Vietnamese-American children whose resettlement in the United States is of such special concern.

Mr. President, these are all subjects that are long overdue for resolution. The time has come—more than 12 years after the Communist takeover—nearly 15 years since the agreement that ended the conflict—to put these subjects behind us, so that we can get on with the broader issues that continue to divide us.

On April 30 of this year—the anniversary of the United States withdrawal from Vietnam—I joined with Senator HATFIELD and a number of other Senators in submitting Senate Concurrent Resolution 54—urging the President to send a special representative to Vietnam for these purposes, and calling for the establishment of technical resolution offices in both countries. All of us who have worked on this subject in the Senate are heartened that General Vessey's mission will now take place. The leaders of Vietnam with whom he will meet should know that he carries with him the hopes of the American people, as expressed by their elected representatives, for successful negotiations leading at long last to a satisfactory resolution of the MIA issue, and to substantial progress on the other urgent humanitarian subjects that I have mentioned.

What all these subjects have in common is that with each passing year they become more difficult, not easier, to resolve. Information on our MIA's is perishable, memories fade, and records become harder to retrieve. There are indications that our technical resolution teams that have already visited Vietnam have experienced problems in interpreting information from local people as to the exact location of crash sites and places of burial. Information on such subjects does not improve with age; rather it deteriorates.

There is no sense in prolonging negotiations on MIA's in the hope that over time they will strengthen the hand of one side or the other. Indeed, the MIA issue should be understood by all concerned as a "wasting asset" in terms of any possible usefulness as a "negotiating card." None of the humanitarian issues should to be linked to broader political issues. Indeed, the best way to get on with a political relationship is for the two sides to work together to resolve the humanitarian issues.

The same is true for the reeducation camp prisoners, whose continued detention is of particular concern to many people in my own State of Rhode Island, and throughout the United States. These prisoners are Vietnamese men and youths incarcerated without trials or other legal procedures for their alleged opposition to the Communist regime in Vietnam. Some among them were associated with programs and policies of the government of the former Republic of Vietnam, supported by the United States. Many have wives, children, and other close relatives in the United States.

I have worked closely with the Families of Political Prisoners in Vietnam, the Indochina Resource Action Center [IRAC], and other groups who are appealing for the release of these prisoners. From them and others I have received information about the terrible plight of these men, incarcerated in grim conditions for over a dozen years for "crimes" that have no relation to ordinary issues of right and wrong but relate directly to their political views in the now distant past.

Among the reeducation camp prisoners are writers and journalists, religious workers, and priests, many of them outspoken critics of the past governments in South Vietnam which the Communists have replaced. Their crime such as it is, or was, lay in their courage and independence. Courage in the sense that these were the men who stayed at their posts—as military officers and government leaders, as writers and journalists and private citizens—rather than joining the much larger numbers able to flee as refugees. Independence in their willingness to stand up for their own views regardless of the dictates of a political regime.

Speaking as a long-time and outspoken critic of the U.S. role in Vietnam, I hope that General Vessey will tell the Vietnamese leaders with whom he will meet their refusal to release the reeducation camp prisoners after so many years stands as a black mark on the image that Vietnam seeks to present to the rest of the world. That black mark could be removed if Vietnam would now carry out the act of mercy that their leaders promised 5 years ago when they said they would release the reeducation camp prisoners if the United States would accept them.

Since September 1984 the United States has been on record in agreeing to receive the prisoners. The admission numbers and funds to make this possible have been provided for in various congressional authorizations. Any shortfalls in these authorizations would be swiftly remedied, I am certain, if the prisoners were released and enabled to come to the United States and other countries willing to receive them.

American concern about the reeducation camp prisoners was previously memorialized in Senate Resolution 205, submitted by our distinguished colleagues, Senators KENNEDY and DOLE, which I also had the privilege of cosponsoring, which was approved unanimously by the U.S. Senate on May 1, 1987.

That resolution states what I have stated here today: Thousands of these prisoners continue to be detained in Vietnam more than 12 years since the end on the war; Vietnam previously offered to release them to be resettled abroad with their families; their release now is a matter of urgent priority.

An editorial in the Washington Post published the same date this resolution was approved—May 1, 1987—contains this statement from the family group working for release of these men: "We do not think that belonging to a vanquished regime is a crime. But even if our relatives have committed 'crimes' under the new government's law, we think 10 years of imprisonment is enough punishment for those who have sinned." If they have sinned.

There is no political ambition in such a statement, no defiance of Vietnam's leadership, not even the reasonable insistence that many of the men incarcerated in the "reeducation centers" themselves disagreed with previous governments of Vietnam—the very governments that the Communists have replaced. What is being asked for is simply an act of mercy, overdue perhaps, but an act still timely if it would be carried out soon.

The Government of the Socialist Republic of Vietnam has started a period of renewal and policy review in 1987, following the well-publicized party conference in Hanoi last December. Those who follow Vietnamese affairs have been led to expect that the new, more youthful leadership of Vietnam would seek to bring Vietnam into closer relations with other countries

throughout the world, including the United States. I can think of no more appropriate way for Vietnam to signal such new directions than to act quickly and unconditionally to release the reeducation camp prisoners and allow them to resettle abroad with their families.

The same is true for the Orderly Departure Program in general, and for the special cases of the Vietnamese-American children about whom there is such keen interest in our country. These are all humanitarian issues left over from the war that should be resolved now.

In the case of the Amerasians, even the youngest are now grown teenagers; the older ones are in their twenties, in many cases continuing to experience the discrimination and prejudice to which they have been subjected since childhood as the "mixed-blood" children of American fathers and Vietnamese mothers.

Mr. President, I ask unanimous consent that the texts of Senate Concurrent Resolution 54 and Senate Resolution 205 be printed in the RECORD at this time, with the text of the Washington Post editorial of May 1, 1987, to which I have referred. I also ask to have printed the text of a letter that Senator KENNEDY and I sent to General Vessey yesterday expressing our personal support of his mission, with particular attention to the plight of the reeducation camp prisoners.

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

S. RES. 205

Whereas twelve years have passed since the end of the Vietnam war, yet thousands of Vietnamese remain held as political prisoners and many thousands more divided from their families in the United States and other countries;

Whereas the Government of the Socialist Republic of Vietnam has a responsibility to observe international standards of human rights;

Whereas the Government of the Socialist Republic of Vietnam has committed itself to releasing political prisoners to be resettled abroad; and

Whereas the Government of the Socialist Republic of Vietnam signed an agreement with the United Nations High Commissioner for Refugees to assist in the reunification of families: Now, therefore, be it

Resolved by the Senate, That the Government of the Socialist Republic of Vietnam should immediately release all political prisoners held as a result of their previous association with the Government of South Vietnam prior to 1975;

That the Government of the Socialist Republic of Vietnam should fulfill its commitment to negotiate their humane resettlement abroad or to rejoin family members outside of Vietnam; and

That the Government of the Socialist Republic of Vietnam should immediately resume processing of family reunification cases under the United Nations High Commissioner for Refugees' Orderly Departure Program.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

S. CON. RES. 54

Whereas twelve years have passed since the end of the Vietnam War, and it is in the best interests of the United States to put the War behind the Nation;

Whereas the United States is deeply committed to the resolution of the many pending humanitarian issues which are a legacy of the Vietnam War and which cannot be quickly and finally resolved without increased cooperation and open channels of communication between the United States and Vietnam; and

Whereas unresolved humanitarian issues affect people in both countries and range widely, including the fullest possible accounting of American MIAs and POW's; the release of political prisoners in Vietnamese re-education camps; the rejuvenation of the emigration procedures for Vietnamese through the Orderly Departure Program; the resettlement of Amerasians still in Vietnam; and the health and safety of Indochinese refugees living in camps throughout Southeast Asia, particularly along the troubled Thai-Cambodian border: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should designate and send to Vietnam at the earliest practicable date a special Presidential representative to negotiate with the Government of Vietnam for—

(1) an agreement for the speedy resolution of all the aforementioned outstanding humanitarian issues between the two countries; and

(2) an agreement for the establishment of technical resolution offices in the capitals of both countries for the purpose of implementing the agreement described in paragraph (1).

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

[From the Washington Post, May 1, 1987]

HANOI'S BROKEN PROMISE

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

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

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

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

U.S. SENATE,
Washington, DC, July 27, 1987.

Gen. John W. Vessey,
U.S. Army (Ret.), the Pentagon,
Washington, DC.

DEAR GENERAL VESSEY: We are pleased to learn you are leaving tomorrow to meet with representatives of the Government of Vietnam, and they have agreed to discuss with you, the issue of our missing-in-action personnel as well as other humanitarian issues that remain in the aftermath of the Vietnam war.

We hope your mission will be a success, not only in obtaining a further accounting of our MIA's, but in laying the basis for progress on other humanitarian problems. Although these other issues are not, and should not, be connected to the MIA issue, we obviously believe, as you and others in the Administation do, that progress in one humanitarian area may contribute to progress in others.

In particular, we are concerned over the continuing plight of the so-called "re-education camp" political prisoners who continue to be detained in Vietnam some 13 years after the war ended. Many of the prisoners, as you know, are held because of their past association with programs and policies of the former government of the Republic of Vietnam supported by the U.S. government. Their number is now estimated at 6,000, the remainder of much larger numbers originally detained.

Between 1982 and 1984 the Vietnamese government repeatedly offered to release these prisoners if the United States would take them. In September 1984 the Secretary of State in testimony to the Congress gave such a commitment. We understand that remains our policy and we are confident it continues to have Congressional support.

Some of us recently introduced legislation in the Senate (S. Con. Res. 54) that called on the President to send a special presidential representative to resolve these humanitarian issues with Vietnam, and we welcome your designation for this important mission. In addition, the Senate on May 1 unanimously approved a resolution (S. Res. 205) calling particular attention to the plight of the "re-education camp" political prisoners and urging that they be released and permitted to be resettled abroad with their family members. Copies of both resolutions

and the accompanying discussion are enclosed for your information.

We are also concerned over the need to sustain progress that has been achieved recently in getting the Orderly Departure Agreement resumed—which contributes immeasureably in assisting the reunification of Vietnamese families divided for many years. Again, while this is not the focus of your current mission, we believe the Vietnamese should be encouraged and supported in the new initiatives they have been willing to undertake in this area, and to build upon them.

Again, we wish you well in your humanitarian mission and simply wanted to let you know of the strong, bipartisan support that exists in the Senate in addressing these issues—as reflected in the passage and cosponsorship of the enclosed resolutions.

With best wishes,

Sincerely,

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations.
EDWARD M. KENNEDY,
Chairman, Subcommittee on Immigration and Refugee Affairs, Committee on the Judiciary.

Mr. PELL. Mr. President, I urge that the Senate act swiftly this morning to approve the resolution before us to assure General Vessey of our support for his humanitarian mission to Vietnam.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Does the Senator from Arizona yield time?

Mr. McCAIN. Mr. President, I yield 2 minutes to the distinguished Senator from Minnesota [Mr. BOSCHWITZ].

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 minutes.

Mr. BOSCHWITZ. Mr. President, General Vessey came and met with me as he so often does when he comes to Washington. He is a fellow Minnesotan and we got to know each other quite well over the years. He described the journey he is undertaking to Vietnam for the purpose of finding those American prisoners of war missing in action who still are unaccounted for.

Mr. President, today we are expressing our collective support for Gen. John Vessey, who is about to meet with officials in Hanoi to discuss humanitarian issues important to the people of both the United States and Vietnam. Of utmost concern is the continuing effort to provide a full accounting of those Americans still missing in Southeast Asia.

Most of the 2,413 Americans missing were last seen in Cambodia, Laos, and China before we withdrew our Forces in 1975. I strongly agree with the President that the return of these Americans is an issue of highest national priority and am also in full support of his pledge for decisive action to ensure their release. The President's decision to appoint General Vessey as a special envoy for MIA/POW affairs is a welcome step in furthering our efforts to determine the fate of those still missing and secure the release and return of recoverable remains.

In his remarks at the Memorial Day ceremony honoring the Vietnam Unknown Soldier, President Reagan stated that "An end to America's involvement in Vietnam cannot come before we've achieved the fullest possible accounting of those missing in action." Working for the fullest accounting of those still missing is the least we can do. Unfortunately, since the end of the Vietnam war 12 years ago, we have found that this task is not an easy one.

Our relationship with Vietnam is by no means easy to predict and of course much of our effort on the MIA/POW issue requires the assistance of the Vietnamese Government. We have had a difficult "on again/off again" relationship with Vietnam, which makes consistent progress very difficult. Before Vietnam decided to address the MIA/POW issue separately as a humanitarian effort, apart from unrelated political matters, we saw little progress. Since then, much to our benefit, we have seen the level of cooperation between our governments increase.

The announcement earlier this month that General Vessey would be permitted to meet with Vietnamese leaders in an effort to resolve this difficult issue is a sign that Vietnam's earlier hesitation and unwillingness to help has been set aside. We can only hope that Vietnam will see the humanitarian benefits, which includes compassion for the missing servicemen and their families, of continued cooperation.

Mr. President, I am especially pleased that Gen. John Vessey, former Chairman of the Joint Chiefs of Staff and a fellow Minnesotan, will head the U.S. delegation to Hanoi. Upon retiring last year from a successful military career, General Vessey returned to his home along Lake Mille Lacs in northern Minnesota. Just last week I spoke to him about his brief respite back home and the responsibilities and challenge of his new position.

In an effort to ensure that our Government does all in its power to resolve this important issue of POW's and MIA's in Southeast Asia, I rise in strong support of today's resolution unifying our support behind General Vessey in his upcoming negotiations.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I want to join my colleague from Arizona in supporting this resolution. No one in this Chamber lends more credibility to the POW/MIA issue than JOHN McCAIN. I am sure he knew many of these missing Americans—and I want him to know how special it is for me to see him, here on the Senate floor, highlighting the administration's efforts to obtain the fullest possible accounting of our MIA's.

VESSEY LEAVING

This full accounting has been, as President Reagan has said many times, "A matter of the highest national priority." It is clear that this President has retained that resolve and Jack Vessey's mission to Hanoi today is a continuation of the administration's total commitment to determine the fates of these American heroes once and for all. A grateful nation owes its continued concern to the memories of these men who sacrificed so much—and to their courageous families as well.

THE VIETNAMESE

We have never deviated from that concern—yet the Vietnamese seem to run hot and cold on their seriousness to further this humanitarian issue. Their lack of cooperation since last fall has all but vitiated their 1985 commitment to resolve the POW/MIA issue within 2 years. We know, and they do as well, that this single humanitarian issue could be solved relatively quickly with good faith and cooperation on both sides. Every time this issue has been linked to strategic or political matters, it has suffered as a result. Yet, it is plain that resolution of the fates of our missing men could position the Vietnamese for future improvement of relations.

MISSION TODAY

The United States is ready, the families are ready, and clearly Jack Vessey is ready to see the POW/MIA issue to its successful conclusion. Much effort has proceeded this mission leaving today; more hard work will be necessary. We, the Senate, should clearly go on record today as being 100 percent behind Jack Vessey and his mission to Hanoi. We should join with our Arizona colleague, who suffered tremendously as a result of service to his country, in calling on the Vietnamese Government to cooperate fully with the Vessey mission.

Mr. DECONCINI. Mr. President, I commend my colleague from Arizona, Senator McCAIN, for submitting this resolution expressing the body's full and undivided support for General Vessey's mission to Vietnam to discuss the POW/MIA issue and other issues of humanitarian concern dividing our two governments.

Mr. President, no Member of this body has a more personal stake in the final resolution of the POW/MIA issue than Senator McCAIN who spent more than 6 years as a prisoner of war in Hanoi. While he will deny it, I believe all of his colleagues consider Senator McCAIN a hero for the courage he exhibited during those many months of torture and deprivation. That courage is the most eloquent testimony possible of the importance of finding a resolution to the POW issue which continues to cause so much pain and

anguish for thousands of American families.

In January, 1986, I had the privilege of traveling to Vietnam with Senator MURKOWSKI and Congressmen BOB MCEWEN and MIKE BILIRAKIS. The MURKOWSKI CODEL was the first bipartisan delegation to travel to Vietnam since the cessation of hostilities. Our purpose was to underscore the importance that the Congress and the American public placed on the resolution of the prisoner of war issue. Our trip was followed by a series of nine hearings that Senator MURKOWSKI held as chairman of the Senate Committee on Veterans' affairs. During the hearing process, I spent literally hundreds of hours meeting with individuals, family members, a wide array of interest groups, and U.S. Government officials, both past and present, to get a realistic historical perspective on what actions had been taken by our Government since the end of the war and what actions seemed most appropriate to take 12 years later.

From the voluminous testimony which was presented to the committee, I think there is little room for argument that the POW/MIA issue was put on the back burner of our national agenda for many years. At best, our actions can be described as apathetic and that attitude pervaded the Government bureaucracy. Quite simply, I believe we wanted the dark and divisive days of the Vietnam war behind us. As a result of Government inaction, the families of our POW's felt abandoned, frustrated, and devoid of confidence that our Government had either the desire or the resolve to confront this issue.

Fortunately, President Reagan, to his credit, raised this issue to one of our highest national priorities. His selection of General Vessey, the former Chairman of the Joint Chiefs of Staff, to act as his personal envoy to Vietnam to negotiate on the issue of our POW/MIA's underscores the importance that he personally places on this issue and that commitment will not go unnoticed by Vietnamese officials. I commend the President for choosing someone of General Vessey's stature to act as his emissary. Foreign Minister Thach is a tough negotiator, but I believe he will meet his match in General Vessey. I have great faith in General Vessey's negotiating abilities. If anyone can move the Vietnamese off the dime on the prisoner of war issue, I believe it is General Vessey. In addition, I hope that he will be able to move the Vietnamese forward on a number of other humanitarian issues which continue to divide our nations: resumption of the interviewing processes under the U.N. High Commissioner on Refugees' Orderly Departure Program, the resettlement of Amerasian children, the release of political prisoners from Vietnamese reeducation camps, and the repatriation of American remains.

Along with my colleagues, I wish General Vessey every success. I know that he will give this mission his every effort. If the administration and the Congress continue to work in concert on these issues, I am confident that we will meet with ultimate success.

Again, I commend Senator MCCAIN for taking the initiative in introducing this resolution to show the Senate's full and undivided support for the mission of General Vessey.

Mr. CRANSTON. Mr. President, I am delighted to express my strong support for Senate Resolution 255, a resolution submitted last Friday by my friend from Arizona [Mr. MCCAIN] and others to express the full and undivided support of the Senate for the mission of Gen. John Vessey to Vietnam. General Vessey, the former Chairman of the Joint Chiefs of Staff, leaves on his mission today with a goal of entering into negotiations with the Government of Vietnam in an attempt to resolve the fate of Americans missing in Southeast Asia and other humanitarian issues. I know I speak for all of my colleagues and constituents when I wish him great success in his endeavors. As do all Americans, I have the greatest sympathy for those families who to this day cannot be certain about what has happened to their brothers, sons, or fathers.

Mr. President, I agree completely with the view of the Senator from Arizona [Mr. MCCAIN] that it is vital that the Government of Vietnam understand that the American people, as well as the various branches of our Government, are in complete accord on the need to resolve the very difficult, very emotional issues surrounding the fate of our missing in action as quickly as possible and that we also are in full agreement that a fair resolution of these issues, on a humanitarian basis, is critical before there can be any consideration of moving forward in any other areas involving the relationship of our two countries. The Government of Vietnam must not be in the slightest confused in this regard. We, as a nation, are resolute on these points.

As chairman of the Veterans' Affairs Committee, chairman of the Subcommittee on East Asian and Pacific Affairs of the Foreign Relations Committee, and as a member of the Intelligence Committee, I am keenly aware of the many efforts that have been undertaken and that are underway at present to try to resolve the MIA issue.

In the last Congress, the Veterans' Affairs Committee held a series of hearings on this subject. These hearings dealt specifically with the issue of live sightings of American POW's in Southeast Asia. Although those hearings helped shed more light on this very troubling issue, they did not yield any concrete information about POW's in Southeast Asia on which action could be taken.

Mr. President, although this lack of information was very disappointing, I have not abandoned my efforts in this area. I am in regular contact with the Department of Defense to follow the actions our Government is taking in response to the reports of live sightings of Americans in Laos and Vietnam. I view Vessey's mission as a vital initiative in our ongoing efforts, and was privileged to meet with him this past Friday to discuss his plans for the effort.

It is very important to bring to light all possible information about the issue of whether any U.S. service personnel remain in Southeast Asia, and to take all appropriate steps to obtain a full accounting for each and every one of our MIA's.

Mr. President, I urge my colleagues to give their unanimous support to Senate Resolution 255 and thereby send an unmistakable signal to the Government of Vietnam regarding the unyielding unanimity of the American people on this issue.

Mr. KENNEDY. Mr. President, I join in strong support of this resolution and to commend our distinguished colleague from Arizona [Mr. MCCAIN] for offering it this morning.

Certainly no other Senator in this body understands or feels the issue of our missing-in-action in Vietnam more than Senator MCCAIN. As one who served our country in Vietnam, and who suffered as a prisoner-of-war for many years, he knows the special anguish that families of those Americans still missing in Vietnam feel each day.

No other issue in the aftermath of the war remains higher on our Nation's agenda than receiving a full accounting of our MIA's. It is a goal I have supported for many years, and which I have personally raised with Vietnamese officials, both in correspondence and in delegations I have sent to Vietnam.

This is a humanitarian issue, not a political question, and hopefully the time has come when Vietnamese officials understand that. There are many humanitarian issues that continue to touch the lives of both our peoples, and if we finally approach them with greater mutual understanding of how they affect both our countries, perhaps we will finally see some greater progress in dealing with them.

We know that is the spirit of the mission that the President has asked General Vessey to undertake today.

Yesterday, as Senator PELL has mentioned, he and I sent a letter to General Vessey offering our support for the mission he begins today, to deal at the highest levels of the Vietnamese Government on the issue of a full account-

ing of our missing-in-action personnel. As this resolution before us this morning states, we all wish him well and that he succeeds in his mission.

Resolving this and other humanitarian issues will be a longer-term process, but this is an important beginning. And we all hope, Mr. President, that the improved climate and higher diplomatic priority that General Vessey's mission represents will help stimulate progress not only on the MIA question, but on other compelling humanitian issues as well.

As Senator PELL and I wrote yesterday, while these other issues are not the thrust of General Vessey's mission today, and should not be connected to the MIA issue, we nonetheless believe that progress in one humanitarian area may contribute to progress in others.

One of those problems are the so-called reeducation camp prisoners who remain detained in Vietnam 13 years after the war has ended. Certainly, few humanitarian issues are more compelling than their plight.

Some 6,000 political prisoners are still being held because of their past association with the former Government of South Vietnam, or because of their association with the United States. Five years ago senior officials of Vietnam offered to release these political prisoners if the United States would accept them. In 1984, before our Subcommittee on Immigration and Refugee Affairs, during our annual consultation on refugee admissions, Secretary of State Shultz did just that: he accepted on behalf of the United States the offer Vietnam had made. Since then there has been silence and no progress.

Many of these political prisoners have family members in the United States, many of whom are now U.S. citizens. So the resolution of this issue is one of concern to American citizens and to the American people.

Finally, we need to sustain the progress that has recently been achieved in resuming the orderly departure agreement, which is necessary to assist families who have relatives in the United States and elsewhere to leave Vietnam safely and in an orderly fashion. The Vietnamese should be encouraged to continue the good faith efforts that have been made on both sides for more progress in this area.

I hope General Vessey's high-level mission will signal the deep importance we attach to achieving progress in resolving all these humanitarian issues.

Mr. President, I am pleased to join in support of the resolution offered by Senator MCCAIN, and to commend him for bringing this important issue to the Senate this morning.

And we all hope that General Vessey will succeed in obtaining further information on Americans still missing in action, and set the stage for resolving this issue once and for all.

Mr. MURKOWSKI. Mr. President, today I rise in enthusiastic support of Senate Resolution 255. This resolution expresses the full and undivided support of the American people for Gen. John Vessey's trip to Vietnam as the special Presidential emissary for POW/MIA affairs. This issue has been one of great importance to myself and to the many families of those servicemen who have yet to come home from Vietnam. The fate of those American servicemen still unaccounted for in Southeast Asia is of the highest priority to President Reagan. I applaud his initiative in sending an individual of General Vessey's stature to duscuss this matter with the Vietnamese. Now is the time to resolve this isue and the many other humanitarian issues that exist between our two countries.

General Vessey travels to Vietnam at an important juncture in United States-Vietnamese relations. Earlier this month the Vietnamese Government called for the reopening of the Orderly Departure Program. The recent resumption of interviews for those wishing to leave Vietnam is a promising sign that the broad range of issues confronting our countries can be resolved. By giving full support to General Vessey, we express our views of the importance of continued communication and cooperation between the United States and Vietnam that will be needed to improve these relations.

Twelve years ago the war in Vietnam ended, and most of our men returned home to continue their roles as husbands, fathers, sons, or brothers. It was a welcome sight to have these men back with their families, but this was not the case for all. Many of our men did not return home. Over 2,400 Americans did not return from Vietnam—over 2,400 are missing in action or unaccounted for. For this reason, the war in Vietnam has not ended for many Americans. Many of the families of those missing live with the hope that their loved ones may still be alive. These families continue to feel the impact of the Vietnam war 12 years after the guns fell silent.

In January of 1986, I traveled to Southeast Asia, along with Senator DECONCINI, as part of a bipartisan congressional delegation to meet with governmental officials in Vietnam, Laos, and Thailand to discuss a broad range of issues confronting our respective countries. As a result of this trip, my interest and knowledge of the POW/MIA issue increased significantly. While in Hanoi, I was able to meet with Vietnamese officials to discuss the issue of live sightings and MIA accountability as well as crash-site excavations. Senator DECONCINI and myself, as well as other members of the delegation, had the opportunity to tour a B-52 crash site on the outskirts of Hanoi which had been recently excavated by a joint United States-Vietnamese team. To myself and other members of the delegation this was a positive sign that increased cooperative efforts between our two countries would be possible in the future.

Mr. President, my journey to Southeast Asia was a sign of progress between our countries in resolving the POW/MIA issue, and I believe that General Vessey's trip could very well be an extension of that progress. Our prayers for a successful journey are with him.

For these reasons, I join with my distinguished colleagues, Senators PELL and MCCAIN, and urge adoption of this resolution.

Mr. HATFIELD. Mr. President, the Vietnam war ended more than 12 years ago, but its human ghosts continue to haunt us. Hundreds of brave families in this country—whose husbands and fathers, whose sons and brothers remain unaccounted for—live every day in the nightmare of the unknown. For the hundreds of thousands of brave men, women and children in Vietnamese reeducation camps and in refugee camps throughout Southeast Asia, the nightmare is not the unknown but the known—the violence, the desperation and the hopelessness. And so it is also for the Americans and others who were caught between two sides in a war they did not wage but cannot forget.

As Gen. John Vessey leaves for Hanoi, he carries with him the hope of these people—many of whose names and faces we will never know but who came together to remind us that our responsibility and our suffering did not end when American combat troops withdrew from Southeast Asia. I have a great deal of personal respect for General Vessey, and I know him to be worthy of the trust we have placed in him.

But General Vessey's appointment last February as Special Presidential Emissary for POW/MIA Affairs and his trip to Hanoi are only a beginning. They are the beginning of a journey down a long road. How far we go down that road—how far we go toward resolving the complicated humanitarian problems which remain as haunting and cruel reminders of the Vietnam war—will depend on our political will.

Whether we are talking about MIA's and POW's, political prisoners in reeducation camps, Amerasians, those who have applied to leave through the Orderly Departure Program, refugees in the camps throughout the region or even the horrors of Cambodia, improved United States relations with Vietnam continues to be the only real key. That means diplomacy, creative and energetic diplomacy. And it means political will.

Three months ago, I introduced a resolution urging the President to send a special representative to Vietnam to resolve pending humanitarian issues and to establish technical resolution offices in both countries. I urge everyone who votes for this resolution to consider carefully my resolution. As General Vessey leaves for Hanoi, I urge all of my colleagues to look beyond his trip to the next step.

I hope and pray that the general's trip brings the dawn of a new era in United States relations with Vietnam. If it does, one day soon we may exorcise the ghosts of the war and put them behind us once and for all.

Mr. DURENBERGER. Mr. President, I rise today in strong support of Senate Resolution 255 supporting the efforts of the Reagan administration to get the full truth about those Americans missing in action in Southeast Asia.

In the 14 years since the last American combat troops left Southeast Asia, no issue has been more emotionally charged, more vexing, and more fraught with tragedy than accounting for the Americans still listed as missing in action. When President Reagan came into office, he promised that accounting for these cases was "a matter of the highest national priority." Since that time, he has worked through a number of public and private channels to achieve a resolution of the MIA issue. I know just how seriously this administration took its commitment to resolving the MIA issue from my years on the Senate Select Committee on Intelligence. And this commitment has been reaffirmed many times in public by President Reagan and other officials.

Many Americans have been frustrated by the lack of progress in accounting for the 2,413 MIA's over the past 14 years. But we must all realize that any resolution must involve the Government of the Socialist Republic of Vietnam. It is an unfortunate fact that the United States alone cannot resolve the fate of the American MIA's by itself; Vietnam must cooperate with us in the search for answers.

But while we have sought to keep "humanitarian issues" separate from other policy questions, the Vietnamese until recently insisted on including such issues as the normalization of relations in any discussions on the MIA question. The United States Government has maintained, rightly, that questions such as the resolution of MIA's, release of political prisoners in Vietnam, and the rejuvenation of emigration under the Orderly Departure Program must be adequately addressed before there could be any discussion of normalizing relations.

U.S. persistence and commitment has finally paid off; retired Army Gen. John Vessey, former Chairman of the Joint Chiefs Of Staff and a fellow Minnesotan, was appointed last February to be the Special Presidential Emissary for POW/MIA Affairs. After patient work, including a high-level advance delegation that recently returned from Hanoi, Vietnam has agreed to receive General Vessey for discussion limited to humanitarian issues, including the priority concern of resolving the MIA cases.

The appointment of General Vessey reflects the deep commitment of the Reagan administration on this issue. He is, to my knowledge, the highest ranking official to ever be directly involved in the MIA issue. But his appointment means something special to this Senator—as a fellow Minnesotan, General Vessey is particularly sensitive to the 45 unresolved cases of servicemen from our State. I met with General Vessey last week to discuss his upcoming trip to Hanoi. And I reminded him that among the larger issues he will deal with on his visit, he should remember that there are 45 individuals that are very important to this Senator. For me, the 45 Minnesotans who remain unaccounted for are what I think of when the words "missing in action" are mentioned. For the families of these men, each and every day since they were lost in Southeast Asia has been filled with uncertainty and profound sadness.

I share in the suffering of the families and friends of the Minnesota MIA's. The fate of these men has been unresolved far too long. It is my sincere hope that pending visit by General Vessey to the Socialist Republic of Vietnam will bring the answers to relatives and friends that have been waiting for so long. And as this body expresses its support for the Vessey mission, I want to remind my colleagues of the personal side of this issue—we must not forget that what the Vessey mission is all about is people.

Mr. President, at this point I would like to read the names of the 45 Minnesotans still listed as missing in action into the record:

Harold L. Algaard, John E. Bailey, Charles J. Bebus, Paul V. Carlson, Keith A. Christopherson, William R. Cook, Benjamin F. Danielson, David W. Erickson, Allen E. Fellows, Lawrence D. Gosen, Eugene A. Handrahan, Stephen J. Harber, Richard A. Knutson, Melvin T. Krech, Ronnie G. Lindstrom, Allen R. Lloyd, Lyle E. Mackedanz, Marlow E. Madsen, William E. Mickelson, Jr.

Richard E. Mishuk, Patrick P. Murray, Clinton A. Musil, Sr., Barry A. Olson, Delbert R. Peterson, Trent R. Powers, Michael E. Quinn, Gary L. Rehn, Lavern G. Reilly, Thomas E. Reitmann, John L. Ryder, Richard J. Schell, John R. Schumann, Francis L. Setterquist, Orval H. Skarman, Darrell J. Spinler, Daniel A. Sulander, Roger W. Swanson, William E. Swanson, Dennis L. Toms, Richard A. Walsh III, Richard D. Wiehr, Kurt M. Wilbrecht, and Ronald L. Zempel.

Mr. McCAIN. Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes 52 seconds remaining.

Mr. McCAIN. Mr. President, I would like to again express my appreciation to the majority leader and the minority leader for bringing this resolution to the Senate in such a timely fashion.

Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to Senate Resolution 255: Senators DOLE, PELL, HELMS, CRANSTON, MURKOWSKI, BOREN, HATFIELD, DECONCINI, BOSCHWITZ, RIEGLE, SYMMS, SHELBY, HECHT, DASCHLE, GRAHAM, WILSON, SANFORD, GRASSLEY, EXON, MOYNIHAN, HEFLIN, BYRD, DIXON, MITCHELL, THURMOND, and KENNEDY.

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

Mr. McCAIN. Mr. President, again I would like to express my special appreciation to the distinguished chairman of the Foreign Relations Committee, Senator PELL, whose involvement in this issue dates back for well over 20 years. His commitment to not only an adequate resolution of those missing in action but other humanitarian issues include that of the tragic reeducation camp situation. I think it is known to all of us and deeply appreciated.

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

The PRESIDING OFFICER. The Senator yields back 2 minutes 45 seconds.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 2 minutes.

Mr. SANFORD. Mr. President, I ask unanimous consent that my name be added to Senate Resolution 255 as a cosponsor.

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

Mr. SANFORD. Mr. President, the question of the POW/MIA puzzle has certainly bothered a great many people in North Carolina where we have four very important military installations. This has long been a matter of a great deal of concern to me.

I am delighted now to see that so much progress has been made in bringing closer to solution the nagging questions of our valiant military personnel who are missing in action or who might remain in captivity as prisoners of war in Southern Asia.

91-059 O-89-35 (Pt. 15)

We have new hope that the mission of Gen. John Vessey will provide the breakthrough we have been seeking for a number of years.

I join in enthusiastic support and express the hope that this mission goes forward now with great success.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 4 minutes 2 seconds.

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

The PRESIDING OFFICER. All time having been yielded back, the question occurs on the resolution.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Florida [Mr. CHILES], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Illinois [Mr. SIMON], are necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness in family.

I further announce that, if present and voting, the Senator from New Mexico [Mr. BINGAMAN], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Alabama [Mr. SHELBY], the Senator from Illinois [Mr. SIMON], would each vote "yea."

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

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—92

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

NOT VOTING—8

Bingaman	Gore	Shelby
Bradley	Kerry	Simon
Chiles	Lautenberg	

So the resolution (S. Res. 255) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 255

Whereas fourteen years have passed since the last American combat troops left Southeast Asia, and twelve years have passed since the end of the war in Vietnam;

Whereas two thousand four hundred and thirteen Americans missing in action during our involvement in Southeast Asia remain unaccounted for;

Whereas President Reagan has repeatedly stated that the fullest possible accounting of those Americans missing in action in Southeast Asia is "a matter of the highest national priority";

Whereas the President, the Congress and the American people stand united in supporting continued efforts to account for Americans still missing in action in Southeast Asia;

Whereas other humanitarian issues affecting the people of the United States and Vietnam remain unresolved, including the resettlement of Amerasians still in Vietnam, the release of political prisoners in Vietnamese reeducation camps, the rejuvenation of emigration procedures for Vietnamese who wish to leave their country through the orderly departure program;

Whereas the aforementioned humanitarian issues have caused great hardship to the peoples of both the United States and Vietnam, and it is in the interest of both countries that they be fully and quickly resolved;

Whereas in February, 1987, President Reagan appointed retired General John Vessey, former Chairman of the Joint Chiefs of Staff, as Special Presidential Emissary for POW/MIA affairs; and

Whereas General Vessey will, in the near future, travel to Hanoi to discuss with officials of Vietnam humanitarian issues of concern to both countries; Now, therefore, be it

Resolved, That the Senate—

(1) expresses its full and undivided support for General Vessey in his forthcoming negotiations to determine the fate of those Americans missing in action in Southeast Asia, to facilitate the return of the recoverable remains of those missing in action, and to discuss the remaining humanitarian issues affecting both Nations.

(2) calls on Vietnam to respond positively to the aforementioned concerns of the American people in a humanitarian context.

The preamble was agreed to.

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

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

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business to extend until 12:15 p.m. today, that Senators are permitted to speak therein for up to 5 minutes each, and that at 12:15 p.m. the Senate stand in recess until the hour of 2 p.m. today to accommodate the two party conferences.

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

Mr. SYMMS. Mr. President, I thank the majority leader for making this time available.

A LOSS TO THE CAUSE OF THE FREE MARKET: THE DEATH OF COMMERCE SECRETARY MALCOLM BALDRIGE

Mr. SYMMS. Mr. President, I rise today with sadness in my heart. It was a real shock to all of us that on Saturday Malcolm Baldrige, our distinguished Secretary of Commerce, was injured and lost his life. He was an American in the first degree.

Mac was born in Omaha, NE, educated in the East, and spent most of his working life in jobs in the East. However, he retained a great affinity for the West and the accident that ended his life attests to that.

Mac was as ardent a supporter of the free market as there ever has been. I saw eye to eye with him on the function of the marketplace. He adamantly opposed subsidies for foreign imports while promoting fair trade practices as the way to achieve a truly competitive marketplace.

His efforts to stop Japan from dumping semiconductors on the American market was typical of his economic philosophy. Mac was one of the driving forces, if not the driving force, behind the semiconductor agreement which addressed and is trying to address unfair trading practices by the Japanese.

Mac believed that only through a competitive marketplace free of foreign subsidies and barriers can American trade prosper. While semiconductor sanctions sought to pry open a closed market, Mac also understood the need to recognize good faith efforts to solve differences. Even now, his Department is involved in negotiations to lift sanctions imposed on Japan for failing to keep the semiconductor agreement.

Despite Mac's dedicated service in Government, he still found time to keep things in perspective by competing in rodeos.

I might add, Mr. President, the former rodeo champion was installed in the Cowboy Hall of Fame in 1984 and will be remembered always not only for his accomplishments in the Reagan administration but also for his skill as a cowboy.

Secretary Baldrige fought unfair trade practices with the same determination and aggressiveness that he roped calves. Even when other Cabinet members were leaving Washington for higher paying jobs, Mac remained loyal to the administration. He was

one of the three remaining original Reagan Cabinet Secretaries.

Serving longer than any Commerce Secretary in history, Secretary Baldrige's efforts to steer the American economy away from a protectionist course and toward one of free trade will benefit this country for years to come.

Mr. President, I extend my deepest sympathy to the Secretary's family and friends one and all. We will miss him enormously in this administration and in the efforts that he made for his country. We hope that he enjoys the happiness of big green pastures with lots of calves to rope wherever he is today.

I yield the floor.

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.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2 p.m.

Thereupon, the Senate, at 12:15 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DODD).

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

Mr. DOLE. Mr. President, I believe the majority leader may have reserved this leader's time this morning.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. Mr. President, I know the Democrats are still meeting. As in morning business I can dispose of this now and save some time later.

BICENTENNIAL MINUTE

JULY 28, 1952: DEATH OF SENATOR BRIEN MC MAHON

Mr. DOLE. Mr. President, 35 years ago today, on July 28, 1952, Connecticut's delegates to the Democratic National Convention, meeting in Chicago, cast their 16 ballots for their favorite son candidate, Senator Brien McMahon. On that same day, as the Presiding Officer knows, Senator McMahon died at a Washington hospital after a battle with cancer.

By the time of his death, Senator McMahon had earned a worldwide reputation as an authority of atomic energy and nuclear weapons. As a freshman Senator, he had been deeply moved by the destruction of Hiroshima by an atomic bomb in 1945. While he saw the military purposes of nuclear weapons, he also believed that atomic energy must be harnessed for peaceful purposes. In 1945, Senator McMahon introduced a resolution to create a special Senate Committee on Atomic Energy, of which he became chairman. This was a forerunner of the Joint Committee on Atomic Energy, which McMahon took over as chairman in 1949.

In these posts, McMahon allied himself with nuclear scientists who opposed the exclusive military control of atomic energy, and helped create a civilian agency, the Atomic Energy Commission, to oversee nuclear power development. As chairman of the joint committee, McMahon then exercised a tight congressional oversight over the AEC, and became one of its strongest advocates on Capitol Hill. Senator McMahon supported research into new nuclear weapons, and was a leader in the fight to develop the hydrogen bomb. At the same time, he advocated a number of disarmament and arms reduction proposals. In 1951, despite the intense cold war atmosphere, McMahon won passage of a congressional resolution declaring America's desire for peace and friendship with all people. His death the following year deprived the Senate of its leading authority on atomic energy.

MALCOLM BALDRIGE (1922-1987)

Mr. DOLE. Mr. President, today I honor the memory of a good man whose untimely passing this weekend stunned and saddened all of us. I know my colleagues—Republicans and Democrats—agree with me that Malcolm Baldrige was a remarkable member of President Reagan's Cabinet.

He was a friend; a dedicated public servant who I admired; and a loyal member of the President's team who earned the respect of Republicans and Democrats on Capitol Hill.

We saw Mac a lot up here. He made a point of maintaining close and cooperative relations with the Congress and as I have indicated with Members on both sides of the aisle. That was his way: Hard work, integrity, and the willingness to sit down and work out differences—he never ducked the tough issues.

He was just the sort of person we ought to have handling executive departments—someone who has made his mark in another field, understands life and values outside Washington, and is willing to lend his talents to public service.

He never lost sight of his roots—from his businessman's background to his cowboy spurs. He will be greatly missed.

Mr. President, I know my colleagues join me today in mourning the death of Mac Baldrige; and in sending the Senate's sympathy and prayers to the Baldrige family.

I understand a little later on, if it can be cleared, there will be a resolution submitted on this topic.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for an additional 15 minutes and that Senators may speak therein up to 5 minutes each.

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

The Senator from North Carolina.

CONSTITUTIONAL GOVERNMENT

Mr. SANFORD. Mr. President, the Iran-Contra scandal continues to occupy our national attention, and well it should. There are those who contend the hearings are a waste of money, or politically inspired, or overdramatized because of press and television attention. There are those who have written me that there should never have been a Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition.

How else should a free and open society conduct its public business? Should a handful of individuals behind closed doors decree that the public ought not to be permitted to know anything about abuses or alleged abuses? Should such individuals then have the power to decree that the press ought to be prohibited from reporting or commenting on such deeds?

That is the way they do it in some countries, and doubtless is the way they would do it in Nicaragua today. How can those who say they oppose the Sandinista government want to do as they would under similar circumstances? How can those who are against dictatorships, against suppressing free speech and free press, against concealing alleged misconduct

of the government, possibly be against our free and open public discovery and examination?

We must have these hearings. We must seek all the details, no matter how embarrassing. There has been too much done under cover of darkness.

Lieutenant Colonel North may not be a villain. Certainly the congressional inquiry did not set out to make him one. But neither is he a hero by virtue of the activities under investigation. Anyone who has faced enemy fire in the military service of the Nation is a hero, so Lieutenant Colonel North is a genuine hero by that measure. That was a fact before the activities now being investigated, but that fact, no matter how laudable, does not excuse him from upholding the Constitution and obeying the law.

There is no doubt that Lieutenant Colonel North explained his actions skillfully. There is no doubt that he presented himself in the best possible light. His revelations, however, are not of things of which heroes are made, even if his style was appealingly Quixotic.

What did he do wrong?

First, he withheld information from his Commander in Chief, and misled his Commander in Chief into a trap worse than any he has ever faced.

Second, he clothed himself with Presidential authority and immunity, pled that he did what he did because he was only following orders, and then denied receiving Presidential orders on the most damaging and incriminating part of the episodes.

Third, he substituted his wisdom for that of the Congress, and while it is quite possible that the opinion of one person may be sharper than the combined consensus of any 535 people, that is not the American way. We believe in representative government. We operate under constitutional procedures.

Fourth, he set himself above the law. He showed a willful contempt for constitutional government. There is even a suggestion of petty pilfering for personal use.

Fifth, he misappropriated U.S. Government funds from sales of Government property, and quite illegally spent them without congressional approval, that is what portion was not skimmed off by his confederates. He may even have ripped off or shortchanged the Defense Department in the process.

Finally, he snuck incriminating documents out of a Government office, and destroyed other public records while they were being actively sought by the Attorney General of the United States. This might well have been an obstruction of justice, an illegal coverup.

North is doubtless intelligent, hard working, loyal, inventive, and personable. Those traits are not here at issue. Nor should they obscure what is at issue. Neither is the Contra policy at issue. Individuals do not, in the United States, secretly override the institutional decisionmaking power set forth so clearly in our Constitution.

Suppose every agency and department had some employee who thought and acted as did Lieutenant Colonel North. Would they be seen as dashing heroes? Could a Printing Office clerk mark up a best-selling publication at $20 instead of the authorized $10, and send the difference to the Boys Club of Washington, a splendid organization that our printer friend felt should not have been denied a Government subsidy? The whole Government would be in chaos, just as North has left his own agency.

Secretary George Shultz testified that the secret arms deal:

> * * * galls me. Our guys * * * they got taken to the cleaners. You look at the structure of this deal—it's pathetic that anybody would agree to anything like that. It's so lopsided. It's crazy.
>
> It is totally outside of the system of government that we live by and must live by. * * * You cannot spend funds that the Congress doesn't either authorize you to obtain or appropriate. That is what the Constitution says, and we have to stick to it. * * * That's the only way.

The hearings revealed that Admiral Poindexter did not understand the practices and restraints of free and open governments; or knowing them, nevertheless failed to respect them.

The chief transgression of North and Poindexter was to contend that they were not subject to the law. No one, in America, from President to Army private can claim that status. Their chief failing was to show disdain for the principles of U.S. constitutional government.

What have we learned? The congressional inquiry will result in recommendations to protect us from such disregard of the public trust in the future. Perhaps the National Security Council will be restructured. Surely we have learned again that public business in the United States is best run in the open, or if necessarily covertly run, it must be handled with extreme care if we are to retain the attributes of a constitutional society. Cloak and dagger tactics are not the style of a great, strong, and free people.

William V. Shannon recently wrote about another aspect of the lessons I hope we learned from this unfortunate episode.

His most revealing reminder was the famous failure of Gen. Alexander Haig to grasp the principles of a free people. He had passed on instructions to Attorney General Elliot Richardson to fire Archibald Cox, who refused and resigned. Then Deputy Attorney General William Ruckelshaus refused and quit.

Haig, preplexed, said, "But don't you understand? This is an order from your commander-in-chief."

Shannon answers that question.

I ask unanimous consent that Mr. Shannon's column be printed in the RECORD.

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

[From the News and Observer, July 18, 1987]

MILITARY VIRTUES SUFFER IN TRANSLATION

(By William V. Shannon)

It is time to send the soldiers back to the barracks.

The United States has begun a descent to the status of a banana republic. Colonels, generals and admirals have been rushing about exercising vast powers, ignoring the constitution and the laws, and lying to Congress and the people.

When their harebrained schemes such as trading weapons to Iran for hostages become known, they don their uniforms, point to their chestful of medals and defy anyone to question their patriotism and their good intentions. If this country is not to go the way of many other countries that have suffered long periods of stupid and criminal misrule by military men, Congress has to insist that only civilians fill civilian offices.

The testimony of Lt. Col. Oliver North underscored the critical importance of restoring a civilian monopoly in the conduct of foreign affairs. North was hopelessly unqualified to work on the staff of the National Security Council. Instead of a balanced judgment and as understanding of foreign affairs, North brought manic energy and a can-do spirit that asked no questions and tolerated no limits.

The very qualities that made North an excellent combat officer in Vietnam made him unfit to be in a sensitive political post: "If the commander in chief tells this lieutenant colonel to go stand in the corner and sit on his head, I will do so."

Asked why he had never inquired of Adm. John M. Poindexter why his memorandums had not been forwarded to the president, he said: "I'm not in the habit of questioning my superiors. If he deemed it not to be necessary to ask the president, I saluted smartly and charged up the hill."

Exactly. The attitude that enables an infantry officer to charge up a hill is invaluable in wartime. It is the attitude that training deliberately instills in soldiers and sailors. But it is not the outlook suitable to conducting the affairs of a constitutional democratic government. Civilian officials are expected to ask questions of their superiors, and to be morally and legally responsible for their own actions.

North's answers are reminiscent of the famous remark of Gen. Alexander Haig when, as President Nixon's chief of staff, he ordered Attorney General Elliot Richardson and then Deputy Attorney General William Ruckelshaus to fire Archibald Cox, the special prosecutor. When they refused, Haig exclaimed: "But don't you understand? This is an order from your commander in chief."

A president is "commander in chief" only to the members of the armed forces. Civilian officials respond to a president's directives in accord with a wholly different tradition. They realize that they owe a president something more precious than obedience;

they owe him their independent judgment. They know they can resist his orders, and if they fail to persuade him, they are free to resign. That is an option that a military man on active duty does not ordinarily have. Haig is a conspicuous example of a military man on active duty who frequently shifted to political assignments at the White House. He helped set the unhealthy tradition in which Poindexter and North have followed.

Every large organization has people with North's extremist personality. The problem is to find assignments for them where the organizaiton can make good use of their qualities and not enable them to get themselves and the organization into trouble. North should have been at Parris Island training young Marines. There his gung-ho personality would have been appropriate.

As a White House staff member, North's lack of common sense and the reckless streak in his personality soon had him deep into committing crimes. He was busily concocting false chronologies, shredding evidence and telling lies.

Patriotism is the first refuge of the military man in trouble. But patriotism and good intentions are no substitute for wisdom and prudence. The Greek colonels thought they were being patriots when they seized Cyprus in 1974, failing to recognize that Turkey's greater strength would soon make the position of the Greek Cypriots much worse. The Argentine generals throught they were being patriots when they seized the Falkland Islands, failing to recognize that Britain's greater strength would lead to their defeat. One could multiply the examples throughout history.

It takes a military man of rare character and insight to exercise political power prudently; it requires a Marshall or an Eisenhower or a de Gaulle. More typically, a military officer, disabled for political tasks by his military training, salutes smartly and marches himself and his country over a precipice.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. BYRD. Mr. President, will the distinguished Senator allow me to interrupt his remarks without his losing the right to the floor?

Mr. WILSON. Yes.

Mr. BYRD. I thank him for that and I apologize for interrupting.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the distinguished Republican leader and I have been discussing business for this afternoon. We have agreed to proceed with Calendar Order No. 233, H.R. 348. That happens to be the license number of Andy Gump. But, anyhow, it is a good one.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 233, with the understanding that the distinguished Senator from California [Mr. WILSON] will not have his remarks shown as having been interrupted in the RECORD and the distinguished Senator from Nebraska will be able to proceed in morning business as earlier planned. I ask unanimous consent that morning business continue to 2:30 in that event.

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

Mr. BYRD. And that, at the end of morning business, I ask that the Senate proceed with the consideration of Calendar Order No. 233.

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

Mr. BYRD. Mr. President, I thank the Senator from California. I thank the Republican leader for his cooperation.

RETIREMENT OF GEORGE E. SOLOMON, EXECUTIVE VICE PRESIDENT AND GENERAL MANAGER ELECTRONICS AND DEFENSE SECTOR TRW INC.

Mr. WILSON. Mr. President, on August 1, 1987, George E. Solomon will retire as executive vice president of TRW Inc. and general manager of the company's electronics and defense sector following a 33-year career.

Dr. Solomon was born and raised in Seattle, WA, and received a bachelor of science degree in aeronautical engineering from the University of Washington in 1949. His college career was interrupted by service in the U.S. Army during World War II. In 1949 he entered the California Institute of Technology, and earned a M.S. in aeronautics in 1950 and a Ph.D. in aeronautics and physics—magna cum laude—in 1953.

Dr. Solomon has had a distinguished career as a scientist, manager, and business executive. His career encompasses a broad range of activities, from his pioneering work in the Nation's ballistic missile and space programs, to leadership of more than 28,000 men and women in one of America's largest aerospace corporations.

Joining the guided missile division of the Ramo-Wooldridge Corp. in 1954, Dr. Solomon conducted research into the dynamic motion of reentry bodies and on the theory of ablative heat shield cooling. These experiments contributed to the successful design of the reentry vehicle for the first U.S. intercontinental ballistic missile.

A major contributor to the Nation's space program, Dr. Solomon directed the system design of some of America's earliest spacecraft, such as the early Pioneers and Able, launched in 1958 and 1959 respectively. He also led early experimental research into the effect of high energy particle radiation in space on the surface properties of materials and solar cells, and he supervised the system design of the Pioneer interplanetary spacecraft and the Vela nuclear detection satellites.

Dr. Solomon's career at TRW has been marked by a series of increasingly responsible management positions. Over the years, he has been a member of the technical staff, a director, and vice president of various business units, including TRW defense and space systems group, which he managed from 1971 to 1981. In 1981, Dr. Solomon was elected executive vice president of TRW Inc., and appointed general manager of the company's electronic and defense sector.

Active in professional organizations, Dr. Solomon is a member of the NASA Space Program Advisory Council as well as the prestigious National Academy of Engineering. He is former chairman of the aeronautics and space engineering board of the National Research Council, a member of the board of governors and the executive committee of the Aerospace Industries Association, and of several honorary fraternities.

Through his example, he has helped set high standards of professionalism throughout the aerospace industry. His is truly an exemplary career, and one that has expanded our scientific and technical knowledge and helped maintain America's freedom and security.

I want to express my personal thanks to him as well as the thanks of his Nation for a job well done. I know that my colleagues join me in wishing Dr. Solomon well as he retires from TRW.

The PRESIDING OFFICER. The Senator from Nebraska.

DEATH OF COMMERCE SECRETARY HOWARD MALCOLM BALDRIGE

Mr. KARNES. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 256) to express the sorrow and regret of the Senate on the death of Howard Malcolm Baldrige.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

Mr. KARNES. Mr. President, I am offering a resolution today to express my deep regret over the tragic accident this past Saturday of Commerce Secretary Malcolm Baldrige, Jr. I would also like to offer my deepest sympathy to the Secretary's family. The death of Secretary Baldrige is a great loss to our country, to the administration, and also to the State of Nebraska in which he was born.

Secretary Baldrige was born in Omaha on October 4, 1922. He spent much of his early life on a ranch in western Nebraska before he left for the Hotchkiss School in Connecticut. He continued to return home even later, as he was earning his bachelor

of arts degree in English at Yale University. His father, Malcolm Baldrige, Sr., was a lawyer in Nebraska for many years, and was elected to the Nebraska Legislature in the 1920's. Malcolm Baldrige, Sr., later represented Nebraskans in the 72d U.S. Congress form 1931 to 1933.

Mr. President, the people of the United States have lost a leader. His various political accomplishments began in Republican politics in the State of Connecticut.

Among Secretary Baldrige's other significant accomplishments are his award from the University of Nebraska at Omaha of an honorary doctor of letters degree in 1985. While he was reshaping Scovill Manufacturing Co., a brass and aluminum manufacturer, as its chief executive officer, Secretary Baldrige held directorships in several other companies, including AMF, Inc., Connecticut Mutual Life Insurance Co. of Hartford, Bendix Corp., IBM Inc., Eastern Co., and Uniroyal, Inc.

Secretary Baldrige was also active in many community organizations, he was a fine athlete and a colorful rodeo champion. With his longtime friend Jack Roddy, he set a steer roping record of 7.5 seconds on the professional rodeo circuit in 1970.

Secretary Baldrige's death comes at a particularly precarious time in light of the significant trade legislation we are currently considering in Congress. His views and principles, and his unique style, have been a great influence on our current trade policy.

Secretary Baldrige pushed hard throughout his 6-year tenure against unfair trade practices that hurt American sales abroad. Under the pressure of 6 years of record trade deficits that sapped the United States' economic growth, he played a major role in changing the administration's trade ideology from advocating free trade to endorsing fair trade.

The Secretary claimed that he was neither a monetarist nor a supply-sider, but rather drew his outlook from a combination of economic theory and his extensive business experience. Soon after his appointment as Commerce Secretary, he was quoted in a Congressional Quarterly interview as saying that his "priorities would be working on the problem of productivity, helping to increase our exports, and trying to get rid of excessive Government regulation." He pushed for action to weaken the dollar because its high value hurt American businesses abroad. When, in 1985, the Secretary of the Treasury started a coordinated policy with Japan and Germany to bring the value of the dollar down, Secretary Baldrige also pressed for a tougher stance against unfair trade practices. This stance was adopted in 1985. Many among this group of distinguished Senators admired Secretary Baldrige for his willingness to fight against business, labor unions, and Members of Congress in order to steer our country away from what he considered to be a dangerously protectionist course.

Just 10 days before his death, Secretary Baldrige warned that growth in global trade barriers would be a major setback to the economies of the United States and the world. He claimed that one of his greatest accomplishments was leading the fight to ease restrictions on high technology sales to China and India.

Secretary Baldrige had an individual and very effective management style. He was convinced that business practices could be successfully applied to Government. For example, at the Department of Commerce, he tried especially to introduce "management by objective"—devising plans to meet specific goals. "Leadership hasn't changed much since man came to Earth," he claimed. "But one necessary ingredient is to have a firm idea of where you are going."

Secretary Baldrige was, in fact, a man of firm convictions. I am sure that no one will forget his 1981 memorandum to the employees of the Commerce Department instructing them to avoid the traditional "bureaucratese" that had come to appear on almost every letter that passed through his office. The Secretary informed them that, thereafter, language from the Commerce Department would have to be proper and simple, with short sentences, no unnecessary modifiers, and defined by him as being "halfway between Ernest Hemingway and Zane Grey." His colleagues at the Department explain how all the word processors were programmed to catch any unacceptable phrases or words, including, for example, the commonly used term "interface" and, more appropriately, the phrase "untimely death." The Secretary pointed out that no death could really be considered "timely," as we can all attest to in this case.

The Secretary, through his strong convictions, greatly improved the operation of the Commerce Department. By the end of his first year in office, Secretary Baldrige had cut his Department's budget by about 40 percent. At the same time, he expanded its analytical and economic forecasting roles, among other functions, establishing a Bureau of Competitive Assessment to calculate where each industrial sector will stand by 1990 in worldwide competitive relationships. He brought to the Commerce Department a global approach which will facilitate the job of his successors.

On a personal level, Malcolm Baldrige was known for his integrity. As a writer for the Washington Post so aptly stated:

> Malcolm was one of those rare public people who have—and retain—a set of strong private values and interests while they are at the top of Government, a man who had an individual identity that could not be swayed or otherwise affected by the glories of office; one of those few people in the administration who spoke with real knowledge of the importance of performance on the factory floor, and of the necessity of strengthening American manufacturing. He knew that this country's prosperity and strength depend ultimately on the skill and quality of its manufacturing. That was the public issue about which he felt most strongly at the time of his death.

Omahans also knew Secretary Baldrige for his strong values. Del Weber, chancellor of the University of Nebraska at Omaha recalled, "I was struck by his considerable humility. You knew you were in the presence of somebody of considerable stature, without him telling you about it." It is no wonder that Secretary Baldrige spent his summers working as a cowhand on ranches in Nebraska throughout his years of education in Connecticut.

The toughness of the rodeo cowboy came through to his Cabinet position as Malcolm became one of the most influential Commerce Secretaries in history, transferring what had been a second-tier Cabinet position into the mainstream of the Reagan administration's economic decisionmaking.

These are only some of Malcolm Baldrige's many accomplishments, both in and out of office. It is in this light, with regard for his integrity and his strength of character, that I wish to remember Malcolm. I know that my distinguished colleagues in the Senate would join me in expressing a deep regret at the loss of this statesman, and in extending the deepest condolescences to his wife and family.

Mr. President, I yield to the floor.

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for an additional 5 minutes.

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

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I thank the majority leader for his kindness in extending morning business to allow me to commend my colleague from Nebraska for a very fine statement, and also to afford me the opportunity to try to capture in a few inadequate words something of the personal feeling that I had for Mac Baldrige. The junior Senator from Nebraska has done an extremely capable job of capsuling in a few paragraphs the extraordinary achievements of this extraordinary public servant.

Mac Baldrige was a genuine American classic. He was a great rarity, a man of few words, a man softspoken in public, but a man of remarkable clarity and, as was indicated by Senator KARNES, a man of deep conviction.

The final comment made in his tribute by Senator KARNES was, I think, particularly appropriate. It is ironic that those who deserve our admiration are so frequently people of genuine rather than feigned humility. Mac Baldrige was definitely a man who did not take himself seriously. He took his job immensely seriously. He was, in a very understated way, impatient with the kind of inflated language that did not reflect his own clarity of thought.

The memorandum that he sent to the employees of the Commerce Department urged them to express simply and clearly what it was they meant because he was intolerant of fuzzy thinking and of those who sought to obsure the basic points of any communication. He was never guilty of that himself. If you met Mac Baldrige for the first time, you could not help but be struck by his appearance—tall, lean, with a weathered, handsome face. He looked like a cowboy, the cowboy that in fact he was. But in pinstripe and with the assurance that comes from the kind of quiet self-confidence that he deserved to enjoy, he was at home in a board room, in a Cabinet meeting, as well as sitting on a fence waiting his turn to perform in a rodeo. He looked tough and he was tough minded. He had a discipline that is all too rare in public or private life, but he was also a very kindly man.

On one occasion, I recall his phoning me to see if I could give a little assistance to a cowboy friend who was down on his luck, who needed a second chance, who needed some assistance that I was delighted to be able to give him. This was a man of perhaps no great consequence to anyone else, but to Mac he was a friend, and Mac Baldrige valued him as a friend and took the time and the trouble to make the effort to see if he could help his friend.

And, characteristically, he did so though he had much else on his mind. He was Secretary of Commerce during the time of the greatest turbulence and challenge to America in international trade since Smoot-Hawley. He was, without question, the bold and lonely pioneer who succeeded in moving this administration from a position of simply rejecting protectionism to an aggressive insistence upon trade that was not only free but fair. He recognized that it was not enough simply to preach platitudes about free trade when in fact we were being treated unfairly by our trading partners. And while he urged this administration to undertake retaliation with caution and only where fully justified, when it was in fact warranted, he insisted that we retaliate clearly and decisively so that neither our purpose nor our resolve be in any way misunderstood or questioned by our trading partners.

Mr. President, the immense personal respect that he commanded, whether from those who agreed with him or those who faced him as an adversary across the table, was in fact a rarity. He was a quitely humorous and a good-humored man. He was loyal to his President, even more loyal to principle, most loyal to the fundamental conviction that it was a privilege to serve the American people. He did so ably and admirably. As my colleague from Nebraska has pointed out, he could be quite critical of American business from which he himself came. He recognized that in many cases, U.S. industries had not been competitive. He made no excuses for that. Nor would he allow any pressure group to ever stand in the way of his pursuit of his honest conviction as to what was in the best interest of the American people.

The fact that our trade picture is improving is, I think, attributable more to Mac Baldrige than to any other single individual. He was a realist. He was unsparingly honest, personally and intellectually, and because of that he enjoyed such respect and the affection as to make makes him a rarity even among the best of public servants.

Mr. President, I see that my time has expired. No amount of time, no words I think would permit me to express to this body the heartbreak that I felt when I learned late Saturday night from a member of my staff of the tragic and much too early passing of Mac Baldrige.

I thank my colleague. I thank the majority leader. I thank the President, and I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Does the Senator wish to extend the time for morning business by unanimous consent?

Mr. EXON. Mr. President, I ask unanimous consent that I be allowed to proceed for not more than 3 minutes in morning business to address the subject that is presently before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I have been listening with interest to the excellent remarks of my colleague from Nebraska and my friend and colleague from California. I am pleased to join as a cosponsor of the message and the thought expressed by my colleague from Nebraska with regard to the tremendously untimely passing of a truly great American. Mac Baldridge, I think, was a friend of all of us. He had that special gift, I suggest, that few of us who seek public office have, that is, to be extremely humble and unassuming in almost everything he did. Indeed, Mr. President, I guess that Mac Baldrige will go down in history for many things, not the least of which he was the first cowboy Secretary of Commerce that the United States ever had, and he was a good one. We will all miss his outstanding contributions. I suggest that those of us who are trying to put through a workable, understandable, nonprotectionist trade bill will especially miss him at this time as we attempt to work out the potential difficulties between the legislative branch and the executive branch, headed by President Reagan, with regard to the trade bill. I know that Mac Baldrige would have been a tower of strength in trying to work out something that would be acceptable not only to the President but the majority of both the House of Representatives and the Senate. I knew him well, possibly not as well as others, but I had great respect for him, and I thought that he was absolutely unique in his ability. He was one of the truly outstanding members of the President's Cabinet.

Our relationship from a family standpoint goes back several years because my wife went to grade school with the former Secretary of Commerce a few years ago in Omaha, NE. As a Nebraskan, we are tremendously proud of his accomplishments. As Nebraskans, we will grieve with his family, the terrible loss that they have suffered with his untimely passage.

Mr. President, I associate myself with the remarks of my colleague, the Senator from Nebraska, and my friend from the State of California. To Malcolm Baldrige, I say, "We will miss you, my friend, Godspeed."

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, I ask unanimous consent that I might proceed as if in morning business on the subject before the Senate for not to exceed 1½ minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 1½ minutes.

Mr. WARNER. Mr. President, the distinguished former Secretary of Commerce, Mr. Baldrige, and his family frequented my State of Virginia on many occasions. They were well known for their pursuits of the equestrian arts. As a matter of fact, I am privileged to serve with Mrs. Baldrige on the Therapeutic Riding Center here in the Nation's Capital, a center which provides equestrian opportunities for the handicapped children in hopes to build a sense of confidence in those children. His is a family devoted to all phases of life in America. We shall miss him dearly. My brother, now serving overseas in a Government post, for many years was associated with the Secretary as a member of his immediate staff of executives in the Department of Commerce.

On behalf of my family, on behalf of Virginians, we express our compassion

for the family, and the respect, love, and admiration for a great Secretary.

Mr. MURKOWSKI. Mr. President, the death of Secretary Malcolm Baldrige is an enormous loss to this Nation, one that is felt deeply and personally by those of us who have known and worked with Mac Baldrige over the years.

Mac Baldrige's appointment as Secretary of Commerce brought a straightforward businessman into the highest levels of Government. Beyond his strong and successful background in business and civic affairs, Mac Baldrige brought to the Department of Commerce a well defined belief in the value of common sense and fair dealing. He did not become eclipsed by the bureaucracy, rather, Mac Baldrige demonstrated that his decent, direct approach to problem solving can still make a difference.

I was privileged to work with Mac Baldrige on a variety of concerns, ranging from international trade barriers to issues affecting export commerce of my State and the protection of marine mammals. Without exception, Mac Baldrige was responsive and responsible in his approach. His ingrained sense of decency and integrity made him a special person to work with.

Nancy and I will miss our friend, and we send our prayers to Margaret and their family.

Mr. DODD. Mr. President, with the tragic passing of Malcolm Baldrige on July 25, this Nation has lost one of its most dedicated and insightful public servants.

Mac was a man who brought integrity and vision to his life in public service. Mac was a man who got to the point and found answers in a town famous for avoiding them. Mac was a man of agility and grace who brought a down-to-earth elegance to his work and his life. Mac was my friend and I will miss him.

When Malcolm Baldrige came to the Commerce Department 6 years ago, it would have been easy for him to ride the wave of ideology that had swept the new administration into office. It would have been easy for him to ride the wave and make it business-as-usual over at Commerce—back-seat, parochial, content to toe the line. But it wasn't Malcolm Baldrige's style to sit back and toe the line.

Mac understood that pragmatism rather than ideology was needed not only to vitalize the Commerce Department but also to press the Nation's global trade concerns. His practical experience had taught him that global prosperity could not be achieved if one underestimated the impact of value, quality and efficiency in American manufacturing. He was committed to this country's continuing prosperity and was one of the first to understand that a policy of fair trade was just so many words unless we were also committed to improving the skill of American workers and the quality of American manufacturers.

Mac staunchly defended the notion of fair trade despite criticisms from many quarters. He helped us to understand that free trade does not necessarily involve the acceptance of unfair trade practices any more than protectionist practices help salvage an indisputably uncompetitive industry.

I like to think that Mac's sensitivity to and understanding of American business interests stemmed from his hands-on experience with American manufacturing gained on the floor of the Eastern Malleable Iron Co., based in Connecticut. In 13 years Mac climbed from ironworker to president of Eastern Malleable. In 1962, he took up the reins at Scovill, Inc., in Waterbury, CT, and transformed what was a financially troubled brass manufacturer into a diversified manufacturer of consumer, housing and industrial goods. Under this steady and enlightened leadership, Scovill, Inc. grew to possess 81 plants in the United States and 22 other countries around the world.

After making the leap from Connecticut businessman to Washington policymaker, Mac remained true to what he had learned as both ironworker and CEO. He remembered that ideologies are meaningless unless driven by practical realities. And because of his wisdom, our Nation has been greatly served.

Several years ago, Mac and I were invited to the Deeds Symposium at the University of Hartford to debate the trade issue. Moderated by Teddy White, I think its sponsors eagerly awaited a showdown. Quite frankly, so did I. What had been designed to be a ideological confrontation between the Congress and the administration was nothing of the sort. We were in complete accord and I was struck by Mac's ability and willingness to pierce the thin veils of ideology and propose meaningful courses of action in dealing with our trade problem. As I look back on that day, I am thankful that at long last we have come to understand his counsel.

Connecticut is proud of its deep tradition of public service. With Mac Baldrige's passing, our State mourns the loss of one of its finest citizens—one who contributed so wisely to that proud tradition. We shall treasure his memory and smile knowing we can call him our own.

I extend my deepest condolences to Midge and the rest of the Baldrige family. My thoughts and prayers are with them during this difficult time.

Mr. SIMPSON. Mr. President, America has lost an extraordinary man in Malcolm Baldrige. He was a lovely friend of mine. My wife, Ann, and I have shared some most remarkable times with Mac Baldrige and Midge Baldrige. He will be deeply missed. Tomorrow we will have services at the National Cathedral, and our fine friend and a rector of the Episcopal Church, Senator JACK DANFORTH, will preside. That will be a very meaningful service, I know. And then on Thursday there will be services at his home in Connecticut as we celebrate the life lived. It is sometime difficult in the Christian faith, to "celebrate" a life lived, at a time when one is mourning and yet that is one of the unique aspects of the religion.

He indeed lived a full life, and we hear that one so many times, but this man really did that. He did in every way. He savored it. He participated with great gusto. And he was a chap who was as comfortable with cowboys as he was with kings—maybe even more so. He had a remarkable ability of friendship with everyone. I believe it was Kipling in the poem "If" who said:

If you can talk with crowds and keep your virtue,
Or walk with kings—nor lose the common touch;
If neither foes nor loving friends can hurt you;

Those words had a tremendous import in the life of Mac Baldrige, and yet he was a wise and brilliant man with an education at Yale University, a truly remarkable intellect and common sense, and he did some very great things for our Department of Commerce. I do not know of any finer Commerce Secretary in my time here—and the Senator from Arkansas and I came here together. There have been several Secretaries of Commerce before and since—and no one did it with more spirit and with more lasting and tangible results. He produced—indeed, he did. What he produced was a cohesiveness and a very definite imprimatur of himself on the things that happened in the Commerce Department. He made real strides there, strides with seven-league boots in every way. He had a steady hand and was respected by leaders of all governments of the world.

I have never seen a more vigorous man, and his legacy will be with us for many years to come. There are many things we will all remember Mac Baldrige for. I shall remember him as a friend. We had laughed a lot and talked a lot and told some pretty shaggy stories. He had a marvelous grin, a smile you could see a mile.

I will have an eternal visage of him with that hat, that cowboy hat, scrunched down on his head, and a white shirt and Levis, and the old cowboy boots, and pants hanging at a perilously extraordinary level, nearly defying gravity and with an old western belt. And that was what he loved.

He not only leaves us the legacy of a man of rare peace, rare calm, and rare friendship, but also, in that pixie-like way of his, he has left us another legacy. He took some great strokes against some of the ponderousness of the Washington language. He rigged up his computers in the Commerce Department so that the red light would come on and the thing would clang like something out of Rube Goldberg whenever you used a word like "viable," "input," "output," "effectuate," "facilitate," "specificity"—which ought to light up every dial—"unique"—I do not know why he did not like "unique"—"mutually beneficial," and one combination called "positive feedback." Also, almost any word that ended in "ize"—"utilize," "finalize," and all the rest of those "fuzzy" words.

He said to his staff that he preferred that they use "language halfway between Ernest Hemingway and Zane Grey." He leaves that legacy, too.

So, tomorrow, we will pay our last respects to this marvelous man of great wisdom, great friendliness, and great ability, we will do that in a spirit of celebration, as complex as that may be to define, because I shall mourn him as I also celebrate his life. He will be missed deeply. He was a dear and great man, and his greatness will be even more evident as the years go on: In those things he loved, with his feet in both camps, in the East where he was raised and in the West that he loved; his taproot reached that far. He would share with me that when he was a boy and later he read Zane Grey, Robert Service, Owen Wister, Ernest Hemingway, and Teddy Roosevelt. From those writings came a sturdy and poignant phrase which I guess would be about the finest thing you could say about a cowboy and a man: He died with his boots on.

Now we give him up, and thanks for him.

Mr. PRYOR. Mr. President, it goes without saying that the distinguished Senator from Wyoming has paid a moving tribute to his late, departed friend, Secretary of Commerce Malcolm Baldrige. I say to my friend from Wyoming that his statement is nothing less than pure eloquence.

We have all benefited in the Senate by a great statement about your close friend, I say to the Senator from Wyoming. In doing so, the Senate will support a carefully crafted bill which is very likely to be expeditiously approved by the House and sent to the President for his signature. Should amendments be adopted in the Senate, I understand that the need for a conference with the House would ultimately result. This would also slow down the momentum of the bill. It would delay the effective date of law to create fairness in the Postal Service procedures.

Mr. President, we believe that fairness can wait no longer.

Mr. President, I yield the floor.

Mr. BENTSEN. Mr. President, Malcolm Baldrige took over the helm of the Department of Commerce at a particularly difficult time in international trade and in the life of that department.

As a result of a trade reorganization put into place in connection with the enactment of the Trade Agreements Act of 1979, all authority in antidumping and countervailing duty matters—one of our most important trade laws—had been transferred from the Department of the Treasury to the Department of Commerce.

Congress had lost confidence in the administration of the law in the Department of the Treasury. There was a feeling at the end of the Tokyo round of multilateral trade negotiations that these laws had not been fully enforced, and it was hoped that at the Department of Commerce they would be vigorously enforced.

Moreover, in the Trade Agreements Act of 1979, these laws were greatly complicated both because new concepts had to be introduced in order to implement the agreements that had been reached in the Tokyo round about antidumping and countervailing duty procedures, and because under the Customs Court Act of 1980, these laws were made subject to exacting judicial review.

Therefore, when Malcolm Baldrige took over the Department of Commerce in 1981, he faced a tremendous challenge in this area of trade laws. The record shows that he met the challenge magnificently. Under Mac Baldrige, the total number of cases filed was the largest ever in the history of the antidumping and countervailing duty laws, which stretches back to the 1890's. Business confidence in the fair administration of these laws increased year-by-year, and it has become the most active trade jurisdiction of any of our trade laws. In large part this is because Mac Baldrige was able to convince the business community that the law would be administered without fear or favor, while he also convinced the international community that our law was administered strictly in accordance with international agreements.

Therefore, an American business that was competing with dumped or subsidized imports was in a position to go to the Department of Commerce as administered by Mac Baldrige and be assured that they would get a fair hearing and a remedy regardless of what the President thought or the Department of State thought about trade relations with the country concerned, and the country concerned knew that the law was mandatory, the remedy would be sure and certain if, indeed, injurious dumping or subsidization existed.

Mac always felt that a further reorganization of the Federal Government in trade was necessary and appropriate, but he ran up against opposition both with the administration and in Congress where jurisdictional lines of committees and the lack of full administration backing for his plans postponed these ideas.

As a former businessman, the more I have gotten involved in the trade issue, the more I have learned how much it profits from the experience of business people who are willing to contribute their time to Government service. American trade policy is grounded in the end on allowing profit-making companies to make the best of market opportunities. I never saw Mac more committed about trade policy than when it came to questions of foreign market opening. I do not think any foreign officials in Europe or Japan or the developing world ever had any questions about where he was with regard to market opening. And I cannot help but believe that is because he thought as a businessman that Government's responsibility was to open the market, not to make the market. Most of us believe that is the right mix. There should be tough laws in America—mandatory laws—regarding the opening of foreign markets. But it is the responsibility of American firms and American workers to make the most of those opportunities.

Mr. President, during the markup of the trade bill in the Finance Committee, we held a private meeting with Mac Baldrige to get his ideas on how the trade bill would affect ongoing negotiations in the area of antidumping and countervailing duties. He provided strong leadership in that meeting, and demonstrated to me that through his sincere conviction and his practical knowledge of business affairs, he was influential with the Finance Committee and in Congress generally. We looked up to him as a trusted adviser, and we will miss his services greatly.

Mr. DANFORTH. Mr. President, I wish to take a few moments to pay tribute to Secretary of Commerce Malcolm Baldrige, who was killed in a freak accident this past weekend.

It is appropriate that tribute be given on the floor of the Senate, for Mac Baldrige was a man who was held in singular respect by the Members of this body. He was held in singular respect because he communicated with us, consulted with us, sought out our views and opinions. Mac Baldrige related to the Members of the Senate. He took an interest in our ideas, and he took an interest in each of us as persons. No other Cabinet member, of either political party, in this administration or in the last, has impressed this Senator quite the way that Mac

Baldrige did with his efforts to include the Senate in his own decisionmaking. I spoke with him regularly—and when I spoke with him I came away with the feeling that I had been heard, that he had listened.

Mr. President, Mac Baldrige died—literally and figuratively—with his boots on. He died at a time when his influence on the Nation was at its apex. The Kansas City Times said today that not since Herbert Hoover has a Commerce Secretary left such a mark. I think that is true. Malcolm Baldrige's imprint on this administration's trade policy, on the trade bill that just passed the Senate, and on the goals that this Nation must set for itself in trade will be felt far into the future.

People die while in their ascendency or in their decline. Although it may be little consolation to his family who loved him and to those of us who will miss him, I think that Mac would have recognized the dignity in being called home at the height of his career. As a champion rodeo rider and a member of the Cowboy Hall of Fame. He would appreciate a line from a country song: "I'd rather die while I'm living than live while I'm dead."

Mr. BINGAMAN. Mr. President, I rise today to pay tribute to Malcolm Baldrige.

The Secretary of Commerce, who died over the weekend in a roping accident in California, was a man who was able to transcend political lines and to win universal respect as both a friend and as an official. He was respected and admired on both sides of the political aisle.

Although I did not know him when I came to Washington in 1983 to take my seat in the Senate, he was one of the first members of the executive department to pay me a visit. He was concerned, as I was, about the need for reorganization of our trade policy, and he came to speak with me about what we ought to be doing about it.

He was, in my view, one of the few people in the administration who believed we truly had a serious trade problem, and was trying to do something about it. I believed him to be a key to helping the Congress arrive at a trade and competitiveness bill that would be acceptable to the administration. We will miss him now as that legislation begins to make its way through conference and to the President's desk.

Malcolm Baldrige was the kind of man who went down well with the people of my State. He loved the West and, as a champion rodeo performer, he lived the life of a westerner. He owned a ranch in Mountainair, NM; he was one of us. He was what we in my State would call "the genuine article."

And he was genuine in more than just that. He was a plain-spoken negotiator and a gifted administrator. And perhaps more important than anything else, he was a decent man who dealt honestly with people of all walks of life, no matter what their station. He was an outstanding human being. He will be missed.

Thank you, Mr. President.

Mr. KERRY. Mr. President, I am very pleased to be a cosponsor of Senate Resolution 255, expressing support for Gen. John Vessey in his forthcoming negotiations to resolve the fate of Americans missing in Southeast Asia. I would like to commend Senator JOHN MCCAIN, whose own heroism in Southeast Asia is well known, and Senator SAM NUNN, a champion of our Armed Forces, for offering this important resolution.

General Vessey is one of the most highly respected military officers in recent American history. This report is due in part to the fact that he is one of the few officers to rise to high command after serving in the ranks. He received his commission at Anzio Beach in Italy after most members of his battalion had been killed. More recently, he served his country as Chairman of the Joint Chiefs of Staff.

General Vessey is a very fitting choice for the important mission of conducting talks with the Vietnamese Government over the issue of POW's and MIA's. He will also conduct important talks on issues relating to resettlement of Amerasians still in Vietnam, the release of political prisoners in Vietnamese reeducation camps, the rejuvenation of emigration procedures for Vietnamese who wish to leave their country through the orderly departure program, and other humanitarian issues.

I am pleased that the President has decided to appoint General Vessey as his Special Presidential Emissary for POW/MIA affairs. But I wonder why it has taken the President 6 years to appoint a personal representative to deal with this issue; 6 years is a long time. Many Vietnam veterans, and families of men who served in Vietnam, have been waiting for answers for more than a decade.

Unfortunately, this administration's rhetoric has not matched its record on the issue of POW's and MIA's. Vietnam veterans have waited long enough for answers. This administration has been willing to exploit the issue of POW's and MIA's for political purposes, but it has not been willing to take action to resolve it. I hope that the appointment of General Vessey marks a change in that policy, and I wish him success in his mission.

The Veteran magazine, published by Vietnam Veterans of America, ran a detailed two-part series of the question of POW's and MIA's in its issues of April and May 1987, entitled "POW's/MIA's: What the Numbers Say." I ask unanimous consent that these articles be printed in the RECORD.

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

POW's/MIA's: WHAT THE NUMBERS SAY

(By Alan Pell Crawford)

(A considerable number of M.I.A. families and other patriotic citizens, wanting to help, have been taken advantage of by con men. In addition, there are zealots, running around who, unable to deal with reality, believe they have been chosen by God to facilitate the release of the P.O.W.s. In both cases, the families and friends of P.O.W.s and M.I.A.s lose their money and are dealt a harsh psychological blow . . .

(Sometimes it's a Laotian trying to sell buffalo bones as the remains of an American. Sometimes they will take a human mandible and break it into three or four pieces and try to sell each piece as the remains of a different American. But there are more sophisticated schemes. A number of people go around claiming they are going to bring out American M.I.A.s, asking thousands of dollars for their expedition. Others go about collecting smaller amounts of money—say $300 or $500—that they claim will go for food or medicines for one of these expeditions. And of course the money just goes into the con man's pocket.—Robert Brown, Publisher, Soldier of Fortune.)

Have you talked to Charlton Heston lately? More Americans than you might imagine have heard from the jut-jawed movie star recently—or at least they've been treated to a tape recording of his voice.

Thousands of households have been receiving these phone calls, all part of a national telephone solicitation organized by former New York congressman John LeBoutillier to drum up money for Skyhook II. Named for a communications system by which pilots in distress can receive help in correcting in-flight problems, Skyhook II is LeBoutillier's idea of how to address the ongoing—and very real—problem of America's Vietnam-era MIAs.

Robert Pittenger, the chairman of Mark I Communications, the Bedford, Texas, communications firm handling the solicitation, says LeBoutillier intends to keep the phones ringing until all the POWs have been returned.

LeBoutillier is convinced that there are "between 20 and 253" Americans held against their will in Southeast Asia—an opinion apparently shared by Charlton Heston and President Reagan, among others.

"Many of our men are held behind," Heston announces in the recording. "They're still there to this day. Locked in bamboo cages in the jungle or in caves in the mountains. Some of our men are used as slaves, forced to drag plows in rice paddies."

We "can't forget these men," Heston pleads with his listeners. "We have to bring them home, all of them. . . . They're ours and they're heroes, real heroes."

In a direct-mail, fund-raising package that Skyhook II has also distributed nationally, LeBoutillier lays it on pretty thick, too.

"Starved and clad only in filthy rags, American soldiers and airmen are kept chained in tiny bamboo cages . . . made to work like animals pulling heavy plows . . . forced to toil from daybreak to nightfall in steaming tropic heat . . . kicked and beaten

constantly just for their guards' amusement," LeBoutillier writes.

The way to help these men, of course, is to send money. Now. This money, once LeBoutillier counts it, supposedly will be used to fund the efforts of "anti-communist rebels" in Southeast Asia.

All it would take is a "few thousand dollars to set up an operation that would get two or three Americans out of one of those hidden 'horror camps.'"

Just imagine:

Late one evening, as prison camp guards kick and flog a group of our boys along the trail back to their cages, the last few communists in line might be swiftly and quietly dragged into the jungle.

Then, a few seconds later, the bedraggled American P.O.W.s they were guarding might also vanish suddenly from the rear of the plodding group. The Americans, of course, would now be in friendly hands. (We won't talk about the guards' fate.) In a matter of just a day or two, the rescued Americans would be smuggled across the border to our SKYHOOK II PROJECT group in Thailand . . .

In just a few weeks—for a relatively few thousands of dollars—six, ten, perhaps dozens of these abused and forgotten American service men could be brought back to America and allowed to tell their story to the world!

It's an appealing—and politically popular—notion. Early in his administration, the president pledged to make the return of 2,500 soldiers listed as "missing in action" (MIA) in Indochina a matter of "the highest national priority," thereby reversing a full decade of U.S. government policy.

Late last year, John Cardinal O'Connor, the archbishop of New York, apparently unconvinced that the White House was moving fast enough to meet the president's goal, reminded Mr. Reagan of "his continuing commitment to set [the POWs] free."

Thanks to a groundswell of interest in the issue, more than 100 bills and resolutions urging one action or another on POW/MIAs have been introduced in Congress, these on top of countless congressional hearings, two special presidential commissions and any number of private investigative efforts.

And then there are the movies. Sylvester Stallone, Chuck Norris and others have made big bucks rescuing "forgotten" POWs on the Silver Screen—and restoring America's presumably lost honor in the bargain. There's apparently more riding on these escapades, cinematic and otherwise, than meets the eye; as one government official told the New York Times recently, "Somehow the mystery of their disappearance and their deaths have taken on a peculiar life of their own."

In this already perfervid environment, thanks to opportunistic politicians and a wildly irresponsible news media, the idea that American POWs remain in Indochina has become part of the national orthodoxy, a virtual article of faith—regardless of the facts.

An objective look at the data, however, suggests something altogether different. There is, it suggests, no credible evidence whatever that there are Americans held against their will in Indochinese prison camps. And that efforts to persuade people otherwise is both reckless and cruel, giving false hopes to the families of the MIAs while disrupting ongoing government-to-government efforts to account for MIA remains.

It certainly cannot be said that there has been no effort to produce evidence that American POWs remain. Dozens of U.S. delegations, both governmental and nongovernmental, have gone to Indochina in search of such evidence, and countless witnesses including military intelligence analysts, former POWs and refugees, have appeared before congressional panels and presidential commissions; yet, as members of the House Select Committee on Missing Persons in Southeast Asia felt compelled to conclude: "The salient observation to be made is that those who believed Americans were still held captive in Indochina could produce no evidence to substantiate their beliefs." Furthermore, it added: "It is the firm conviction of the select committee that MIA families and the American public have been misled too long and too often by charlatans, opportunists, intelligence fabricators, and publicity mongers, who preyed on the hopes and sorrows of patriotic citizens."

The numbers alone strongly suggest that all Americans that are coming home have already arrived and that the chances of survival of those who are unaccounted for are slim indeed.

On this much, if nothing else, everyone seems agreed. There are approximately 2,500 Americans still unaccounted for in Southeast Asia. The Defense Intelligence Agency says 2,497—1,110 in South Vietnam, 735 in North Vietnam, 559 in Laos, 84 in Cambodia and 9 in China. These, taken together, constitute those officially listed as "missing in action."

The term itself requires clarification since it implies that our government has little or no idea what happened to these men.

In truth, there is very little question about their fate. Most of them, unfortunately, are dead. At the end of the war, the Department of Defense listed fewer than 800 soldiers as either POWs or MIAs. After the war, however, those who were killed in action but whose bodies were never recovered (those designated as KIA/BNR) were added, swelling the ranks by 1,186.

Over 430 of the KIA/BNRs, for example, were Air Force pilots whose planes were shot down over the sea; the bodies of these pilots are considered by the Department of Defense to be "nonrecoverable." In another 647 cases, a "presumptive finding of death" (PFD) was made at the time the serviceman disappeared.

Taken together, then, well over half of the 2,500 MIAs—more than 1,800—are known or presumed to be dead. That leaves fewer than 650 men who, at least theoretically, could still be alive.

Unfortunately, the evidence strongly suggests that even this figure is inflated. The House Select Committee, noting that fully 81 percent of MIAs were airmen, found that the "circumstances of their loss, as well as the survival experiences of those airmen who did return home alive, show that very few, if any, missing airmen may reasonably be expected to have survived."

The chances of survival of a pilot who was lucky enough to parachute to safety and then was captured were still not good. According to the records of Vietnamese communist authorities, 10 percent of those they held died in captivity.

It is not known how many more died of wounds, mistreatment or neglect before entering the DRV prison "system." But one Navy survival study conducted by Biotechnology Research presented in a Q & A format, suggests that a great many probably died of wounds and lack of treatment.

Q. One of the big questions that came up with the release was the fact that there was not a single amputee among the returnees. Based upon your professional experience, how do you explain this?

A. I haven't yet seen a list of those who didn't come back and why they didn't come back, medically. One has to have a feeling that those, particularly in the southern camps, who were so sick that they might lose a limb simply failed to keep up with the Viet Cong in their moves and they are not here. That is an impression, not a fact, derived from any of these figures. This would be one of the explanations for their not being here. What we're seeing here are survivors. We don't see those who didn't live. We know from what the prisoners of war have told us that there were many who did not survive.

Navy commander George Cokey, POW returned alive in 1973, testified:

Why are there no amputees? There's no way in hell an amputee could survive. No way. To do it would take an absolute miracle. Not because of loss of blood; not because they didn't get medical attention; they could do everything in the world for him, and nearly everything else in the world being equal, he would live, but infection is going to kill him. I would not even look for an amputee. [Of the first 116 POWs to return in 1973, 29 were officially listed as sick or wounded. "Some had to be carried on stretchers and even some of the ambulatory POWs had apparent disabilities: severe limps, withered arms and broken limbs. A few managed only dazed or bewildered stares. One hospital official said that some 15 to 20 of the pilots had suffered permanent eye damage and will probably have to be grounded." (Newsweek, 2-26-73, p. 22)]

Suicides and madness also took their toll:

A lot of guys were driven insane. And there's reason to be driven insane. It was a helluva battle for all of us not to go insane. Some guys did not quite make it—they're not totally insane in the sense of a strait jacket, although we had at least two cases of that—but they are so bad that the mind started doing funny things. They may kill themselves. They may stop eating.

Cokey also added:

They might just go off in some oblivious world and just not care about anything. Not take care of their hygiene. Then if the guy loses a lot of weight and gets sick and dies, then you can say he died from natural causes. Well, if that's your opinion, you go ahead and have it. As far as I am concerned the North Vietnamese killed him because of what they did to his mind. They put him in that position. Well, we lost a few guys—this is a handful—five, ten—I'm not being real specific, but it's a small number. There's only going to be maybe 3, 4, 5 percent that died this way all told, so we lost a few there.

Based on such testimony, the committee concluded:

The experiences of rescued airmen and returned POWs does little to contribute to the belief that many airmen now missing in Southeast Asia could have survived. Indeed, the record indicates that possibility is very slight. Death could readily occur at any point in a scenario: from the initial enemy fire on the aircraft, as a result of secondary explosions or fires within the aircraft, or during ejection, descent or landing. If an airman survived those hazards but was injured, the possibility of surviving capture or imprisonment was markedly decreased. In addition, the odds for survival dropped as the distance from Hanoi increased. Again it must be emphasized that the data herein presented are based upon those who did

return. This is not to deny the possibility of survival for those who did not return, but only to point out that the evidence does not encourage belief in this possibility.

Vietnam's record of returning America's KIA—three, one year, two, the next, whenever it served that government's political ends—also suggests that Hanoi may have systematically warehoused the remains of U.S. servicemen while denying such a practice. This, too, would account for more MIAs.

And, in 1980, DIA received intelligence reports of a Vietnamese refugee who claimed that, as a mortician in Hanoi, he had personally helped prepare remains of over 400 American KIAs which were then kept in a former POW camp.

DIA "spent a considerable effort to establish the mortician's authenticity," according to Admiral A.G. Paulsen, then DIA's assistant director for collection management, concluding that the refugee had indeed been a government undertaker and that his report "was accurate with respect to the remains."

But there are still more factors to consider. The process by which a serviceman is first designated as KIA or MIA is nowhere near as clear-cut as it might appear; if KIA status is chosen, the designation is final and cannot be reversed.

Significantly, those responsible for that designation—the field commanders—have traditionally erred on the side of sentiment when reporting that soldiers under their leadership are dead or merely missing.

According to Captain Douglas L. Clarke, USN, National War College, in his 1979 National Defense University study, "The Missing Man: Politics and the MIA," the field commander reports his determination to higher authority, the next of kin is notified, the soldier's records are closed out and disbursements made according to military regulations.

The philosophy behind this procedure is simple: no one should have more understanding of the circumstances surrounding a loss than the commander on the scene. No one could weigh all the facts, including those intangible factors that could never be adequately addressed in even the most voluminous report, better than he. Indeed, the local commander can, in fact if not theory, make a finding of death based on little more than institution. This opportunity is a fleeting one, as the on-scene decision maker must commit himself one way or the other upon completion of the organized search.

Each of the services has similar guidelines for commanders; all agree that a soldier can only be designated as dead when there exists "conclusive" evidence of death.

According to Army regulations, which are similar to those of the other service branches, "conclusive evidence of death must be more than an indication of death. The facts must be such that death is the only plausible alternative under the circumstances."

Such guidelines, of course, gave field commanders considerable leeway, and, as Clarke found:

During the Vietnam War there were a number of psychological factors that impinged on the commanders' decisions. The vast majority of the MIAs in Southeast Asia were Air Force and Navy pilots, members of relative small units with considerable esprit. The average commanding officer would have to deal with only a few losses, and each one would be highly emotional experience involving not only the loss of a subordinate officer, but also a friend and colleague. It was not unusual for the commanding officer, particularly in the Navy squadrons, to know the missing man's wife and family, and he would find it difficult not to let these obvious emotional ties cloud his perception to some degree. This filtering could work in conflicting directions over time. As an example, early in the war it was commonly held that the best interests of the man's family would be served by placing all but the most obvious cases in a missing status—if only for financial reasons.

Well acquainted with this situation, the House Select Committee concluded that field commanders showed "excessive optimism" in status determinations and, in part, based their findings on financial considerations. The committee's final report noted that "commanding officers who erroneously or optimistically classified their subordinates MIA did not render a favor to next of kin; instead they did a cruel disservice"—as a number of families are well aware.

Consider the case of Army warrant officer Quentin Beecher, whose helicopter was lost 18 to 25 miles out in the South China Sea after running afoul of violent thunderstorms. There was no water survival gear on the craft, and a two-day rescue effort by Beecher's colleagues was fruitless. Even so, the Army listed the pilot as MIA—and, despite pressure from his family, refused to change that determination.

"I've crashed that helicopter a thousand times in my mind, and under those conditions there isn't any way Quentin could have made it." Beecher's father, a licensed pilot, told The Wall Street Journal.

Interviews with 70 other parents and wives showed a "growing number of families of the missing contend that the military should have mercifully declared their loved ones dead long ago," the Journal found. (Beecher's mother felt "they've just misleading us for their own purposes—as a bargaining ploy for the Paris peace talks.")

As Clarke discovered, this "tendency toward optimistic findings was based on two assumptions: that the war would be of limited duration, and that an accurate accounting of the missing and prisoners would soon take place."

Neither, of course, proved true and the damage was already done: As the select committee concluded, many MIA classifications could with equal justification have been KIA/BNR.

A great many decisions were "tilted in favor of MIA status," the committee found, determining that 40 of the first 53 cases its investigators reviewed could "justifiably have been KIA(BNR) at the outset based on the circumstances known at the time and reinforced by information, or lack of any information, since the loss."

By 1975, though the issue of status determinations remained controversial, the feelings of many families had changed dramatically. The return of the POWs in early 1973, which brought so much joy to so many, only intensified the dismay of those whose loved ones did not come home, because it meant that, under the Missing Persons Act of 1942, the government would begin to conduct automatic status reviews on missing soldiers a year later. In the absence of evidence that they were alive, they would be declared KIA.

It was at this time the MIA issue became fused with that of the POWs; families feared that the government, by declaring their men KIA, would close the books on them. This, they believed, would be intolerable as long as there existed any possibility, however remote, that these soldiers might in fact remain in prison camps.

In July of 1973, five National League of Families of American Prisoners of War and Missing in Southeast Asia members sued in a U.S. District Court to block further status changes from MIA to KIA. Two months later, the court ruled that status reviews could be conducted thereafter only at the request of next-of-kin.

This, too, however, only made some families even more uneasy. "I wish a status review would be held on my husband, however, I will not request one at this time," one MIA wife wrote. ". . . I would be asking that he be declared dead—something I feel would have psychological implications for my children and my husband's parents. Furthermore, I resent being put in that position by the military services—it is their job to determine, on their knowledge, the status of my husband."

In the past Americans seem to have resigned themselves to the fact of MIAs with considerably fewer anxieties. Some 78,700 U.S. soldiers were missing or otherwise unaccounted for after World War II, for example—a figure that exceeds by 20,000 the total number of Americans killed in Vietname. All World War II MIAs were presumed dead a day and a year after they disappeared.

And Vietnam, however, many families of MIAs feared that their fellow citizens, eager to put the painful memories of that war behind them, would also in the process turn their backs on their missing loved ones—a fear alternately encouraged, then discouraged by their own government as one presidency followed another.

But, as James Rosenthal, a free-lance journalist and congressional investigator, has written: "Far from forgetting these sons and brothers, the government has put them to undisguised political use. Successive administrations have alternated between actively suppressing the families' request for information and assisting them in publicizing their cause.

"The results have been disappointing diplomatically and cruelly misleading for the families."

It should come as no surprise, under the circumstances, that there are large segments of the population that simply refuse to take seriously what their government tells them about this issue—and are inclined, when what they hear does not support their own suspicions, to give at least equal consideration to the notion that here, too, a "cover-up" is underway.

What has contributed most dramatically to this widespread distrust, of course, is the seemingly endless trickle of reports out of Indochina of Americans still there—Caucasians kept against their will, being shuttled from prison camp to prison camp in boxcars, gaunt young men working by day and sleeping in caves at night.

Any objective review of the evidence, however, suggests that this too is exceedingly unlikely. Which is not to deny that there may indeed be Americans—or those who appear to be Americans—alive in Vietnam, Laos and Cambodia today. There are, in fact, Caucasians in Indochina, including diplomats, journalists, businessmen and Soviet advisors.

There may in fact be a fair number of Americans officially listed at MIAs still there—as sources in Vietnam have reported. These Americans, however, fall into two categories, neither of which involve imprisonment.

First, there are probably a small number of defectors—or "ralliers," as the Vietnamese call them—who for reasons that may never be clear went over to the enemy and stayed. Second, there are "psychological dropouts" who as one report has it, "simply walked away from their units to live with tribes in the mountains or persons who became addicted to drugs who stayed behind after the American departure."

The case for the existence of POWs is by comparison weak indeed for the simple reason that, despite the abundance of rumors, reports, "live sightings" and the like, none of the evidence has held up under the slightest scrutiny.

As Lt. General James Williams, then director of the Defense Intelligence Agency, has testified, "a lot of those people who talk about live sightings say they have seen an individual who was a Caucasian, who they think was an American, who was white, who looked like he was under guard . . . Sometimes sources can't pin down exactly where they were, and can't remember the date of observation." Even so, Williams said, these cases remain under investigation which "means that we would continue to pursue any investigative lead, any allusion by a refugee, or any possibility from other sources that the information could related to another case."

That's a tall order, since any reasonably objective analysis of the numbers themselves is not encouraging.

According to Assistant Secretaries of Defense Richard Armitage and Paul Wolfowitz, in statements made after their return from Vietnam in January 1986, there have been 806 reports of firsthand live sightings of Americans in Vietnam, Laos and Cambodia since 1975.

It is important to note that while these supposed sightings have been reported since 1975, some of the sightings themselves took place well before 1975 and do not, in any sense, constitute "new" developments, as the news media erroneously reported at the time of the Armitage and Wolfowitz statement.

In fact, according to Commodore Thomas A. Brooks, then a DIA assistant deputy director, one-third of these sightings occurred before the fall of South Vietnam. "Only one firsthand case reporting a sighting of Americans in captivity since 1980 is unresolved," Brooks contends. There has not been a new one in more than three years.

Of the original 806 reports, Armitage and Wolfowitz said, 24 percent (about 194) are "known or suspected fabrications" and 64 percent (about 517) have been correlated to Americans who have since returned from Indochina and thus have been accounted for. That leaves 12 percent (about 95) "that we haven't been able to investigate fully and resolve."

Of the 95 cases that remain, 47 were reports of individuals who appeared to be Americans but who did not appear to be in captivity and 48 were reports of individuals who appeared to be Americans and did appear to be in capivity.

The Washington Post, only a month earlier, reported remarkably similar statistics, attributing them to DIA. According to the Post, 788 firsthand live sightings had been received, mainly from Vietnamese refugees, since 1975. Of them, 83 percent have been resolved, with 61 percent correlated to individuals since accounted for and 22 percent found to be fabrications. The remaining 17 percent, amounting to 131 reports, are unresolved and under continuing investigation.

Nearly 50 percent of those, however, were "sightings of Caucasians who were not in a classic detention environment," which means that they were not under guard, according to Brooks; and most of these individuals, he had said in a speech the previous August in New Orleans, "could be Soviet advisors, West European diplomats or press or other Caucasians."

Deduct the sightings of these non-prisoners and there remain 71 reports of white Westerners in apparent captivity which, in Brooks's words, "are still unresolved and upon which we obviously concentrated our greatest efforts."

Comparing the figures given by Armitage and Wolfowitz to those supplied by Brooks and, while it appears that there have been additional reports of sightings, these additional cases have been resolved—with no change in the number of unresolved cases. Brooks, of course, contends that about one-third of the 71 reports of American in captivity occurred before April of 1975, which comes to about 23.

The difference, or course, is 48, which is Armitage's number for firsthand live sightings of American POWs since 1975. Since Armitage also stated that the most recent of the 95 cases under investigation is from 1983, it follows that every one of these unresolved reports—with one possible exception—are more than five years old. This, given Lt. General Williams' description of the nature of the information conveyed by live-sighting "witnesses," suggests a good deal about the enormity of the difficulties the DIA faces.

By the time of Gen. Williams' testimony, 39 sources of first-hand live sightings had been polygraphed—a standard procedure in DIA investigations of this kind—well over half (24) indicated deception; 13 indicated no deception and 2 were inconclusive.

Of the 13 which indicated no deception, four of the sightings correlated with Americans who have since returned, one was determined to be a fabrication, three were sightings of Americans in non-prisoner status and five were "sightings of individuals the source was told were Americans" who appeared to be in captivity.

By yet another account, DIA has received "more than 1000'" reports from Indochinese refugees since 1975. But these too can be broken down in a way that clarifies rather than confuses the issue. More than 300 of these were first-hand live sightings, approximately 40 percent of which correlated to Americans who have subsequently been repatriated. Another 200 constitute hearsay live-sighting reports.

The remainder concern crash locations, grave sites or the handling and disposition of remains.

Finally, of course, there are the "eyewitnesses" themselves. The most intriguing of these—a former POW whose memories are considerably more vivid than those of many others with stories to tell—is Bobby Garwood.

A Vietnam vet himself, Garwood has said that he knows of at least 70 Americans who were still held prisoner in Indochina in the late 1970s, well after Hanoi had claimed that it had released all the captives it once held.

He says there were POWs in a prison camp at Bat Bat, for example, who were used as guinea pigs in psychological warfare courses offered by the Vietnamese for the enlightenment of visiting Cubans and Palestinians.

His most tantalizing recollection, however, concerns the sighting, one July night in 1977, of groups of Americans who were under guard and packed into boxcars while those riding with them—Vietnamese, it would seem—were dying of suffocation. Garwood says he saw "30, 32, 35" POWs who were not only white but spoke—cursed, actually—in the "type of slang that any American would recognize."

Both Garwood and his accounts of POWs have received widespread publicity. Unfortunately, however, he is not a credible witness—as even those who are inclined to believe him have discovered—and there are serious problems with his stories.

First, he remained in Vietnam on his own volition. When other Americans were allowed to come home, Garwood stayed behind, becoming, in the words of Wall Street Journal reporter Bill Paul, "something of a trustee of the Vietnamese."

When he did decide to return, in 1979, he faced court-martial, on charges of desertion and collaboration; he was found guilty of collaboration and his rank reduced (to private from private first class.) He readily admits, for example, that he was a collaborator ("I was 19, and I was scared," he told 60 Minutes) and that, as a POW, he himself spread disinformation about the conditions of other captives.

Garwood's psychiatrist, C. Robert Showalter, associate director of the University of Virginia's Institute for Law, Psychiatry and Public Policy, who says his patient suffers from "Post-traumatic Stress Disorder," recalls that the first time Garwood told him about seeing POWs was in 1983; that was also the year he published his autobiography, Conversations With The Enemy, in which he made no mention whatever of the existence of POWs in Vietnam.

While the government has no official position on Garwood or his story—DIA only recently obtained his cooperation and is now analyzing his information—the words of Richard Childress, a White House official responsible for MIA efforts, reflect the attitudes of those authorities who have tried to deal with him:

If he has information, he owes it to [the government] to provide this information to a responsible agency. It is decidedly unhelpful to withhold information of this nature for five years, then release it in a sensationalist manner.

When military officials first sought to interview him about his experiences, he refused—and then claimed that his government wouldn't listen to his story. Once DIA had obtained his cooperation, he denied it. On CBS 60 Minutes, no less.

As Ed Bradley, interviewing Garwood for the December 15, 1985, broadcast, reported:

In 1979, Garwood slipped a message to a diplomat at his hotel in Hanoi, a message that was passed on to the State Department. Eventually, Vietnam released Garwood. But he says they forced him to say that he had stayed in Vietnam voluntarily. At home, Garwood says he was never debriefed on what he knew, that he saw American prisoners in Vietnam while he traveled, always with guards, to repair jeeps and trucks.

Yet Garwood had indeed been interviewed not only by DIA but also by the Marine Corps, on March 29, 1979, and by Congressmen Lester Wolff and Benjamin Gilman, on April 4, 1979.

Damaging, too, is the fact that his own version of the events is seldom the same. When first debriefed, Garwood stated that he had heard rumors of other Americans in Vietnam, but had no first-hand knowledge

of it. In his Marine Corps interview, he provided what the Pentagon says was "general hearsay, nothing specific, based on rumors he had heard," And, when questioned by Wolff and Gilman, he twice said that the last time he had encountered Americans in Vietnam was in 1969—a full decade before he returned—saying that other POWs remained.

In his autobiography and other interviews, moreover, his accounts differ dramatically from those offered by POWs who knew him during their own captivity. The prisoners he says were retained after Operation Homecoming, for example, included Americans who had already been reported by other POWs to have died in captivity.

In fact, there are no American POWs who were known by other prisoners to have been in the formal prison system for whom an accounting has not been made. There are cases in which men are said to have died in captivity for whom remains have not been returned. In almost every such case, however, fellow POWs report that they actually saw the individual dead or near death. The few exceptions could theoretically account for several alleged defectors, but those could in no way account for the dozens of Americans which Garwood claims to have seen.

A final problem with Garwood's account is also a problem for all those who persist in believing, against all credible evidence, that there are American POWs in Indochina—why it would be in the interest of any of the governments there to keep them.

Garwood contends that the Vietnamese have continued to hold POWs for use in psychological warfare instruction for 'terrorists'—information he picked up, he said, from Cubans and Palestinians who were undergoing guerrilla training.

Another popular theory, one given some credence in the British Broadcasting Corporation's recent documentary MIA: We Can Keep You Forever, holds that American POWs have been moved to China or the Soviet Union where their technical expertise can be tapped. But, according to the Pentagon, the "commonly repeated myth that U.S. personnel with specialized technical knowledge were kept in Vietnam or sent to third countries is not supported by any evidence." Indeed, an analysis of the backgrounds of unaccounted for personnel found that "those with specialized knowledge, such as electronic warfare, are not accounted for in any greater percentage than personnel without such backgrounds."

The most persuasive case for holding POWs, unfortunately for those who believe in their existence, evaporated almost a decade ago. For several years, Vietnam continued to press the United States for the $3.25 billion in war reparations arguably promised to Premier Pham Vam Dong by President Richard Nixon in the disputed 1 February 1973 letter; and American POWs, it was then believed, provided Hanoi with a hefty bargaining chip.

In 1978, however, Vietnam stopped asking for the money. And no one has come up with a credible rationalization for holding POWs since.

POW's/MIA's: WHAT THE NUMBERS SAY

(By Alan Pell Crawford)

On December 13, 1968, a C-123 aircraft flying night patrol missions along the Ho Chi Minh Trail collided with a B-57 bomber, lost power and drifted downward, giving its pilot time to bail out.

Just before the pilot jumped, however, he noticed that his navigator, 1st Lt. Morgan Donahue, was no longer in the plane. The pilot also noted another parachute below him as he sailed to the ground but was unable to determine whose it was.

And Lt. Donahue was never seen again.

Back in the United States, Donahue's family, convinced that the navigator had parachuted to safety, was unable to accept the government's belief that the navigator had perished and decided to undertake an investigation of its own.

Vincent Donahue, the navigator's father, flew to Thailand five times over the next several years. Morgan's brother Jeff went to Laos three times in 1984 alone. All told, the family has spent what Jeff admits is "a fortune, literally," and still they haven't found Morgan.

What they have found is a gruesome black market in pig bones, dog tags and tattered photographs plied by what Jeff calls "the worst type of people on this planet."

Exploiting the highest hopes as well as the worst fears of MIA families, these con artists offer a wide variety of goods and services:

"[T]he classic, of course, was to disinter a body of a pilot and inject water under a finger with a hypodermic. And roll a fingerprint and bring it out to a grieving wife or mother or whatever and say, 'Here's proof that your father, son, husband, brother, whatever is alive and in captivity. Give me a million dollars, and I'll get him out,'" Jeff Donahue says.

"Or the real classics where they would take bodies into the back of a cave and stake them up and photograph them. Of course you couldn't make out anybody, but the heart wanted to believe."

Some of the profits, no doubt, are simply drunk away in bars like Lucy's Tiger's Den on the Thai-Laotian border. Others, however, are put to more mischievous purposes, like bankrolling Rambo-style raids into the Indochinese interior.

Former Green Beret James G. "Bo" Gritz, for example, finagled George Brooks, a retired public school system employee from Newburgh, New York, into helping "rescue" American POWs he said were being held in Laos.

"I flew down to Florida, where he was training his men and, well, this guy is very persuasive. I was convinced and, by the time it was over, I'd given him $20,000," Brooks recalls.

"I found out too late that I'd been had. Gritz and his guys got over to Thailand, scratched the mission and had to come home. Well, I'd guaranteed their passage back—and that came to another $10,000."

Even Robert Brown, the publisher of Soldier of Fortune, got taken. He paid $250,000 to an unnamed operator who was to locate the POWs, shoot their guards and meet Brown back at the Thai border. The guy "never showed up."

Leading private rescue missions—or raising money by promising to lead them—has become all the rage in recent years. According to one diplomatic source, there were "over 30 Vietnam veterans preparing [unsanctioned] trips to Laos" in 1982 alone.

"We've been approached by every whacko in the world," Ann Mills Griffiths of the National League of Families of American Prisoners and Missing in Southeast Asia says. So many have wanted to launch their own private missions that the organization has developed a computerized thanks-but-no-thanks letter.

Lt. Col. Paul Mather, head of the Bangkok office of the Joint Casualty Resolution Center, which conducts official investigations of crash sites and identifies MIA remains, is appalled. "You've got the U.S. government on one side and all those weirdos on the other," Mather says. "Now everybody wants to believe the weirdos."

They do so, the evidence suggests, at their own peril.

"BO GRITZ"

Former Green Beret James "Bo" Gritz claims that in February 1979, while serving on the staff of the Defense Security Assistance Agency, he was asked by Pentagon higher-ups to consider retiring early and, with government cooperation, to lead a private mission to determine if any American POWs remain in Indochina. If he determined that POWs do remain there, he was to locate and rescue them.

The plan, he said, would be financed by Dallas multimillionaire H. Ross Perot, a longtime spokesman for the POW cause who had just successfully underwritten a commando team that had rescued two of his own employees from a prison in Tehran.

His mission, Gritz says, would have access to top-secret intelligence reports which, he believed, would give the undertaking "semi-official status."

Perot, apparently, wasn't the only backer. Litton Industries kicked in $800,000 worth of radio equipment (which Gritz subsequently tried to sell back for $31,000), and at least two Hollywood actors helped out. Clint Eastwood contributed $300,000 and William Shatner, ostensibly buying the rights to Gritz's wartime experiences, put up another $10,000.

There has been very little to show for their money. Two early missions, Operation Velvet Hammer and Operation Grand Eagle, had to be called off. Operation Lazarus was hardly more successful.

In November of 1982, Gritz and his gang of what one news account calls "drifters, dreamers and desperadoes" made its first foray into the jungles of Laos, only to be ambushed—and turned back—by local guerrillas.

In March of 1983, Gritz's final effort ended with the arrest, trial and conviction of the former Green Beret and four of his cohorts on charges of the illegal possession of a high-powered radio in Thailand. Sentenced to suspended one-year prison terms and fines of about $130 each, Gritz and his men were told to leave the country—which they did.

Back home, Gritz was asked by Congress to account for his curious misadventures and to provide once and for all the evidence he claimed he had to support his contention that there are, in fact, American POWs in Indochina.

His March 1983 testimony before the Subcommittee on Asian and Pacific, Committee on Foreign Affairs, ended for Gritz, anyway, as disastrously as Operation Lazarus.

Bones he said were those of Americans turned out to be those of two Asians and a pig. A story of one soldier's heroics he admitted was a "composite" and photographs that he said showed prison camps showed nothing of the kind. By the time he had finished his testimony, he was forced to say that his evidence for the existence of POWs is "the same evidence that might be presented to a convention of clergymen that God exists."

That Gritz in fact had no evidence to support his allegations—or his wild escapades—

came as no surprise to government sleuths who had been investigating his claims for years.

In early 1979, for example, Gritz claimed he had gone to Southeast Asia at the behest of Perot and returned with a report to his sponsor in which he "basically stated that having looked into [the POW question] from every aspect, both official and unofficial, I was convinced there was enough circumstantial evidence to support a continued investigation."

In the report, he says, he leaned heavily on the word of a North Vietnamese refugee, Ngoyen Giang, who claimed to have been held in a prison camp with 49 Americans only months before.

Perot has failed to provide copies of the report to government investigators, however, and Giang's claims have already been examined—and dismissed—by them. Admiral A. G. Paulsen, DIA's assistant director for Collection Management, says that Giang's testimony is "worthless."

It is not an impressive record, especially since Gritz, with all the money at his disposal, had originally set out to bring back 120 of his countrymen.

But let us give credit where credit is due. He did manage to rescue one American. That was Dominic Zappone, one of his own men, detained in Thailand during Operation Lazarus. Gritz paid $17,000 to get him back.

JACK BAILEY

A retired U.S. Air Force colonel, Bailey heads Operation Rescue—and raises money. He is also skipper of a ship called the Akuna whose function, he claims, is to rescue Vietnamese boat people, according to one of his direct-mail, fund-raising letters, from "rape, torture and death on the high seas." These refugees, he further claims, are invaluable sources of information about American POWs in Indochina.

The gimmick is this: Give money to Operation Rescue so the Akuna can scoop up the boat people who will then provide intelligence leading to the return of American boys. Money for the Akuna, therefore, is money for the POWs.

The Akuna, it turns out, is not an inexpensive proposition. It costs "over $20,000 a month" to maintain the ship, Bailey claimed in 1983, a figure which rose to "over $40,000 a month" the following year. Bailey says he spends "every nickel I can keep my hands on to keep the Akuna afloat."

Sometimes there are crises. "Akuna III [has been] heavily damaged by the worst storm in 500 years in Southeast Asia," Bailey claimed last summer. "If I cannot raise $31,234 by midnight, July 31, to continue repairs on [the] ship, all may be lost." [In fact, the last serious storm to rock the sea occurred two years before Bailey sent out the SOS.]

These appeals, according to Ann Mills Griffiths of the National League of Families, are "total, sheer lies," and independent research suggests that she may be right.

Though Bailey claims the boat has been "patrolling South China seas—saving lives—since 1979," ABC News "found the flagship of Operation Rescue sitting quietly in the middle of Songkhia Harbor on the Gulf of Thailand." Fishermen there call it "the ship that never sails."

Bailey says he too has evidence of American POWs but this evidence is no more convincing than that of, say, "Bo" Gritz. In November of 1984, for example, he turned over to the Joint Casualty Resolution Center a dog tag and what he claims were the remains of three American servicemen. The Central Identification Laboratory concluded they were a "mixture of commingled human and nonhuman (pig bone fragments), " with the: . . . minimal quantities [precluding] an identification of race data, other than that the size and morphology was dissimilar to Southeast Asian mongoloid; thus no association could be made to the dog tag provided or to any missing American.

In January of 1986 he told newsmen that he had information on 33 Americans still held in Vietnam. When pressed for details, however, he refused. "I better not talk about it now," he said. On at least two occasions, he had requested meetings with government agencies—DIA and the Joint Casualty Resolution Center—and, once the meetings were scheduled, he didn't show.

In May of 1983, when DIA wrote, specifically asking him to provide the government with the information he claimed to have, Bailey failed to reply.

WILDFIRE INTERNATIONAL

In February of 1985, Robert Ketchesum and Richard Barker, two businessmen/activists/self-styled intelligence analysts operating out of Canada and Hawaii, were contacted by—and agreed to help—a Texas man who believed his son, a civilian, was being held against his will in Vietnam.

The man's son, it seems, had been on the crew of the ship Glomar Java Sea when it sank on the South China Sea in October of 1983. The crewman, his father said, abandoned the ship in a lifeboat and had gone ashore just south of Hanoi; he had evidence, he said, that his son was later seen—with several American soldiers—by a Vietnamese refugee at a prison transfer station.

Ketchesum and Barker, under the name Wildfire International, agreed to use international contacts to verify the refugee's report and then get the Americans back from Vietnam via China, and they even managed to get the Canadian government to cooperate.

A letter on file in a federal district court in Montana, signed by Canadian External Affairs minister Joseph Clark, shows that Canada agreed, at least in principle, to act as a "receiving station" for the POWs.

The letter also shows that the Canadian government was also ready to allow Ketchesum and Barker to use the country's diplomatic pouch to transport film they said provided irrefutable visual evidence that POWs exist.

Even so, Clark expressed considerable skepticism about the venture—as well he might:

As a victim of the disaster was a Canadian citizen our Embassy in Bangkok which is also accredited to Vietnam, was instructed in November 1983 to raise the matter with the Vietnamese authorities. Two separate demarches were made, one in Bangkok in November of that year and again in December in Hanoi. In response, the Vietnamese authorities re-confirmed that they had conducted a thorough search for survivors, bodies or other signs of the tragedy but that they had found nothing. There is no evidence that the Vietnamese authorities would have misued the results of their search for survivors. It is likely, I think, that if survivors had been found, the authorities would have produced them as a sign of their goodwill.

The combination of survivors of the Glomar Java Sea disaster and POWs from the Vietnam War hardly seems believable, since I must ask myself what would . . . Vietnam hope to gain today that it could not have achieved two years or even longer ago. If the answer lies in the conditions attached to the POW's release, then the situation is indeed bizarre. The Government of Canada is in no position to act as liaison between Vietnam and the United States to normalize relations.

Neither the prisoners nor the film ever showed up. When Barker, returning from the mission, flew into Great Falls, Montana, he was promptly arrested for drug possession and convicted of possession with intent to sell. He is appealing that conviction.

ROBERT LINDSTROM

On December 21, 1972, the plane of Air Force pilot George D. McDonald was shot out of the sky over Laos. Impatient with the information provided to her by the government, the pilot's mother, the late Mrs. Jean McDonald, a widow, turned for help to the Reverend Paul Lindstrom.

A clergyman in the Church of Christian Liberty, Lindstrom claims to have established a network of sources throughout the communist world and that, at a January 1974 meeting in Algeria, he had obtained from that network a list of American POWs supposedly detained in China.

One of those POWs, Lindstrom told Mrs. McDonald, was her son, and she believed him. In September of that year, he told her that one of his contacts in Mexico had called, asking that he bring Mrs. McDonald with him for a meeting in Mexico City. Mrs. McDonald, still recovering from heart surgery, dutifully obeyed, made the trek and there met with two Chinese who, she says, produced a snapshot of three men.

The one in the middle, the one supported by the two on either side, was "definitely" her son, she said. Unfortunately, she was unable to determine even if he were alive or dead. For a sizable sum, the Chinese said, they could produce the boy's fingerprints. The meeting broke up, with all participants agreeing to remain in contact.

A year passed without further word. Then, in March, Mrs. McDonald received a telephone call from a man speaking broken English; he, too, said he had information about her son and would say more later. He never called again.

Lindstrom says he was contacted again, in the fall of 1976, receiving word through Mexico that the Chinese wanted to defect; in return for political asylum—and more money—they would convey still more tantalizing information about the widow's son. That, too, proved elusive. Mrs. McDonald never heard another word, and government sources have serious doubts about Lindstrom's whole story.

Lindstrom has claimed, for example, that his belief in the existence of POWs in China is supported by a super-secret CIA report which, he says, describes penetration of southern China by U.S. intelligence teams. Lt. Gen. Vernon Walters, deputy director of the CIA, has testified before the House Select Committee, however, that no such report exists and that American intelligence has never undertaken any such mission.

More damning still, Lindstrom himself, in testimony before the committee, made no mention whatever to the report that he previously cited to support his story. While he repeated his claim that American POWs had been moved from Laos to China, he said his information came from a Laotian colonel who had served as chief of security in Vientiane. Unfortunately, Lindstrom could not recall his source's name.

The source was no stranger to government investigators, however. He is commonly

known as Col. S, or Southi, and, according to Major John Wilson, former U.S. Army attache, Vientiane, used to make reports of American POWs "every week or so for many years." As the committee concluded, the source "never produced any credible evidence and was considered a highly unreliable source."

SCOTT BARNES

In June of 1981, Scott Barnes, a self-described former Green Beret and drug enforcement agent with experience in military intelligence as well as the CIA, told U.S. officials that he swam a river from Thailand into Cambodia.

There, Barnes says, he saw and photographed an American POW in detention, promising to provide the photographs. He also claimed he had accompanied a CIA team in Laos where the group found POWs—and was ordered to execute them.

He also charged U.S. officials with arms and drug trafficking, saying he was hired by the CIA to assassinate an American citizen in Hawaii—a charge reported, and later retracted, by ABC News.

Barnes was indeed in the U.S. Army. He served for 16 months and was discharged before completing a three-year enlistment. While he was with "Bo" Gritz in Thailand, other members of that team say they never crossed into Laos.

On the day Barnes says he swam the river, he was seen in a U.S. embassy cafeteria. And there is no such river between Laos and Thailand, and Barnes was never able to produce the photographs he says he has.

And, in one final bizarre twist to this story, Barnes has tried to support his claims by citing a taped interview to which he consented—and reported his sightings—under the influence of sodium amytal, which he identifies as a "truth serum."

Sodium amytal is, in fact, nothing of the kind. It is a barbiturate under the influence of which those inclined to fabrication frequently tell even wilder tales than they otherwise might.

There are reasons other than greed and mad opportunism, of course, to account for the efforts of private citizens to "rescue" American POWs. Administration after administration, from partisan seduction of MIA families under Nixon to outright hostility to them under Carter, governmental manipulation of the issue has invited the cynicism the Rambos now exploit. Put bluntly, there is a widespread feeling in the body politic that the government isn't telling us the truth about POWs and, still worse, has no serious interest in finding it.

A group of conservative Republican congressmen have joined forces to criticize the Reagan administration for not moving aggressively enough to resolve the issue and are united in the belief, as New Hampshire's Robert Smith put it, that "[Either] it's a cover-up or . . . the biggest case of bureaucratic ineptitude in history."

It is in this climate that two Vietnam veterans, a former POW and former Green Beret, on September 4, 1985, filed a federal lawsuit in Fayetteville, NC, charging the government with deliberately covering up information on live POWs. The class-action suit, filed on behalf of all POWs by Mark Smith, a former U.S. Army Special Forces major and former Sgt. 1st Class Melvin McIntire, asks the court to force the government to seek their release.

From 1981 until 1984, Smith commanded a Special Forces detachment in Korea which, at one point, included McIntire. Among their duties, the suit claims, was intelligence gathering on POWs. To this end, they traveled regularly to Thailand, setting up a network of agents, including, The Atlanta Constitution reports, "drug smugglers, gun runners, gold thieves, refugees, Thai Army officers, Laotian resistance fighters" and anyone else who might be able to help.

The suit further charges that in January of 1984 Smith reported to superiors that POWs he had located could, if permission were granted, be rescued; instead, the plaintiffs say, they were told to forget it and were sent back to the United States.

"We never really got into trouble until we said we could produce three prisoners on a certain date," Smith says. "When we said that, you would have thought we had just shot Jesus."

An updated paper of the Office of the Assistant Secretary of Defense, however, puts a different light on the case. At best, Smith and McIntire provided hearsay information which, in follow-up contacts with the plaintiffs could not be substantiated.

Much of Smith's information was hardly original:

In early 1984 Major Smith learned from a Laotian refugee about a C-130 crash site in Laos which was reported to contain American remains. Smith also heard of a number of artifacts from other crash sites in Laos and reported this information to Army intelligence personnel in Korea. Analysis of Major Smith's information revealed that the artifacts mentioned by Major Smith had been turned in previously by other sources.

While in Thailand in early 1984, Sergeant McIntire was informed by a different foreign national source that the information or dog tag of an American, reported by the source to be held prisoner in Laos, was available for sale. The source also provided a biographical sheet on a second American, also reported as being held prisoner in Laos . . .

Anaylsis of McIntire's claims of two Americans allegedly being held in Laos determined that the first was not missing or unaccounted for and that the second had died in captivity, in 1961, in an accident witnessed by fellow American prisoners, all of them released in 1962; the second, an Army officer, had been the subject of a large number of reports already, primarily from refugees, many of whom has copies of the biographical sheet. [The biographical sheet, obtained by "Bo" Gritz, was submitted to a congressional task force, DOD reports, "after the document had been tampered with so as to conceal the fact that it was dated in 1961."]

Even so, Smith and McIntire's cause has been given a credence it may not merit in, among other places, Jack Anderson's syndicated column and on CBS's 60 Minutes. Ed Bradley, on the latter, for example, reported that Smith's official duty was gathering intelligence on POWs. But, according to DOD:

As [Assistant Secretary of Defense Richard] Armitage pointed out to Mr. Bradley during a portion of the interview not televised as part of the program, it is every serviceman's inherent obligation to report any information of intelligence value that he comes across. Mr. Armitage also told Mr. Bradley that intelligence gathering on POW/MIA was not a specific part of Smith's and McIntire's mission in Thailand, not were they ever tasked with a POW/MIA collection requirement.

On the same broadcast, when Bradley asked the plaintiffs if they saw evidence which supported the contentions of Bobby Garwood—evidence they had seen with their own eyes—they said that they had. Yet, according to DOD, they had provided no evidence or whatever that was not "limited hearsay information, unsubstantiated and obtained from questionable sources. None of it qualified as 'evidence.' "

The National League of Families, while declining to take a position on the lawsuit itself, nevertheless met with plaintiffs and, according to the statement the organization issued:

Neither had any firsthand information on Americans in captivity. Having reviewed all classified data provided to the U.S. government by the plaintiffs, it is clear . . . that proof of POWs was not provided through official channels, though their public statements and testimony in Senate hearings indicate possession of such evidence as recent as October 1985.

They also have been in close touch with Members of Congress, and at least one has indicated he possesses information which he will not turn over to the U.S. government. The League views as irresponsible any refusal to provide substantive data to officials in the U.S. government.

The wildest claim of all, also given credence by Bradley, is that Smith's sources, including "high-ranking Thais" in Laos, brought back evidence, "including photos," that was overwhelming.

These photographs, however, have never been produced—and their story alone is one of the most revealing in the POW controversy, pointing as it does to the high degree of cynicism of those who exploit it.

The photos, which would constitute important evidence indeed, have never been made available to government authorities and, while several people (other than their owner, apparently) have seen them, only Smith is said to have seen that portion of them which supposedly includes the POWs themselves.

The film—if, indeed, it exists—is said to belong to one Robin Gregson, a mysterious British businessman who sometimes travels under the name John Obassey and operates out of Thailand. Last year Smith and McIntire said they had access to the film.

That, according to the The Wall Street Journal, is when Gregson "started playing hard to get, traveling around the country and spending the plaintiffs' money."

The Senate Veterans Affairs Committee, growing impatient, ordered Smith and McIntire to turn over the evidence. Even H. Ross Perot got into the act, offering Gregson $4.2 million for it. No dice. Gregson left the country and has not been seen since, leaving Smith to face the wrath of the Senate. Scheduled to appear before the committee, he simply didn't show.

The question of cover-up has in fact been investigated in 1984 by the House Task Force on American Prisoners and Missing in Southeast Asia and, in 1986, by the Tighe Commission of American POWs and MIAs.

The House task force, responding to charges of a cover-up leveled at the government by former Congressman William Hendon, a North Carolina Republican, announced its findings in August of 1984. According to its chairman, Rep. Benjamin Gilman, Democrat of New York, after "thorough review of more than 80 case files cited by Mr. Hendon as providing proof of live Americans, the Task Force concludes that there is no government cover-up of information of live prisoners."

The Tighe Commission, chaired by General Eugene Tighe, DIA director from 1974 to 1981, and assisted by Perot and two former

POWs, Brig. Gen. Robbie Risner (USAF-Ret.) and Lt. Gen. John Peter Flynn (USAF-Ret.) the commission evaluated dozens of case files and, in the words of Congressman Stephen J. Solarz, Democrat of New York and chairman of the House Foreign Affairs Committee's Subcommittee on Asian and Pacific Affairs, offers its conclusions "with respect to the likelihood of a USG cover-up.

On October 15, 1986, after the commission had completed its investigation, the following exchange took place during subcommittee hearings:

Mr. SOLARZ. When you were head of DIA, General, did you have any reason to believe or suspect that there was any cover-up going on in your agency with respect to the facts of this situation?

General TIGHE. No; I did not. As a matter of fact, I think it is almost impossible to have a cover-up on this.

Mr. SOLARZ. On the basis of the review you have just conducted, is there any reason to believe there may be any cover-up or conspiracy?

General TIGHE. None whatsoever. Our task was to find out whether there was, and we found no evidence whatsoever.

And later:

Mr. LEACH. General Tighe, I think it has to be emphasized that you did conclude that there was no cover-up in DIA.

General TIGHE. Yes, sir.

Mr. LEACH. Was that a unanimous decision of your group?

General TIGHE. Yes, sir.

The case for cover-up is indeed weak, especially now that the president has, publicly, anyway, thrown the support of his administration behind a full accounting for the MIA's and is making unprecedented progress in cooperative crash-site excavations throughout Indochina. In fact—and this is a development not publicized by private POW activists—the Reagan administration in May of 1981 financed at least one covert foray into Laos to investigate reports of POWs in a jungle camp there.

The team of Asian mercenaries, according to The Washington Post, got "close enough to the camp to study its inhabitants and report back that no Americans or other Caucasians were in the compound. Apparently the mercenaries managed to take some pictures as well, although sources were guarded in discussing what evidence was brought back to Thailand."

All such efforts—from government-directed forays of this kind to diplomatically-sanctioned crash-site investigations—are damaged, needless to say, by charges of "cover-up," wild claims of "evidence" that doesn't exist and the Rambo-style raids that sometimes result.

At the very least, charges of a cover-up, for example, have seriously taxed the time of government investigators. As Commodore Thomas A. Brooks, USN, then DIA's assistant deputy director for Collection Management, said in prepared remarks before the House Subcommittee on Asian and Pacific Affairs, Committee on Foreign Affairs, on June 27, 1985, the agency's POW/MIA division:

* * * must, of necessity, spend many hundreds of man-hours in responding to allegations. This time would be better spent following up reports alleging Americans are being held captive in Southeast Asia. I would only hope that those individuals who levy conspiracy charges against DIA either refrain from doing so, or else produce the "proof" that only they seem to possess, but when challenged, they are unwilling to provide.

Ann Mills Griffiths of the National League of families, spoke volumes about the nature of such private efforts when, while disassociating her organization from the efforts of "Bo" Gritz in 1983, she pointed out that such efforts, in the final analysis, hurt MIA families most of all.

Such private forays, she said, "have virtually no chance and do, in fact, hinder ongoing efforts to determine the existence of prisoners and achievement of the fullest possible accounting."

The League is "resolutely opposed" to private cross-border forays "as they jeopardize legitimate efforts to accomplish our objectives."

Without ascribing credibility to the claims of Mr. Gritz, there can be little question that public announcements of having obtained proof that American POWs are still being held, coupled with descriptive data concerning circumstances, results in tightened security rendering even more difficult legitimate intelligence collection efforts.

Other likely results are movement of prisoners or even execution of those whom we are urgently trying to insure a return to this country. It also results in invalidation of previously collected intelligence data.

Mr. Gritz's efforts have also seriously interfered with the other area of crucial concern to the League, the accounting for missing Americans including recovery of their remarks.

The overall effect, she said, has been "extremely adverse."

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. KARNES addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KARNES. If I may have just 30 seconds, I ask unanimous consent that the resolution remain at the desk and any Members of the Senate who would like to be listed as cosponsors of this legislation may have until the end of this business day to do so.

The PRESIDING OFFICER. Without objection, the request of the Senator from Nebraska is agreed to.

The question then occurs on agreeing to the resolution.

The resolution (S. Res. 256) was agreed to.

The preamble was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that I be listed as a cosponsor.

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

The resolution with its preamble, is as follows:

S. RES. 256

Whereas Howard Malcolm Baldrige, Jr. was born in Omaha, Nebraska in 1922, the son of Howard Malcolm Baldrige, Sr. and the former Regina Connell;

Whereas Howard Malcolm Baldrige, Jr. was graduated with a Bachelor of Arts degree from Yale College;

Whereas Howard Malcolm Baldrige, Jr. married the former Margaret Trowbridge Murray in 1951 and had two children, Megan Brewster and Mary Trowbridge;

Whereas Howard Malcolm Baldrige, Jr. was a recipient of an honorary Doctor of Letters degree from the University of Nebraska at Omaha in 1985;

Whereas Howard Malcolm Baldrige, Jr. was a preeminent business leader and served as director of many distinguished organizations;

Whereas Howard Malcolm Baldrige, Jr. rendered exemplary service to the nation in the Cabinet of the President of the United States for six years as the Secretary of Commerce, influencing major trade policy decisions with his fair trade principles;

Whereas Howard Malcolm Baldrige, Jr. in his tenure as Commerce Secretary developed policies and initiatives, including a Bureau of Competitive Assessment within the Department of Commerce, to monitor and improve the United States' global trade position;

Whereas Howard Malcolm Baldrige, Jr. generously contributed his time and energies to numerous community organizations and philanthropic efforts;

Whereas Howard Malcolm Baldrige, Jr. demonstrated his zest for life as a true-to-life cowboy and a champion on the professional rodeo circuit; and

Whereas with the death of Howard Malcolm Baldrige, Jr. on July 25, 1987, at age 64, the United States lost a distinguished citizen and foremost policy adviser who helped guide the nation toward a stronger economic and competitive trade position, and who remained up to the moment of his death a respected, thoughtful and articulate adviser on the urgent and complex economic questions facing the nation; Now, therefore, be it

Resolved, That it is the sense of the Senate to express profound sorrow and regret at the death of Howard Malcolm Baldrige, Jr.

SEC. 2. The Secretary of the Senate shall transmit an enrolled copy of this resolution to the family of Howard Malcolm Baldrige, Jr.

NATIONAL HOSIERY WEEK—AUGUST 9-15, 1987

Mr. HELMS. Mr. President, the week of August 9-15 marks the 16th annual observance of "National Hosiery Week." Congress is scheduled to be in recess during that week so, like last year, I'll take a moment now to pay my respects to an industry which is vital to the free enterprise system of our Nation and to the economy of North Carolina.

Mr. President, despite the threat that unfair imports pose to the textile and apparel industry, it continues to be an industry that too often is taken for granted by the American people. More than any other domestic industry, the textile and apparel industry in general, and the hosiery industry in particular, need and deserve the support of all Americans.

Consider, for example, that the textile and apparel complex is the largest manufacturing complex in the country, employing more than 1.9 million poeple. The hosiery industry, which constitutes a significant portion of the textile and apparel complex, employs 70,000 people in more than 35 States.

Despite the overall size of the industry, hosiery companies are vital to many small communities around the country. The average hosiery company is a small to medium-sized business in a small American town or city. It produces about 9 million pairs of hosiery a year and employs an average of 161 workers. In fact, hosiery manufacturers are often the major employers in their communities.

Mr. President, like other sectors of the American textile and apparel industry, the hosiery industry today is facing import competition. Statistics show that imports of foreign hosiery in 1986 were 15 percent greater in units than in 1985.

The hosiery industry is doing everything it can to counter these imports by improving productivity in the mills, by investing in new and more efficient machinery, by continuing to stress the best styling of product, and by sharpening the industry's marketing skills.

Mr. President, National Hosiery Week is of special significance to me since North Carolina is the leading textile State in the Nation. In fact, 54 percent of all American-made hosiery is produced in North Carolina. North Carolina is proud of its distinctive leadership in the hosiery industry, and we are grateful for the fine quality of life this industry has provided for so many people. We are also proud of the contribution those people make to the State. The people in the hosiery industry are hard-working, friendly and proud of their industry.

On behalf of my fellow North Carolinians, I extend my sincere thanks and congratulations to the hosiery industry for the outstanding job it is doing for the people of our State and Nation.

JOURNALISM AT ITS BEST

Mr. PRESSLER. Mr. President, as my colleagues know I have been working for some time on several initiatives to expand and upgrade facilities at Mount Rushmore. Throughout the course of that effort, I have come to gain an even deeper appreciation for our shrine to Democracy, and a better understanding of its rich history and poetic symbolism. Through the course of our efforts I, like thousands of South Dakotans, have been enlightened by the excellent coverage of one of our State's major newspapers, the Rapid City Journal—particularly the journalistic contributions of one of its editors, Tom Griffith.

Mr. President, many of us in public life are quick to criticize the press when important issues are not treated as comprehensively or fairly as we think they should be. I guess I am no exception. So when the press does a truly outstanding job it is fitting that we recognize the contributions, as well. I rise today to share with my colleagues on such example.

When we first began our Mount Rushmore initiatives, it was evident to me that few people understood the very real physical limitations of the facilities there. That problem makes an undertaking of this sort immeasurably more difficult. But thanks in large part to the efforts of one reporter who dedicated the time and energy necessary to truly understand the issue, combined with his journalistic talents in conveying that understanding to the public, that problem has long since vanished. What impressed me most about Tom Griffith's exhaustive work was his ability to transcend the technical aspects of the issue, which he has mastered better than most of the experts, and convey to his readers the broader meaning of the great memorial. He has given his readers a true flavor of the historical, symbolic, and personal significance associated with this monumental artistic achievement.

The impact on the local community has been very evident. I have talked to and received letters from dozens of constituents wishing to contribute their time and resources to the project. Virtually all of them in one form or another refer to something they read in the Rapid City Journal. Many creative ideas and suggestions have come forth as a result. To me, this is the epitome of journalism at its best—education of the public on the issues, and stimulation of thought and action. I commend the Journal—and Mr. Griffith in particular—for contributions to public understanding of this issue.

Mr. President, the comprehensive treatment given to this important subject by the Rapid City Journal precludes me from placing in the RECORD all of the articles, but I would ask unanimous consent to insert a five-part series which appeared in its May 1-5, 1987, editions, authored by Assistant City Editor Tom Griffith. These articles capture some of the qualities to which I earlier referred, and I commend them to the attention of our colleagues.

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

PARKING KEY TO IMPROVEMENTS

"My plan is to make Rushmore a center in the heart of America so attractive, so comprehending that the inevitable visiting world will assembly there with something more than curiosity and go away with something more than wonder"—Sculptor Gutzon Borglum

(By Tom Griffith)

KEYSTONE.—More than 2 million travelers will visit the Black Hills this year to look at a sculpture uniquely American in its concept—a work that solidifies in stone the very spirit of a nation.

The giant granite figures are in fine shape. But facilities at Mount Rushmore National Memorial need a facelift.

Bigger crowds at Mount Rushmore have created trememdous parking problems, often causing National Park Service staff to park vehicles on grassy areas during the peak of the tourist season. In addition, park service officials say exhibit areas, audio-visual and lighting systems, and maintenance and administrative offices should be improved or expanded.

Facilities at Mount Rushmore were last upgraded in 1964 when it was designed to handle 1 million visitors annually. There were more than 2 million visitors in 1986.

Park service staff fear visitors are missing the more important aspects of the mountain carving.

Efforts to educate visitors about Mount Rushmore inevitably result in more parking congestion.

"Parking dictates everything at Mount Rushmore," said Superintendent Dan Wenk. "Without talks and studio tours, visits would be shortened and parking problems would be relieved.

"But we have an obligation to educate people about the memorial . . . and consequently, to increase the visitor's length of stay."

Last summer, Park Service rangers offered an unpublicized tour of the memorial and support facilities three times each day. By summer's end, 74,000 visitors had learned more about Gutzon Borglum's greatest work.

"This demonstrated that people want to know more about the memorial—how it was built, and why it was built," Wenk said.

The Mount Rushmore National Memorial Society of Black Hills, which has supported improvements at the memorial more than 50 years, hopes to raise as much as $14 million for parking and other improvements.

A $500,000 study would determine the solution for the parking problem and other improvements at Mount Rushmore, Wenk said. Sen. Larry Pressler, R-S.D., has introduced legislation to fund the study.

Parking improvements are estimated to cost $3.2 million. The NPS has not determined whether additional parking areas would be located at the summit of Doane Mountain or at a lower elevation, perhaps near Keystone, Wenk said.

The memorial's amphitheater, at the base of the sculpture, is the scene of nightly programs and a film depicting the method of carving and reasons for Mount Rushmore. Built in 1959 for $160,000, the amphitheater can seat only 800 people.

On the average summer night in 1986, more than 2,000 visitors crammed into the open-air theater. By autumn, 170,000 people had watched the film, "Four Faces on the Mountain."

"It's standing room only from Memorial Day to Labor Day basically," said Jim Popovich, chief of interpretation at Mount Rushmore. "It's obviously over capacity."

Enlarging the amphitheater, upgrading its audio-visual equipment, making it handicapped accessible, building new walkways and restrooms are estimated to cost $2.2 million, Wenk said.

Wenk said plans called for a new lighting system to illuminate the carvings.

"We're dealing with a lighting system close to 30 years old," he said. The three banks of lighting would be replaced with a $450,000 system to better illuminate the 6,000-foot mountain, Wenk explained.

Park Service staff also hope to duplicate the original 1/12th-scale plaster model of the four presidential figures, used by Borglum.

"It's the model used in construction of the memorial, the tool Gutzon Borglum used to carve the mountain," Popovich said.

The one-of-a-kind model is in the sculptor's wood-frame studio, which has a sprinkler system for fire protection.

"The biggest danger would be water damage if the fire system was activated," Wenk explained. "You have the potential of saving the building and destroying the model at the same time."

NPS staff wants to protect the model with a glass enclosure, or make a rubber mold of the giant wood and plaster work so it could be duplicated. Estimated cost of preserving the model is $91,000.

Memorial maintenance facilities, in and around the studio, would be relocated under preliminary improvement plans. The new facilities, estimated to cost $2.3 million, would allow space for more exhibits and protect the studio, which is listed on the National Register of Historic Places, said Popovich.

"I view it as inappropriate that we have maintenance activities going on in an historic building," Wenk added. "We don't need to be doing our day to day maintenance work in a primary visitor experience area."

Wenk said Park Service staff also hoped to bury 1,500 feet of power line at a cost of $500,000; rehabilitate the NPS-owned concession building for $650,000; increase access for the elderly and handicapped; and improve other exhibits.

Current exhibits "really don't tell you a story and people need the story," Popovich said. "They need to be provoked into understanding what Mount Rushmore is."

MANY RUSHMORE ARTIFACTS HIDDEN FROM PUBLIC VIEW

(By Tom Griffith)

("Mount Rushmore is eternal. It will stand until the end of time. Ten thousand years from now our civilization will have passed without leaving a trace. A new race of people will inhabit the earth. They will come to Mount Rushmore and read the record we have made."—Sculptor Gutzon Borglum.)

KEYSTONE.—Hidden deep in storage in a usually dark room at Mount Rushmore National Memorial is a gigantic U.S. flag few people still alive have seen.

It is the flag that shielded Thomas Jefferson's likeness on the mountain Aug. 30, 1936, as President Franklin D. Roosevelt watched from his touring car.

But today, the wrinkled 60-foot symbol of American independence rests in a small climate-controlled storage room that few people ever visit. An arm's length away, partly covered by plastic, are larger-than-life masks of the four presidents on the mountain, models Gutzon Borglum and his crew used to carve the sculpture.

Hundreds of drill and bumper bits are neatly stored on nearby shelves in the 400-square-foot storage area. They were fitted in the pneumatic drills carvers used to remove the final layer of the 500,000 tons of granite taken from Mount Rushmore.

Publications that featured Mount Rushmore during the 14 years of construction, included the Saturday Evening Post, Collier's, and Life magazines, are locked in large filing cabinets.

It has been said Borglum understood what America wanted to say in the 1920s, and the manner in which to say it. But his followers, it seems, have a harder time interpreting the message, and keeping the parchment on which it was written.

Of more than 10,000 documents, historic photographs, and other artifacts in Mount Rushmore's collection, only about 25 percent have even been cataloged, said Jim Popovich, chief of interpretation at the memorial.

"We don't know what we've got," said a frustrated Popovich. "Of course it bugs me. These are historic objects at my fingertips."

Unfortunately, woes at Mount Rushmore are symptomatic of a much larger problem, according to the March-April edition of Historic Preservation magazine.

"Throughout the National Park System, some of its 13,000 buildings are in such bad shape they are closed to the public," wrote John S. Mason, author of the article "Parks in Trouble." Others remain open despite the lack of modern fire-protection systems.

"Perhaps at greatest risk is the Park System's vast collection of artifacts and archives. More than 85 percent of the 20-million-items collection is uncataloged—and thus impossible to monitor for theft and damage."

The manner in which a quarter of the items at Mount Rushmore were cataloged only increased the problem, Popovich said.

Since March 1941, when work was halted by the dealth of sculptor Gutzon Borglum, at least five people have performed curatorial duties by attempting to log artifacts, documents, and approximately 5,000 historic photographs associated with the monument.

Poorly trained staff, using varying methods of cataloging and preservation, have left the work to be done over again in a consistent manner, Popovich said.

"No one has ever done it properly to make sure they are preserved," he said.

A high-ranking National Park Service official said, "It's like having a Library of Congress without all of the books cataloged."

To solve Mount Rushmore's problem, Popovich and Superintendent Dan Wenk hope to assign a NPS worker with curatorial experience to take inventory and catalog all the memorial's treasures.

"There are mandates and guidelines that say we must protect and preserve them," Wenk said.

"But it's very time-consuming," Popovich added. "It would take two years just to inventory and catalog them if the person did that solely."

Not all the items have the historical significance of the mammoth U.S. flag used in the dedication of all four presidential figures. But Popovich can produce a four-page list of items, each valued at more than $100.

Some larger artifacts, including the giant forge used by blacksmiths, a 1/12th-scale crated mask, more than a dozen winches used to lower drillers over the edge of the granite cliff, and the large winch that took workers via cable car to the top of Mount Rushmore, are not in museum storage.

"They are in an uncontrolled environment, so they are not being protected like they should be," Popovich said.

New exhibit space would help solve the problem. Wenk said many of the items would be more beneficial on public display than in storage.

Popovich said he hoped maintenance facilities in the basement of the sculptor's studio could be relocated to make room for a display featuring a forge and blacksmith's shop, similar to the original shop where hundreds of drill bits were sharpened daily during the height of work on the mountain.

"We could make the studio the way it was in 1941 when Gutzon Borglum left," Popovich said. "We could do some good things."

[From the Rapid City Journal, May 3, 1987]

BORGLUM RANCH RIGORS TAUGHT MARY WHAT LIFE WAS ALL ABOUT

(By Tom Griffith)

"Father spoiled us tremendously and he loved us. He was devoted to us completely. There was nothing he could give to us that he didn't."—Mary Ellis Vhay, daughter of sculptor Gutzon Borglum.

RENO, NEV.—At 14 years old, Mary Ellis Borglum moved from her father's Connecticut estate to a South Dakota ranch that had no plumbing, heat, or electricity. It would change her life.

The fire would go out in the middle of the night. Ice would form on the water in the metal pitcher and basin, used each evening for washing her small hands and face. Lonely walks to the outhouse left an even bigger chill.

The daughter of Mount Rushmore National Memorial sculptor Gutzon Borglum learned to love riding and caring for horses in her new Black Hills home. But it didn't change her attitude toward South Dakota winters.

"I loved riding, but I can't say I liked that winter," Mary Ellis Vhay said recently. "Father thought we were very effete and very sophisticated and we should know what life was all about."

Mary Ellis said after two weeks with a high temperature of zero at the Borglum ranch, she and brother Lincoln knew what life was all about.

"I learned an awful lot about taking care of people, taking care of animals, and taking care of myself, because it was lonely," she said, "It made a much better person out of me."

Gutzon often lectured around the country, telling all who would listen about the monumental mountain carving being created in Black Hills granite. His efforts to raise money for the memorial meant considerable time away from home.

Lincoln remained at the ranch in Gutzon's absence. An Englishman who didn't have enough money to return to his homeland tutored the Borglum children. A Chinese cook "who didn't have anywhere else to go," prepared the meals. The foreman and his wife kept an eye on the ranch and the children.

But despite the hardships of ranch life in the 1930s, Gutzon Borglum's efforts to create an unprecedented memorial brought his children face to face with some of America's great business, professional and political leaders.

Mary Ellis, now a 71-year-old resident of Reno, said as a toddler she visited the offices of Theodore Roosevelt with her father and brother. Lincoln became tired during Gutzon and Teddy's extended conversation, crawled up on the former president's desk and fell asleep.

"Roosevelt said, 'I think he is the only person I know who would dare fall asleep in my office,'" she said.

Years later, Mary Ellis would meet another "very attractive" Roosevelt at Mount Rushmore.

On Aug. 30, 1936, President Franklin D. Roosevelt traveled to the Black Hills to take part in the dedication of the Jefferson head on the mountain.

Mary Ellis waved a U.S. flag to signal workers on top of the sculpture, who in turn

raised a giant flag covering the Jefferson figure. Hundreds of people had traveled to Mount Rushmore to view the dedication and see the president. Mary Ellis Borglum was no different.

"I was getting married that fall and I remember thinking that Franklin Roosevelt was still a very attractive young man, even though I was getting married," she said, laughing. "It was the charm of the Roosevelts."

As a young girl, Mary Ellis shared breakfast with President Calvin Coolidge and his wife, Grace, who stayed at the Game Lodge in Custer State Park in 1927.

"I was great friends with Mr. Coolidge and Mrs. Coolidge too, because we had dogs that came out of the same litter," she said.

Mary Ellis once visited Coolidge in the Oval Office of the White House. Someone was smoking and the president retrieved the tinfoil from his cigarette pack, molded it into a small washtub, and presented it to the youngster.

"He was such a gentle man," she said.

Mary Ellis said her worst experience with a friend of the family was during a visit to the Blacks Hills by the greatest 20th Century U.S. architect.

Frank Lloyd Wright was designing a studio for a Santa Monica, Calif., home Gutzon hoped to build. When Wright arrived in the Hills, Gutzon was busy on the mountain and assigned Mary Ellis to entertain the architect.

"It was one of the longest days of my life," she said. "He was terribly egotistical and he had no sense of humor."

Despite the famous people she met and the great accomplishments of her father, Mary Ellis said she was not overly impressed by Mount Rushmore in her childhood.

"It was so much a part of his life, and my life and everybody's life," she said. "You were overcome by the greatness of it, but you didn't stop to analyze it because it was part of our life, and part of our family."

SCULPTOR'S GRANDSON FINDS PEACE IN ROOTS

(By Tom Griffith)

("That was one of the things that was great as a child—It was like going to your grandparents' house when they weren't home."—James Borglum, on exploring the Borglum Ranch.)

HERMOSA.—Gutzon Borglum, the visionary sculptor of Mount Rushmore whose drive and dedication enabled him to achieve one of man's greatest feats, died in 1941, $200,000 in debt.

Today, his grandson, James Borglum, 34, lives in quiet luxury on a ranch near Grace Coolidge Creek in the Black Hills. His interests are ultralight aircraft and downhill skiing.

"I'm sort of retired," Borglum said, nearly apologizing. "I am looking forward to being an old man here.

"It's like you mentioned earlier. You asked if I had a big goal, but I don't. I have enough money and a nice house and I'm content. I'm really happy."

The ranch was home to Gutzon Borglum for more than decade. He was fresh from the manicured lawns of Borgland, his Connecticut estate, when he took possession of his western-style ranch Oct. 29, 1929, a day known as "Black Friday" on Wall Street.

During his 16-year association with South Dakota, Borglum would fight off foreclosure on Borgland and his ranch on several occasions. Staving off the banker often meant borrowing from friends or selling property to meet the mortgage.

James Borglum apparently has no such worries and could live anywhere he chooses. He has a second house in Colorado. But, the quiet, handsome and unpretentious Borglum said he wanted only one thing when he bought the 25-acre ranch from his father, Lincoln Borglum, in 1977—to return to his boyhood home.

"I'm in oil and gas in Texas, but I live in Hermosa because I like the climate," a grinning Borglum once said. Actually, Borglum is "in" natural gas and cattle in south Texas due to an inheritance from his mother, Louella, who died in 1963.

As a boy, Borglum attended a one-room school a half-mile from the ranch, where he was the only student in his grade. Lincoln sent James to an Austin, Texas, boarding school when he was 14, and in 1971, he graduated from Goliad High School.

Under an arrangement with Lincoln, the younger Borglum agreed to pay off debts on the ranch and, in turn, Lincoln turned over deed to what at one time had been a 1,000-acre ranch and its buildings.

When Lincoln sold at auction much of his own and Gutzon's work in 1977, James was there to buy about 5 percent of the artwork, Dr. Duane Pankratz, a veterinarian who owns Rushmore Borglum Story in Keystone, purchased the majority of the work.

"I guess I was here in very formative years and this has always struck me as home," Borglum said. "I love the snow and the creek and I think this is just great.

"I wanted to have something of my grandfather's. That was a big part of it."

Since buying the scaled-down 25-acre ranch, Borglum has purchaed adjacent property, including a nearby campground, and bolstered his holding to 500 acres.

"About all the country I now hike on is now mine," he said. Mount Rushmore even can be viewed from the crest of one hill.

James Borglum shuns publicity and had not granted an interview in the 10 years he had owned the ranch. A sign on the gate to the ranch reads: "IF YOU HAVE NEVER BEEN HERE BEFORE, DON'T COME HERE NOW."

The property includes small houses that were once homestead shacks or blacksmith's shops for settlers, the original Mount Rushmore log studio which Lincoln tore down in Keystone then reassembled log by log at the Borglum ranch, the "Big House" under construction at the time of Gutzon Borglum's death March 6, 1941, Gutzon's large studio, and a spacious house James remodeled and enlarged in 1981.

The house in which James lives with a woman friend of five years features a treasure trove of busts, marbles and paintings created by Lincoln and Gutzon. The younger Borglum continues to scour the country for works of his father and grandfather. When located, he simply buys them.

The home's most conspicuous feature is the absence of a kitchen. The original studio, a stone's throw from the house, is a roomy dining hall where all cooking is done and meals are served, James said.

The "Big House" is just that: Two-and-a-half floors of pure openness. It has walls of rich mahogany and a floor of solid oak. At its east end, on an open, second-floor balcony, its owner is organizing hundreds of books that once constituted Gutzon's library.

The hall also has a walk-in fireplace, bear and oriental rugs, and once was a roller skating rink for James and friends. "It's great for social occasions," he said.

The studio, where Gutzon completed other commissioned work while construction of Mount Rushmore was under way, now houses three vintage Harley-Davidson motorcycles, a 5-horsepower go-cart, lawnmowers, and a fully equipped shop.

A Jaguar sedan sits in the shade of a newer garage. Two horses browse in a field, but they rarely are ridden.

"I just like to watch 'em," Borglum said.

HALL OF RECORDS STILL CONTROVERSIAL

(By Tom Griffith)

"Into this great hall, beautiful as a temple, we will place records, the new records, the purely American records, of released souls, of great inventors . . ."—Sculptor Gutzon Borglum—1940

KEYSTONE.—Forty-nine years after sculptor Gutzon Borglum carved a 68-foot-deep hole in a granite mountain in the Black Hills, the battle over its completion continues.

Descendants of Borglum argue that the giant Hall of Records, which he first envisioned when he worked on Georgia's Stone Mountain monument, should be completed not only to fulfill the sculptor's dream, but also to provide an eternal record of western civilization and the reasons for Mount Rushmore.

As plans were being laid for Mount Rushmore in 1925, Borglum made no mention of the Hall of Records. But by 1934, it was clear Borglum had changed his plans to include a crypt in the walls of a canyon at the back of the four president's faces.

Throughout the remaining seven years of his life, Borglum battled over the Hall of Records with the Mount Rushmore National Memorial Commission, established by Congress to oversee the project.

Eventually, Borglum reorganized the commission and hand picked members July 1, 1938. Armed with a $300,000 federal appropriation, and the complete autonomy granted him by the new commission, Borglum began to carve the hall.

But the commission again objected and told Borglum to quit work on the hall. The commission feared the hall project would drain funds from the main project at Rushmore.

Thus, the cavernous 12-foot-wide, 20-foot-high, 68-foot-deep hole in the canyon remains much the way it was when workers stopped drilling nearly 50 years ago. Spikes remain imbedded in the walls and painted red numbers are on the granite, a reminder of the method used to tell drillers how much rock to remove from the inner walls.

Borglum's plans for the hall constantly changed until his death on March 6, 1941. In probably the most detailed description, Borglum wrote in his autobiographical manuscript that the Hall of Records was as much a part of the memorial as the four presidential figures.

"Both are necessary to make the Shrine of Democracy a complete whole . . . otherwise there would be nothing to tell posterity what the carvings meant," he wrote. The sculptor wanted 24 bronze busts of outstanding Americans to stand in the hall. Aluminum scrolls on which the history of Western civilization would be engraved were to be placed in glass "damp-proof" tubes and stored, to be opened in 10,000 years.

The inner entrance wall was to be finished in a mosaic of blue and gold lapis. The door was to be made of bronze and glass, as would recessed cases inside the hall. Borglum also dreamed of adding other rooms within the mountain and, perhaps, other levels of rooms.

After Borglum's death, his son Lincoln urged completion of the hall and a giant 800-step stairway leading to it from the base of the mountain.

Lincoln, the first superintendent at Mount Rushmore, continued to work for completion of the projects until his death Jan. 27, 1986. Lincoln said he was frustrated with National Park Service officials who opposed the projects, and often said without the hall and its records the memorial would be a riddle to future civilizations.

"I have never been able to convince them that the Park Service may not be around here 10,000 years from now, or even 5,000 years from now, and probably not 100,000 years for damn sure," Lincoln said in a March 1983 interview.

"As it is today, you have four heads up there and you know who they are, sure . . . but, 10,000 years from now is somebody going to know who they are, or what they represent, or why they were carved?"

Mary Ellis Vhay, 71-year-old daughter of Gutzon Borglum, has taken on the task of convincing the Park Service the Hall of Records is a necessity.

"This is the last chance for something to be done about it," she said last week. "I feel it is necessary to have a history of Mount Rushmore that will be for all time—a written history that will be available for civilizations to come, in a location that is invulnerable to atomic bombs or any type of war or pestilence."

Vhay is scheduled to meet with assistants to Interior Secretary Donald Hodel May 11 in Washington, D.C., to discuss the hall.

But some members of the Mount Rushmore National Memorial Society of Black Hills, which follows National Park Service policy on all matters, continue to oppose completion of the hall, saying it is impractical and would take money away from more needed improvements at the memorial.

Ray J. Aldrich, three-time society president, said finishing the Hall of Records at its present site would be impractical because visitors could not view it. A grand stairway leading to the hall, as Gutzon proposed, "would destroy the effectiveness of Mount Rushmore," he said.

Current president Carolyn Mollers also said she had reservations about the hall's accessibility, proximity to the sculpture, and cost to complete.

"I am practical," Mollers said. "I agree with the time capsule concept.

It is desirable to have a record of why the memorial was done."

Aldrich said he would support "a crypt built into a structure in a new facility at the memorial, as impregnable as you could make it, in which the history of the memorial could be sealed. A relatively inexpensive structure could do what really needs to be done."

Vhay said she was sad Lincoln was unsuccessful in his efforts to finish the hall. His lack of success, she said, has made her work even harder.

"Lincoln couldn't do anything about it. It rests on my shoulders to do it," Vhay said. "I feel my father did such incredible things up there . . . I felt I should try."

RUSHMORE SOCIETY RACES DEADLINE

(Tom Griffith)

"My purpose is to make a work of art, a national shrine that will make people grateful that they live in a country like ours, a shrine dedicated to a nation conceived in liberty and freedom, unequalled anywhere in the world."—Sculptor Gutzon Borglum—1939

KEYSTONE.—The Mount Rushmore National Memorial Society of Black Hills faces a 1991 deadline that may be tough to meet.

In 1941, Mount Rushmore sculptor Gutzon Borglum died in a Chicago hospital. With no more federal appropriations for Mount Rushmore, and indications the United States would be entering World War II, that left Gutzon's son, Lincoln, to finish detail work on the carvings and dismantle equipment on the mountain.

Fifty years later, in 1991, the society and South Dakota's congressional delegation hope to celebrate the completion of about $14 million in improvements to facilities that serve visitors to Mount Rushmore.

But even with four years remaining before the deadline, society members and congressional representatives admit timing is crucial if the improvements are to be finished in time for a nationwide celebration at the mountain carving in 1991.

Sen. Larry Pressler, R.S.D., has sponsored legislation to provide $500,000 for a study to refine improvement plans and determine exact costs, said society president Carolyn Mollers of Rapid City. Rep. Tim Johnson, D-S.D., and Sens. Tom Daschle, D-S.D., and Bob Dole, R-Kan., support Pressler's proposal.

Pressler aide Kevin Schieffer said the senator was trying to attach the bill as an amendment to the National Park Service fiscal 1988 authorization bill or the Federal appropriation bill being considered by the Senate. Schieffer said it was important the appropriation be made this year.

"The society's original goal was to get improvements completed by the 50th anniversary (of completion of work on the memorial) in 1991," he said. "In that sense, there is a real urgency. The timing here is very crucial. It is important that we get the planning and design work under way this year."

Pressler already attached one improvement project for Mount Rushmore to this year's Federal highway appropriation bill. About three miles of Gutzon Borglum Memorial Highway, the road leading to Mount Rushmore, will soon be improved and widened at a cost of about $3 million.

Schieffer said the pending bill had a "reasonably good chance" of being passed in the current session. Meanwhile, society members are awaiting a decision.

"The $500,000 will mean a definite starting point," Mollers said. "It's concrete evidence of the Park Service's intention to make the improvements. That will give impetus to Rushmore Society plans."

But even with funding for the study available in 1988, the society would still face pressures to complete the work in time.

Once the study is completed, fund raising could begin. Society members are not sure how long it will take to raise $14 million, or how they will do it. Once funds are raised, bids would be let and construction could begin.

"As slowly as all these things move, one has to plan well in advance of the deadline," Mollers said. "This is a huge project."

The society plans to mount a nationwide fund-raising campaign designed to provide funds for the improvements. The society, established as a nonprofit corporation in 1930, serves as a custodian of the monument and a support group for the National Park Service at the memorial.

At Mount Rushmore, the 120-member society has been responsible for the construction of buildings, roads, parking and visitor interpretation materials, including plagues, films, brochures and books.

Society membership is by invitation only. Three levels of membership—member, patron and benefactor—have lifetime membership fees ranging from $100 to $500.

The society's members consist of journalists such as anchorman Tom Brokaw, Borglum's descendants—including daughter Mary Ellis Vhay and grandson James Borglum—bankers, educators, lawyers and other business and professional leaders.

* * * * *

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

POSTAL EMPLOYEE APPEAL RIGHTS

The PRESIDING OFFICER. Under the previous order, the clerk will report Calendar No. 233, H.R. 348.

The assistant legislative clerk read as follows:

A bill (H.R. 348) to amend title 39, United States Code, to extend officers and employees of the United States Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded under title 5, United States Code, to Federal employees in the competitive service.

The Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

That (a) section 1005(a) of title 39, United States Code, is amended by adding at the end thereof the following:

"(4)(A) Subchapter II of chapter 75 of title 5 shall apply—

"(i) to any preference eligible in the Postal Service who is an employee within the meaning of section 7511(a)(1)(B) of such title; and

"(ii) to any other individual who—

"(I) is in the position of a supervisor or a management employee in the Postal Service, or is an employee of the Postal Service engaged in personnel work in other than a purely nonconfidential clerical capacity; and

"(II) has completed 1 year of current continuous service in the same or similar positions.

"(B)(i) The second sentence of paragraph (2) of this subsection applies with respect to the provisions of subparagraph (A) of this paragraph, to the extent that such provisions relate to preference eligibles.

"(ii) The provisions of subparagraph (A) of this paragraph shall not, to the extent that such provisions relate to an individual under clause (ii) of such subparagraph, be modified by any program developed under section 1004 of this title.".

(b)(1) The amendment made by subsection (a) shall be effective after the expiration of the 30-day period beginning on the date of the enactment of this Act.

(2) An action which is commenced under section 1005(a)(1)(B) of title 39, United States Code, before the effective date of the amendment made by subsection (a) shall not abate by reason of the enactment of this Act. Determinations with respect to any

such action shall be made as if this Act had not been enacted.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order for not to exceed 15 minutes and that the distinguished Senator from Georgia [Mr. FOWLER] may speak out of order for not to exceed 10 minutes.

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

Mr. WARNER. Mr. President, will the distinguished majority leader ask for a few minutes for me, to follow his remarks on the Persian Gulf, not to exceed 5 minutes?

Mr. BYRD. Yes.

Mr. President, I make that request.

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

Mr. EXON. Mr. President, if the majority leader will yield, I should like some time to speak on the Persian Gulf matter.

Mr. BYRD. Very well. If the distinguished Senator from Arkansas has no objection, I will make that request.

Mr. PRYOR. Mr. President, I say to the majority leader that I have no objection whatsoever. It will give me another few moments to prepare for H.R. 348, when it is brought to the floor. I understand that the Senator from North Carolina may have an amendment to propose to H.R. 348 when it is taken from the calendar. I hope Senator HELMS will be present, because we will be ready, willing, and able to bring H.R. 348 to the floor within the next 20 to 30 minutes, I assume.

Mr. BYRD. I thank the distinguished Senator from Arkansas [Mr. PRYOR].

May I say that we should be finished with our colloquys within 30 minutes. The distinguished Republican leader has given his consent that the measure may be taken up, and I am sure that Mr. HELMS has been notified.

WHO IS ESCORTING WHOM IN THE PERSIAN GULF?

Mr. BYRD. Mr. President, the results of the first U.S. Navy escort mission in the Persian Gulf highlight the problems that can be encountered, and obviously will be encountered, when the United States leads with its chin in that volatile region. The fact that the United States is a superpower does not confer some magical, teflon alternative for proper preparation and careful planning. Both Houses of Congress over a period of some 2 months expressed reservations over the nature of the proposed escort protection plan by U.S. Navy warships for Kuwaiti tankers reflagged under the Stars and Stripes.

The distinguished Republican leader and I offered an amendment to the supplemental appropriations bill, on May 21, 1987, requesting a report by the Pentagon dealing with the security situation in the gulf. Our intent was to flesh out the threats to United States interests in the gulf, and for the Secretary to inform the Congress as to how he proposed that we prepare to respond to the range of threats, primarily Iranian, to our interests, and to the interests of Kuwait and other states in the gulf with whom we are associated. The report was delivered on June 15, 1987. There was precious little attention—indeed no attention at all—devoted to the question of mine warfare.

Mr. President, the downplaying of this particular threat by the administration was of concern to the Senate. In the amendment I offered with Mr. MOYNIHAN and a number of Senators, and which was voted on July 7, with 57 Senators voting to invoke cloture—the amendment itself was not voted on—the question of mines was specifically highlighted. The amendment said that the security arrangements laid out by the administration in its report were "inadequate" and called upon the administration to do "further assessments" of "mine warfare detection and defense * * *." The language was placed in the resolution at the specific request of the distinguished Senator from Nebraska [Mr. EXON], a member of the Armed Services Committee. In the report of June 29, 1987, done at my request by the distinguished chairman of the Senate Armed Services Committee, Mr. NUNN, analyzing the administration's plan and after extensive hearings conducted in his committee, he explicitly stated that "there is one area that did not receive adequate attention in the Secretary of Defense's report: that being the threat from naval mines * * * the United States must be prepared well in advance to counter any mining threats." I am quoting him.

So one can hardly argue that there has not been increasing concern in the Senate over mine warfare and the threat it posed and will continue to pose to this escort operation. There is nothing mysterious or secret about the threat. After all, the first Soviet escort of its chartered tankers to ports in Kuwait was also subject to damage by virtue of a mine explosion. The administration accuses the Senate of attempting to micromanage these operations. But when so obvious a threat is downplayed by an administration eager to demonstrate or should I say, perhaps more appropriately, to regain its credibility in the gulf, then I think we are obligated to continue to ask for assurances that the plan has been properly thought through, that all precautions are being taken, that we are erring on the side of effective protection.

It is disturbing to read, Mr. President, that the Pentagon seems unprepared to deal with this threat. It is actually astounding to read that Rear Admiral Harold Bernsen, the commander of our Middle East Task Force in the Persian Gulf, said last Saturday, July 25, 1987, that "we're going to have to review the whole program * * * We just don't have a great deal of capability. We're going to have to do some minesweeping, for sure," So, what is the result? The Kuwaiti supertanker had a hole blown in its hull, and it experienced major flooding of four of its compartments, putting its seaworthiness into question. Even more astounding, the Navy vessels assigned to escort the tanker had to fall in single-file line behind the tanker to avoid further encounter with mines which would do even more severe damage to those smaller naval vessels. So the situation was turned on its head, and the supertanker was put in the position of escorting our warships throughout Persian Gulf waters.

Mr. President, the question is, Who is escorting whom in the Persian Gulf?

This patently absurd and ridiculous result of the first escort mission is embarrassing to the Nation. The administration would have done far better to delay the operation until all alternatives had been explored.

Even more absurd and infuriating is the apparent refusal of the Government of Kuwait to allow United States mine warfare helicopters to stage out of Kuwaiti territory. I have no doubt that the issue of Kuwaiti cooperation has been raised with the Government of Kuwait. Indeed, the three Senators who visited Kuwait at my request—Senator SASSER, Senator WARNER, and Senator GLENN, did raise the question of Kuwaiti cooperation with us, and got very little in the way of positive answers. The time is coming for the United States to pull the plug on this operation, and put an end to being jerked around by the Government of Kuwait. They want escorts, but strictly on their terms, and the United States is supposed to go along with a proposal with one hand tied behind its back. If the Kuwaits will not help us help them, then I think we should let them handle their own problems. I urge the administration to put the whole operation in abeyance until Kuwait gets serious about supporting the United States in its efforts to support Kuwait in countering the mine warfare threat in the gulf.

Mr. President, the Saudis have minesweepers, and they have been of some limited help to the Kuwaits in clearing their internal waters of mines, apparently planted by the Iranians, which have recently been found. The Saudis, however, have demonstrated a disappointing reluctance to work with us in clearing mines in Persian Gulf inter-

national waters. That is not particularly helpful. If the Saudis want the United States to continue to entertain weapons transfer requests, then it is surely reasonable to expect them to be more forthcoming in helping their brother—or sister—Gulf State, Kuwait, in protecting its tanker fleet. The United States should not be expected to do this escorting alone, in the face of obvious threats when it is in the capability of the Saudis to help us. One gets the feeling that somebody is being taken for a ride in the gulf.

If the mines that damaged the *Bridgeton* had, instead, detonated under one of our escorting warships, there could well have been loss of American lives again in the Persian Gulf. This illustrates the real danger that the current half-baked escorting operation confronts us with—it may endanger the underlying commitment of the United States to the gulf region, a commitment of historic and geopolitical significance to the West which might well be called into question by the American people if we had not, luckily, narrowly escaped on this occasion.

Again, I strongly urge the administration to put this operation in abeyance until the forces are put into place to meet the threat which is completely obvious, and until other options, called for in Senate amendment 367 to the trade bill are fully pursued, or at least until we can get some demonstration of cooperation out of the people who are asking us for help.

If they will not help us when we are attempting to help them, then I do not know how far we should continue this rather hastily made commitment. It seems to me that the Saudis and the Kuwaits owe a little to the effort themselves. I do not think it is asking too much to expect the kind of assistance that we have requested.

Mr. WARNER. Mr. President, although I have had some differences with the distinguished majority leader, he is absolutely correct, that we must pay greater attention to the participation of the Gulf States in their own defense, especially as the United States takes on these new risks.

There was a report yesterday, and I am not able to confirm or deny it, that at some recent point prior to the *Bridgeton* mining incident, the Department of Defense made efforts to send into the Persian Gulf the necessary materials to enhance our minesweeping capability in the region. However, that shipment had to be turned around and returned to the United States, so the report related, because we could not get permission to stage that minesweeping equipment within the GCC states.

I would hope the Secretary of Defense would be forthcoming with information on this issue, because it would be highly supportive of this timely statement by the distinguished majority leader.

The United States Navy, in my judgment, is doing a very credible job in the gulf, given the complexity of the geopolitical situation in that area. The planning of the Joint Chiefs of Staff has to take into consideration every turn of the politics of the region. They must plan these naval operations within a very tight geopolitical straitjacket.

I am certain if they had been given a free hand and greater cooperation from the Gulf States, we would have had more minesweeping equipment present in the region and it would have been utilized prior to this incident with the *Bridgeton*.

Mr. President, I would like at an appropriate time when my time expires to expand my remarks for the purpose of the RECORD. I ask unanimous consent to do so at that time.

Mr. President, I would like to go back and address the history of the minesweeping capability of the U.S. Navy. Indeed, the Navy today has substantial mine countermeasures capability. We have in our inventory 21 minesweeper ships, 3 manned by active Navy personnel, and the other 18 by reservists. We also have 23 minesweeping helicopters. Both our minesweeping ships and helicopters are capable of clearing mines like those found in the Persian Gulf.

Today's shortcomings in mine countermeasures are the result of failure to replace aging forces during the 1970's. And I freely admit I was in the Department of the Navy when those decisions were made. Those decisions were predicated on a U.S. strategy that relies primarily on NATO navies to provide mine countermeasures capability. Our European partners have state of the art equipment to support alliance interests.

While the Navy today has a substantial mine countermeasures capability, new and more capable systems are clearly needed. That is why, beginning in 1981, the current administration set about modernizing this Nation's mine countermeasure capability, as part of their commitment to a 600-ship Navy.

Since 1981, mine countermeasures have enjoyed broad, bipartisan support in Congress. Under President Reagan, the Nation has: Ordered 12 new mine countermeasure ships at a cost of $1.91 billion. The first new ship will be delivered in August of this year and commissioned this fall; ordered 31 new minesweeping helicopters at a cost of $389.7 million.

This administration's efforts to redress longstanding deficiencies have resulted in this Nation's most ambitious mine countermeasures program since the Korean war.

In summary, the Navy is doing an excellent job given the present geopolitical considerations. Constrained by political circumstances, the Navy has accepted the mission and the challenge and are doing their very best.

American citizens should be proud of our Navy's accomplishments and thankful for the daily sacrifices of our service men and women and their families.

I thank the distinguished majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Virginia [Mr. WARNER] for his comments. I value them. I think we should heed them.

He has been one of the Senators who all along has been speaking with great reason and certainly backed up by the kind of experience that lends credibility to his statements and to his advice and counsel.

Mr. President, I believe Mr. EXON had indicated he wanted to speak on this subject. Was provision made for that?

The PRESIDING OFFICER (Mr. WIRTH). The Senator was not granted time.

Mr. BYRD. How much time does he want?

Mr. EXON. Three or 4 minutes.

Mr. BYRD. I ask unanimous consent that the distinguished Senator from Nebraska [Mr. EXON] may speak for 5 minutes on this subject and I believe Mr. MCCAIN wanted 5 minutes, and then the distinguished Senator from Georgia [Mr. FOWLER] on another subject wanted 10 minutes.

Mr. FOWLER. I thank the majority leader. I think I am already included in another unanimous consent.

Mr. BYRD. Then if we could resume consideration of the pending business.

Mr. WARNER. Mr. President, I would like to thank the distinguished majority leader for the opportunity to join today in this colloquy. Throughout this entire recent chapter in the Persian Gulf, the distinguished majority leader, together with the minority leader, has provided very capable leadership on this extremely complex and difficult issue.

While we do not agree on all aspects of the solution, indeed it has been a cooperative and constructive working partnership. Throughout the consultive process with the administration, the distinguished majority leader has been right there every single meeting.

Mr. BYRD. Mr. President, I thank my friend.

The PRESIDING OFFICER. Without objection, the Senator from Nebraska is recognized for 5 minutes to be followed by the Senator from Arizona for 5 minutes and then the Senator from Georgia for 10 minutes.

Mr. EXON. I thank the Chair, and I thank the majority leader, and my friend and colleague from Virginia.

I have been listening with great interest, Mr. President, to the distinguished majority leader citing a concern that many of us had for a long time. I listened with great interest to the former great Secretary of the Navy, Senator WARNER, from Virginia.

Mr. President, there are those of us who cannot agree on everything that is going to be done with regard to the Persian Gulf, but there is one strain that runs through all of it and that is that if we are going to be there, if we are going to expose our men to the wartime pressures that obviously exist in that area today, that have been brought home to us very vividly with the loss of some 40 sailors previously, then that strain is let us get there with the "mostest" to do the "bestest" that we can under the circumstances, and to date, Mr. President, we have not done that.

I think there is no one in the Senate who wants to cut and run in the Persian Gulf. I listened very carefully to the statements made by the Senator from Virginia, with regard to the geopolitical structure that is there and the handicap that has placed our naval forces under and I agree.

I noted that the majority leader said that that part of the resolution that he referred to with regard to mine sweeping was authored by the Senator, and that is true. In closed session of the Armed Services Committee, I took the lead in questioning responsible naval officials and responsible officials of the Department of Defense as to whether or not they had carefully pursued all options with regard to protecting our ships and the ships that they were going to escort from mine warfare.

Mr. President, I was assured that that had been taken into consideration. I think the facts indicate that they were not.

Now, it is one thing for the Navy to stand up and operate under extreme circumstances which they are with the geopolitical situation there today, but it is quite another for the Navy not to be forthcoming as I suggest they should to the Armed Services Committee of the U.S. Senate.

I do not know whether my friend from Virginia would agree or not, but he was there when this discussion took place, and I would say that the Navy is at fault for sending men into a combat situation even under the instruction of the Commander in Chief unless they tell at least the Armed Services Committee the truth about the situation.

We have had the so-called Iran-Contra hearings that have been laced with double-talk. I for one do not like double-talk from anyone. And I for one have never revealed a secret of the United States of America and I suggest that most of the Members of the U.S. Senate have not.

I get a little weary of what I hear in the paper about we cannot be trusted. I also, Mr. President, was one of the leaders of the drafting of that resolution, and one of the leaders that I think first spoke out on the Senate floor and in the Armed Services Committee with the lack of our supposed friends in the gulf, including Kuwait and Saudi Arabia and others, to provide us landing rights for our aircraft.

I simply say that I do not want to cut and run, and I recognize that we have a role to play in the gulf, but we must not play, in my opinion, Mr. President, a foolhardy role.

I think to a large extent the mistake after mistake that has been made there thus far indicates the perilous mission that our ships and our sailors and our Navy are on in that region.

Obviously, you do not have to be a military expert, and I am not compared with my friend from Virginia, the former Secretary of the Navy, but it does not take a military genius to see that one of the real risks we were going to have there was mine warfare.

But essentially I think in the Armed Services Committee that was not highlighted.

Furthermore, I do not believe the U.S. Navy told us the truth about that danger or else they did not know. And I think they did know because they are experts at sea warfare.

Now, carrying out the instructions of the Commander in Chief are one thing, but for naval officials and officials of the Department of Defense not to come clean with the Armed Services Committee in closed testimony is quite another. And I am exercised about that and every Member of the U.S. Senate should be if they understood the situation and the misleading advice, the misleading testimony, the erroneous testimony, the ill-advised testimony, call it what you will. They are not leveling with us. This administration has a record of not leveling with the Congress of the United States or the American people.

I am not for pulling out of the gulf, but I am for the U.S. Senate to call the shots. And that is why I was pleased to see not only the majority leader but the former distinguished Secretary of the Navy, who has done more to push through the administration's defense policy since this Senator has been here, and the other Members standing up today and expressing some of the same concerns that others of us have.

Mr. President, we are going to back the President, but we want to know the facts.

I yield the floor.

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

The Chair recognizes the Senator from Arizona.

Mr. WARNER. Mr. President, will the Senator yield me 20 seconds to reply to my colleague?

Mr. McCAIN. Yes.

Mr. WARNER. Mr. President, Mr. McCAIN and I came to the Senate together and we have sat on this committee and worked together on behalf of this President and our Nation to strengthen the Armed Forces. But I hope he would think for a moment about whether or not the Navy was truthful or untruthful. Together with my colleague and other members of the committee, I sat through many long hours of briefings, including some by the Chairman of the Joint Chiefs of Staff, who is a distinguished sailor and professional in his own right. The Chairman repeatedly told the committee, as he has the President and the American public, that this was not a risk-free operation and that we could not foresee all of the possible contingencies.

Mines were mentioned; but perhaps, as the Senator states, not sufficiently highlighted. He is correct on that point. Mines did not receive the highlighting or the emphasis they deserve.

But I do believe, in my heart of hearts, that there was no intentional delivery of testimony to our body, either in executive or public session, that did not reflect the best professional judgment at all times of those sailors.

Mr. EXON. Mr. President, could I be yielded 1 minute to reply?

The PRESIDING OFFICER. The Senator's time has expired and the Chair recognizes the Senator from Arizona.

Mr. McCAIN. I ask unanimous consent that the Senator from Nebraska may be allowed 1 minute.

Mr. EXON. I thank my friend.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

Mr. EXON. Mr. President, it is well said by my friend from Virginia, but I think the facts of the matter still stand as I said them. Regardless of the best professional judgment of top officials of the U.S. Navy, they were wrong. And just standing up and saying that they gave us their best professional judgment, I happen to feel that that judgment was clouded by the geopolitical pressures that were put on that Navy by the Commander in Chief. I think they have a responsibility, I say to my friend from Virginia through the Chair, to tell us more than they did or else they do not understand mine warfare any better than this Army man.

Thank you very much.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank the Chair.

I thank my colleague from Nebraska. I understand his deep concern over

this issue. I also appreciate the enormous contributions to this debate made by the distinguished majority leader, the Senator from West Virginia, and of course, the former Secretary of the Navy, the Senator from Virginia.

I would like to point out that I also attended the Senate Armed Services Committee hearings referred to by my friend from Nebraska. The Senator from Nebraska is indeed correct that, in the briefings from the military and civil leadership, we did not receive a highlighted rendition of the threat posed by mine warfare.

We also did not receive highlighted information concerning the use of speedboats, the use of F-4's, the possible use of F-14's, or any other particular threats. In my opinion a balanced briefing was given to members of the committee as to the total threat—all of the capabilities that the Iranians have in order to inflict damage upon the United States.

I believe that the administration did give us an adequate briefing on the threat and the broad spectrum of capabilities that Iranians have. The fact that they did not highlight the mining capability the Iranians have, does not in my opinion, somehow make them guilty of malfeasance or of not informing the Congress.

It is also important to point out here, Mr. President, that nothing involved with this reflagging was risk-free. That is why the distinguished Senator from Virginia and I raised serious doubts about this whole policy and its implementation at the time it was brought into being. We are not playing with an adversary who is given to idle threats. And I do not think there is any doubt that the Iranians will continue to make every effort to impede the flow of oil through the Persian Gulf.

Indeed, the mine that was laid and struck the *Bridgeton* was in one of the gulf's few deep channels. It served to impede the flow of oil through the Persian Gulf. I might remind my colleagues that the Carter doctrine said the United States would use whatever means necessary to ensure the unimpeded flow of oil through the gulf.

As the distinguished Republican leader said the other morning, after the mine hit the *Bridgeton*, it was predictable that there would be a press conference, followed by another resolution, to either delay or reverse U.S. policy in that part of the world as regards to the reflagging. Almost continuously in these debates we hear references to the Vietnam war and how the United States failure in Vietnam will somehow be translated into a failure of reflagging. I think it is well to remember that one of the reasons we lost the war in Vietnam was stated by Ho Chi Minh, who said that he wouldn't win the war on the battlefields of South Vietnam, but would win it on the streets of Detroit, Chicago, New York, on the television sets and in the Halls of Congress.

I would suggest to my colleagues that continual criticism and attempts at reversing a policy already in place and in operation in a destructive fashion—and I certainly do not put that label on the criticism leveled at my friend from Nebraska nor the distinguished majority leader—can do nothing but encourage the Iranians to take action which will lead to a reversal of U.S. fortunes and indeed, encourage Tehran to think that it can not only win a victory against the U.S., but can dramatically impair the United States and the Western World's economies.

Let me briefly mention one other aspect, as my floor time is limited on this issue.

There are young men and women serving in the Persian Gulf today under the most arduous, difficult, and indeed, dangerous conditions that we can ask of young men and women in peacetime. If you think that continually criticizing what they are doing and what they are trying to achieve helps their moral and helps their dedication and zeal to do their job, I would like to tell you that you are sadly mistaken. What the young men and women who are serving this Nation in the Persian Gulf, indeed around the world, need from their elected representatives is support and encouragement in carrying out their mission under the most arduous and difficult conditions.

I know that my colleagues from Nebraska and Virginia share my admiration and esteem for what they are doing. I would hope that, as we continue this debate—unfortunately, it will continue—we could inject that element into our debate so that those young men and women know the American people support them as they try to carry out their orders from the Commander in Chief.

I yield the floor.

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

Mr. EXON. Mr. President, might I ask for 60 seconds from my friend from Georgia?

Mr. FOWLER. I am glad to yield 60 seconds to my friend from Nebraska.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia who yields to the Senator from Nebraska.

Mr. EXON. Mr. President, let us keep this debate focused on what it is about as far as this Senator is concerned. We are all for the men and women that are making the sacrifices and playing this dangerous game over there. We are not for pulling out. We want to protect them. We want all of the resources available to the United States to be used to protect them.

Now, it can be downplayed for whatever it is worth that this was not highlighted, the mine matter. This was in closed session of the Armed Services Committee. But I would like for my colleagues to refresh their memories by reading the transcript of that testimony where this Senator did try and highlight this problem. It certainly was not highlighted by the Navy.

What I am saying is, we should have some minesweepers over there and not rely on other minesweepers, as was done in this case. to create another possible tragedy. Let us get with it over there and provide what our men and women need to do the job that the President has assigned them.

I thank my good friend from Georgia for his courtesy.

The PRESIDING OFFICER. The Senator from Georgia.

(The remarks of Mr. FOWLER will appear later in the RECORD under "Statements on Introduced Bills and Joint Resolutions.")

POSTAL EMPLOYEE APPEAL RIGHTS

Mr. PRYOR. Mr. President, I do not see the distinguished manager on the other side of the aisle. I believe that the manager this afternoon is going to be the Senator from Delaware [Mr. ROTH].

I was going to suggest the absence of a quorum. However, the distinguished assistant minority leader will remain on the floor until Senator ROTH arrives.

Mr. SIMPSON. Mr. President, to accommodate the Senator, I will serve as surrogate floor manager on this side.

Mr. PRYOR. I thank the distinguished Senator.

Mr. President, I rise today to urge approval of H.R. 348, the postmasters and postal supervisors appeal rights bill. H.R. 348 was reported by the Senate Governmental Affairs Committee on July 10 and is comparable to S. 541, a bill I introduced in January which currently has 80 of my distinguished colleagues as cosponsors. Very rarely in my years in the Senate have I seen legislation with such broad bipartisan support.

H.R. 348, as originally introduced in the House by Congressman MERVYN DYMALLY, was adopted by that body in a unanimous vote on March 3, 1987. The bill was then reported to the Senate where it was referred to the Senate Governmental Affairs Committee, and to the Subcommittee on Federal Services, Post Office, and Civil Service, which I chair. Our subcommittee held a hearing on the legislation on April 27, 1987, at which the Postal Service, the National League of Postmasters, the National Association of Postmasters, and the National Association of Postal Supervisors testified.

Mr. President, our bill simply extends to nonveteran postmasters and postal supervisors the same rights with respect to adverse actions as their veteran counterparts currently enjoy under title 5 of the U.S. Code. Following enactment of this bill, all postmasters and supervisors will have an independent, impartial forum—the Merit Systems Protection Board—to appeal an adverse action lodged against them by the Postal Service.

Currently if a postmaster or supervisor does not happen to have veteran status, and an adverse action is filed against him or her, the Postal Service, in what it refers to as the "650" process, acts as the judge, jury, and the prosecutor. I ask my colleagues: Does this sound like the kind of impartial administrative process which we can tolerate and be proud of? For this Senator, the answer is clearly no.

As long as the Postal Service is allowed to charge, hear, and decide an adverse action case, with no opportunity for an objective, disinterested forum—such as MSPB—there exists a striking lack of equity for those who are nonveterans.

We have an extensive legislative history to support enactment of this bill, beginning with the 99th Congress, when Congressman DYMALLY introduced H.R. 2854, which passed the House by a unanimous vote. In the Senate, S. 2134, was introduced by my distinguished colleague from Alabama, Senator HEFLIN, and reported from the Governmental Affairs Committee with a favorable recommendation. Unfortunately, during the final days of the session, when efforts were made to bring the bill up on the Senate floor under unanimous consent, problems were encountered which caused the bill to die. We are moving carefully this Congress, Mr. President, to try and avoid a similar scenario.

Although statistics vary depending on their source, all indicate a postmaster or supervisor is considerably less likely to have a favorable resolution to an adverse action when the action is considered in-house in the 650 process, as contrasted with an appeal to the independent MSPB. For example, with postmasters in the 1985-86 period, the Postal Service testified at our hearing that it affirmed itself in adverse actions 88 percent of the time; in contrast, with MSPB, less than 50 percent of the Postal Service charges were affirmed. Mr. President, the percentage differences and the dual system at the very best create an appearance of a double standard in resolution of adverse actions against postmasters and supervisors; at worse, a picture is painted of a two pronged system of justice, an objective one for veteran postmasters and supervisors, a tainted one for nonveterans.

Another problem with the current system is that it constitutes de facto discrimination against women postmasters and supervisors. Obviously, Mr. President, the bulk of our Nation's veterans are men. This being the case, and given the significant number of women postmasters and supervisors, women in the Postal Service are on average afforded less impartial treatment in adverse action appeals than men.

Finally, Mr. President, as we near the point of Senate consideration of this bill, I ask my colleagues—and especially the 80 cosponsors of S. 541—to oppose any amendments to this bill.

Mr. HELMS. Mr. President, I thank you very much for recognizing me.

Mr. President, I have an amendment at the desk which I will not call up at this moment. I want to explain the purpose of the amendment and then I will call it up and we can have a vote on it.

Obviously, I am convinced that the amendment, which is in the nature of a substitute, will provide a far more preferable approach to give postmasters a right to appeal adverse personnel actions to an outside independent entity.

The distinguished Senator from Arkansas has reviewed the history of this legislation, and he has done it very eloquently, as is always the case with my friend. I may repeat some of the things he has said, and I beg the indulgence of Senators if, as, and when I do so.

In the 99th Congress, the distinguished members of the Subcommittee on Civil Service, Post Office and General Services determined that the current internal disciplinary system of the Postal Service gives the appearance of unfairness and should be modified. This was because the system provides for no review by an independent, outside entity. The only groups that currently have a right to appeal to an outside entity are veterans, who can appeal to the Merit Systems Protection Board, and employees represented by a union, who of course, have access to binding arbitration.

The National League of Postmasters called this lack of outside review "a lack of basic due process rights regarded as essential in the American legal system." My good friend and distinguished colleague from Alabama, Senator HEFLIN, stated that in his judgment, "it is inherently unfair for an employee to defend against a serious disciplinary action through a strictly internal review process." He also stated his view that it "is important to provide this right across the board."

Mr. President, if, in fact, postal employees face such an unfair system, Congress, of course, has a responsibility to correct it. In the 99th Congress, Senator HEFLIN, along with others, introduced a bill (S. 2134) which would have extended to "supervisor and managerial employees" the right to appeal adverse personnel actions to the Merit Systems Protection Board. I became interested, and it was explained to me in the process that the bill would have extended the appeal right only to postmasters and certain managerial personnel—not to postal inspectors or clerical employees. When my staff could not find a valid justification for this distinction, I proposed an amendment so the appeal right would extend to all postal employees.

The League of Postmasters, Senator HEFLIN and Congressman DYMALLY, the sponsor of the House version of the bill, all agreed to my amendment. Unfortunately, a hold was placed on it in the closing hours of the session. Otherwise, all postmasters and other nonbargaining unit employees would currently have the option to appeal adverse personnel actions to the Merit Systems Protection Board.

Mr. President, the postmasters have fought very hard to have this appeal right extended to cover them, and it is right that they have done so. H.R. 348, now pending, purports to accomplish this. However, let me point out a few problems that I see with H.R. 348.

In the first place, H.R. 348 would extend the Merit Systems Protection Board appeal right to anyone who is a supervisor or a management employee in the Postal Service, or an employee of the Postal Service engaged in personnel work in other than a purely nonconfidential clerical capacity. I am quoting directly from the bill. This language is taken from 39 U.S.C. 1202, the section of the Postal Service Reorganization Act that determines which employees may join a collective bargaining unit. That section is patterned after the Labor Management Relations Act as interpreted by the National Labor Relations Board. By using this language, H.R. 348 is designed to extend the Merit Systems Protection Board appeal right only to postal service employees who are prohibited from collective bargaining.

Mr. President, I believe there are a couple of serious problems with this approach, and that is why I am standing here this afternoon. First, it is not always easy to determine who is prohibited from collective bargaining, as anyone familiar with the decisions of the National Labor Relations Board will attest. While the language in the bill would probably cover most postmasters, it is by no means clear that it would cover all of them. It is also unclear what particular groups, if any, within the Postal Service would be excluded from coverage of the bill.

The reason for this uncertainty is because the National Labor Relations Board, in determining who may enter into collective bargaining agreements, has made it clear that an employee's title alone does not determine whether the employee is a management official

or supervisor and thus excluded from collective bargaining.

Let me offer a few examples which demonstrate the confusion that could arise if H.R. 348, in the form now at the desk, is enacted:

Would a payroll supervisor at a Postal Service data center be able to appeal to the Merit Systems Protection Board under H.R. 348? He is a supervisor and thus would appear to be included within the language of the bill. Yet, the National Labor Relations Board has ruled that payroll supervisors at postal data centers are not supervisors within the meaning of the Labor Management Relations Act. That means they could join a collective bargaining unit and therefore would not have a right to appeal to the Merit Systems Protection Board.

What about engineers within the Postal Service Research and Development Department who act as program managers? Would they be able to appeal to the Merit Systems Protection Board under H.R. 348? It appears so, since they are managers. Yet, the National Labor Relations Board has held that they are not managerial employees within the meaning of the Labor Management Relations Act. Therefore, they too would be unable to appeal to the MSPB under H.R. 348.

What about attorneys located in headquarters? Are they management officials or supervisors? Some probably would be; some would not be. There is no way to know for any given individual. A determination must be made on each case. Therefore, under H.R. 348, many employees would have no way of knowing what their rights are until they try to appeal to the Merit Systems Protection Board and a determination is made whether they are management officials or supervisors.

Mr. President, because of this concern, I wrote to the Chief Postal Inspector, Mr. Charles R. Clauson, to ask his opinion of how Senator PRYOR's bill, S. 541 and my bill, S. 523, would affect postal inspectors. I ask unanimous consent that a copy of my letter to Mr. Clauson and a copy of his response be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, April 6, 1987.

Hon. CHARLES R. CLAUSON,
Chief Postal Inspector, U.S. Postal Service, Washington, DC.

DEAR MR. CLAUSON: On February 17, I introduced legislation to extend to all postal service employees the right to appeal adverse personnel actions to the Merit Systems Protection Board (MSPB). I enclose (1) a copy of my bill, S.523, (2) a copy of my floor statement on S.523, and (3) a copy of S.541, a similar bill introduced by Senator David Pryor.

Since the Postal Inspectors will be directly affected by these bills, it would be most helpful to know your position on them. If you need additional information, please let me know.

Many thanks and kindest regards.

Sincerely,

JESSE HELMS.

CHIEF POSTAL INSPECTOR,
Washington, DC, April 16, 1987.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: In your letter of April 6, 1987, you asked for my position on proposed legislation to extend to certain officers and employees of the Postal Service the right to appeal certain adverse personnel actions to the Merit Systems Protection Board under Title 5, U.S. Code.

S. 523, your proposed legislation, would extend coverage to all Postal Inspectors. My reading of S. 541 suggests only Postal Inspectors who serve in a management or supervisory capacity would be covered; thus, the majority of our field Inspectors, unless a preference eligible employee, would not be covered by this proposed legislation.

If the Congress sees fit to amend current disciplinary procedures for postal employees, it should extend coverage to all Inspectors, not merely those serving in management or supervisory positions. In my view, this is necessary in the interest of fairness and it simplifies administration of the program.

Thank you for the opportunity to respond to this issue.

Sincerely,

C.R. CLAUSON.

Mr. HELMS. Mr. President, my amendment at the desk would establish a simple, bright-line test for determining the appeal rights for each and every employee. As under H.R. 348, if an employee is represented by a collective-bargaining agent, the employee has a right to binding arbitration and would not be able to appeal to the Merit Systems Protection Board. However, all nonbargaining unit employees, including postmasters, would be able to appeal to the Merit Systems Protection Board. It is just as simple as that.

I should have stated this earlier. The committee amendment strikes the provision in the bill which allows the Director of the Office of Personnel Management to appeal adverse decisions of the Merit Systems Protection Board. To my knowledge, all other Federal agencies have this right and my amendment in the nature of a substitute would reinstate that right.

Let me read that relevant portion:

"(5) In the administration of this subsection, the Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit of—

"(A) the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive; or

"(B) the Postal Service determines, in its discretion, that the Board erred in interpreting a law, rule, or regulation affecting postal personnel management and that the Board's decision will have a substantial impact on a postal law, rule, regulation, or policy directive.

Mr. President, the appeal rights for each employee would be clear under my amendment, which I shall call up in just a moment. No costly case-by-case determination would have to be made. And at a time when we hear talk of proposed postal rate increases, who wants to introduce a procedure which is likely to increase administrative costs for the Postal Service?

But let us overlook for a moment the uncertainty that would exist if H.R. 348 now at the desk, is enacted without alteration. Let us assume that the appeal rights extended to postmasters. This leads to the second problem with the bill. If only postmasters and veterans are allowed to appeal to the Merit Systems Protection Board, there will be approximately 10,000 employees mostly postal inspectors and clerical personnel and all other employees who have decided not to join a union, who will remain under this internal review system, a system the members of this subcommittee themselves have determined to be unfair.

Now I do not think that makes a whole lot of sense from the management viewpoint. What does a supervisor or a manager say when an employee asks, "If this system is so unfair, why didn't Congress correct it for me?" "Well, they could have," is likely to be the response, "but they decided that you should be required to join a union if you don't like the system."

And that is where, Mr. President, the cheese begins to bind. If an employee says, "Well, I don't want to join a union," the response to that is "Tough luck, you're stuck."

Now, what kind of manager or supervisor would intentionally, willfully treat his or her people that way? By the same token how can Congress tell a group of Federal employees that we will remedy an admittedly unfair system for some, but the rest of you have to join a union to get relief. Does it not make more sense simply to correct the problem for all employees and establish clearly who has the right to appeal to the Merit Systems Protection Board?

Now, I hope I have made it perfectly clear that my bill does not affect in any way any employee's right to join a union. If employees want to join a union, fine; by all means they should be free to exercise that right, and this Senator will fight for them to retain that right. But, Mr. President, the same employees ought to be free to exercise the right not to join a union without being discriminated against.

Let me use an analogy which I think fits, and I will do it in the form of a question. Would we condone management if they gave a pay raise or in-

creased vacation benefits only to postmasters and told all of the other employees to join a union if they want the same benefits? Of course we would not think of doing that; at least this Senator would not. Yet, I think we would be making a far more egregious error in this case because we are dealing not simply with a benefit but with a fundamental right, a fundamental right of each employee.

Mr. R. Fain Hambright, former president of the National League of Postmasters, testified last year before the House Subcommittee on Postal Personnel and Modernization. He stated that the current internal review system has often been unfair. He said, "We believe that a system must be fair in every respect, and administered equitably to all of its employees." Not a Member of this Senate will challenge that statement. Mr. Hambright went on to challenge the Postal Service: "If the Postal Service is as interested in protecting employee rights and the fair appeal system available to employees as it says it is, how can the Postal Service then object to providing equal routes of appeal to all nonbargaining unit employees?"

Mr. President, that is precisely what the amendment I shall call up momentarily will do. It will extend the Merit Systems Protection Board appeal rights to all nonbargaining unit employees.

AMENDMENT NO. 637

(Purpose: To amend title 39, United States Code, to extend to certain officers and employees of the Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded to Federal employees under title 5, United States Code)

Mr. HELMS. Madam President, I now ask that the amendment be stated. I call it up, and I ask that Senator THURMOND be identified as a cosponsor of the amendment and be added as a cosponsor of S. 523.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself and Mr. THURMOND, proposes an amendment numbered 637.

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

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

The amendment is as follows:

In lieu of the language proposed to be substituted, insert the following:

That (a) section 1005(a) of title 39, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(4) Notwithstanding paragraph (1)(B) of this subsection, and subject to paragraph (2) of this subsection regarding preference eligibles, subchapter II of chapter 75 of title 5 shall apply to all officers and employees of the Postal Service who have completed 1 year of current continuous service in the same or similar positions, other than those persons excluded under either paragraph (1)(A) of this section (regarding collective bargaining agreements) or paragraph (3) of this subsection (regarding certain executive positions).

"(5) In the administration of this subsection, the Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if—

"(A) the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive; or

"(B) the Postal Service determines, in its discretion, that the Board erred in interpreting a law, rule, or regulation affecting postal personnel management and that the Board's decision will have a substantial impact on a postal law, rule, regulation, or policy directive.

In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.".

(b)(1) The amendments made by subsection (a) shall be effective after the expiration of the thirty-day period beginning on the date of the enactment of this Act.

(2) An action which is commenced under section 1005(a)(1)(B) of title 39, United States Code, before the effective date of the amendments made by subsection (a) shall not abate by reason of the enactment of this Act. Determinations with respect to any such action shall be made as if this Act had not been enacted.

Mr. HELMS. Thank you, Madam President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Madam President, I ask unanimous consent that I may speak out of order for a period of 5 minutes.

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

AMERICA DESERVES FULL SUPREME COURT BENCH: LET'S EXPEDITE BORK HEARINGS

Mr. DOLE. Madam President, yesterday I had the pleasure of speaking to the National Conference of State Legislators in Indianapolis. During my remarks on budget deficits, welfare reform, and catastrophic health legislation, I spent some time focusing on what I believe will be the main event of the 100th Congress—the nomination of Robert H. Bork to the Supreme Court.

THE PEOPLE EXPECT ACTION

In my view, the American people deserve—and expect—a full and open debate on this very important issue. They also deserve—and expect—a speedy resolution of the nomination. And come October 5, when the Supreme Court begins its next term, the American people deserve—and expect—a full bench on the Nation's highest Court.

Yet, what we have seen so far is an unprecedented delay before committee hearings even start; a delay of 72 days from the time the President sent the Bork nomination to the Hill on July 7, to the time Senator BIDEN, the distinguished chairman of the committee, scheduled hearings to begin on September 15.

We are not talking about confirming a bureaucrat—even a Cabinet Secretary; any department in this Government can function without a leader for at least a while.

SERIOUS BUSINESS

But this is serious business. Nothing coming before the Senate in the next few months should have a higher priority. We are talking about the very precarious balance of the highest Court in the land. The balance of justice is a fragile thing, and is ill-served by a court with a vacant seat.

POTENTIAL FOR A RECESS APPOINTMENT

Yesterday, I made the observation that the President has full authority to make a "recess appointment" to the Court. This procedure, backed by the Constitution, has been used 15 times in the past. Again I would say as I did yesterday, while I am not promoting that such a procedure be used, in the absence of timely action, it is an option the President, any President, should consider seriously.

The chairman of the Judiciary Committee has suggested that politics are being played with the Bork nomination.

I do not believe that is the case, and I certainly do not suggest that is the case. But it does seem to me that we can go back into the history of the Presidents and we can ask ourselves: Was George Washington playing politics when he made two recess appointments to the Supreme Court? Was Dwight Eisenhower playing politics when he made three such appointments, including that of Chief Justice Earl Warren? The American people can judge whether it is political to assure an eight member court in October, with the great potential for evenly split decisions; or whether it is political to assure a full complement on the Supreme Court for the first Monday in October?

Madam President, I will just say this: The Bork nomination is very im-

portant. I do not believe Ronald Reagan will make a more important decision in the second term of his Presidency. There is no doubt about it, this nomination will be fully aired. We should have full hearings. We should have a full debate. We ought to have an up or down vote.

I know many of my colleagues on both sides, at least some of my colleagues on both sides, are still undecided. That is probably as it should be. But I would just indicate again, as I was asked this morning about the question about a recess appointment, this is an important decision.

Madam President, Ronald Reagan was elected in 1984. It should come as no surprise to anyone that Ronald Reagan would choose somebody who would exercise judicial restraint, somebody who had a conservative philosophy, someone who felt that the Supreme Court should not be a legislative body, that Congress should be the legislative body or the State legislatures.

The Supreme Court's role would be to interpret the Constitution or things that may have been passed, enacted, and signed by the President. In other words, review what the Congress or State legislatures may have done.

So I will say as I have said many, many times this is an important judgment that must be made. I am suggesting that it be made in a timely fashion. If there is any way that the matter can be expedited, I think that is in the interest of this country.

Mr. BYRD. Madam President, I will have more to say on the Bork nomination. I intend to withhold my judgment on that nomination until I have had an opportunity to study the Senate committee hearings, and the opinions, rulings, and statements by Judge Bork during his tenure on the circuit court of appeals.

I am not going to rush judgment in this matter. I am not going to be stampeded into judgment. I am not going to be pressured into judgment. It is my understanding that the September 15 date for hearings had been agreed upon between Mr. BIDEN and Mr. THURMOND in discussions.

As to a recess appointment, it seems to me that that does not add up, may I say to my distinguished friend, the Republican leader. If we are talking about a recess appointment, are we talking about an appointment in August? Are we talking about an appointment in October? The Senate may not go out until November or even December. What kind of a recess appointment do we have in mind?

I should think also that the President would be more serious about this matter than to make a recess appointment.

Before this Senate goes into recess I am going to inquire of the President, as to whether or not he intends to make any recess appointments. If he indicates that he does, then we will decide what to do. If he says that he does not, we will take him at his word.

In the first place, I do not know when the Senate is going to recess at the pace it is going, and with the amount of work that still remains. It would also seem to me that the President would not accomplish what I should think his objective would be. If I were in his stead, I would want to—perish the thought that I should imagine that I would be in his position, but nevertheless if I were, I think I would want to appoint someone to serve in that position for many years—and in this case it would be many years—after the remaining 18 months that Mr. Reagan would have as of this juncture.

Even if a recess appointment were to be made, that commission would expire at the close of the next session, and the next session might be a special session. I assume that what is meant by the Constitution is, in this instance, the close of the second session. In this instance, it would be the session that would adjourn sine die at the end of the 100th Congress, which could conceivably be as late as the morning of January 3, 1989.

I have seen, I believe, during my service in the Senate the Senate adjourn sine die as late as January 2.

But I hope the President would not be playing games. It would be a circumvention of the people's branch to make a recess appointment, certainly of this nature.

I think there has been too much of that already in the last several months. There has been an excess of circumvention of the people's branch. I do not think that is what the distinguished Republican leader wants to see happen.

But with this President, I should think he is more serious about this nomination than simply to engage in an exercise in which he appoints a Supreme Court Justice who would serve only to the end of the next session.

Mr. President, I would be happy to hear from the distinguished Republican leader. If there is something I am overlooking in what I am saying, if there is something I have missed, I would be happy if he would point it out.

Mr. DOLE. I may not be able to point it out, but as I have indicated, it is an option. As I understand, it happened 15 times. And it would not happen during the August recess. I do not think the President has even considered it. In fact, I know the President has not. I have not discussed it with anybody at the White House. But there are options the President has, Democrats or Republican.

What I am suggesting is that we get on with the Bork nomination. Again, I am not suggesting that is even an option that may be under consideration, but it is an option. It is provided in the Constitution. It was used first, as I understand, by George Washington who made a recess appointment I think of John Rutledge. He was later not confirmed but I think for another reason—I think over some treaty dispute. Some of those who have been recessed have been confirmed.

So it is an option any President has. It could be interpreted the other way. Let us say that the Senate, through no fault of the leadership on either side never completed, one way or the other, action on the disposition of Judge Bork. Then the President has a question that must be resolved.

I think there are other questions in the Bork nomination that must be resolved. I know the majority leader has indicated that he hopes to have the matter on the Senate floor, and we hope we have the matter on the Senate floor. And I guess the other question may be—and there is some precedent for that. I guess in the Fortas nomination where cloture was not obtained, he asked that his name be withdrawn. I was not in the Senate at the time. President Johnson withdrew the name. That is another question.

How many votes do we need for the Bork confirmation? 60 or a majority?

I suggest there is going to be a lot of discussion. This is a very, very important nomination, one that I think deserves serious and prompt consideration.

Has the President looked at a recess appointment? I do not think so. But it is provided in the Constitution. The President is very serious about this nomination. He is going to be working with Republicans and Democrats trying to secure enough votes for confirmation, as is Judge Bork.

But my view is, and my only view is—as I have said, I am not suggesting it to the President—this is an option available to any President.

Mr. BYRD. Mr. President, as a member of the Judiciary Committee, I hope to see this nomination have its day in this court right here. As a member of the Judiciary Committee, I voted some years ago to report Mr. Kleindienst who was nominated for an important office. Yet, I voted against Mr. Kleindienst here on the floor. I believe that Mr. Bork is entitled to a judgment by this full court—right here.

As of this day—and I say before God and man, and I measure my words—I have not made any decision as to how I will vote on this nomination except I will vote to report it out of the committee. I think a nomination of this kind is entitled to have the judgment of the full Senate, where I may end up voting for Mr. Bork or I may end up voting against him.

I regret to see this very important nomination become a strictly politically partisan matter. I do not want to make my judgment on that basis on such a nomination.

I think it would be in the interest of Mr. Bork if a good many of us on both sides were to quit talking about it so much and let us see what this nominee is all about. I hope we will not become so polarized that some will feel that, because they are of one party or the other, this is a litmus test of party affiliation and loyalty. That is not going to be my attitude. So whatever we can do, myself included, to bring this nomination a little away from its becoming a lightning rod and party litmus test, I want to do that. I intend to reflect on this nomination carefully. I want to carry out my role under the Constitution of the United States in a fair and unbiased manner.

I have read and heard that there are various vote counts going around—45 to 45, 40 to 40, and all that. I do not know how they are counting my vote. But I hope that all Senators will slow down just a little bit here, cool it, and give us all a chance to exercise the "freedom of will" about which Milton wrote in "Paradise Lost." I yield the floor.

POSTAL EMPLOYEE APPEAL RIGHTS

The Senate continued with consideration of the bill.

Mr. BYRD. Madam President, are we about to complete action on the bill that is before the Senate?

The PRESIDING OFFICER. Pending before the Senate is an amendment by the Senator from North Carolina. The amendment has been received and read.

The Senator from North Carolina.

Mr. HELMS. Madam President, I thank the Chair very much.

The Chamber is not exactly packed with Senators at the moment, but for the benefit of Senators or their aides who may be listening in their offices, let me make it clear that my amendment to H.R. 348 simply emphasizes that no postal employee may be required to join a union in order to appeal adverse personnel actions to an outside, independent agency.

Now, there are about 10,000 Postal Service Employees who are left out under the pending bill. I can see it now—these 10,000, including postal inspectors, clerical personal, and many others, will get the message that they have to join a union to enjoy the same rights that all of the other postal employees have. Or to put it another way, Madam President, H.R. 348, if unamended by the Helms amendment, will cover only supervisors and management personnel in the Postal Service. It excludes, I say again for emphasis, about 10,000 employees who are not supervisors or managers and who are not members of a collective bargaining unit, that is, a labor union.

Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

Mr. PRYOR. Madam President, so other Senators will know a little about when we might dispose of this bill—and I see the Senator from Alaska, who may be desirous of speaking for or against the amendment offered by the Senator from North Carolina—on this side of the aisle we have no speakers. I would take this opportunity, Madam President, to speak for about 2 or 3 minutes.

Madam President, I certainly understand the intentions of the Senator from North Carolina in offering this amendment. Those intentions, I assume, are to cover some of those postal employees who may not be covered by the postmasters and postal supervisors legislation.

The Senator from North Carolina made a very strong point when he stated that all these postal employees are not covered by this bill. The Senator from North Carolina is precisely correct on that point. In fact, it is not the intention, nor was it ever the intention, of this particular piece of legislation to reach out under one umbrella and cover every postal employee or every other Federal employee in the U.S. Government.

This legislation is specific, it is narrow, and it relates to two classes of employees who under the law may not—I report, under the law may not—join a union, and therefore they are precluded from participating in collective bargaining agreements.

So the purpose of this bill, Madam President, is not to be all inclusive but to deal with postmasters and postal supervisors under this particular provision.

This legislation has passed the House of Representatives on two occasions by a unanimous vote. These items that the Senator from North Carolina has discussed today have been discussed by the Governmental Affairs Committee. In our markup of this particular piece of legislation, by a 12-to-0 vote, this bill has been referred to the floor of the U.S. Senate.

I say to my distinguished friend from North Carolina that if he wants to amend or change a piece of legislation to be all-inclusive of additional postal or Federal employees, I do not think that the Senator from North Carolina will have to wait very long, because it is my understanding that the House of Representatives is now considering legislation to do something like the Senator from North Carolina desires.

So, once again, 80 Members of this body have signed on as cosponsors of this bill. It is specific for postal supervisors and postmasters. There will be another day for a House bill covering all postal employees. We think that the time has come for us to pass this legislation, pass it in its present form, not have to go through a lengthy conference with the House of Representatives. We think the time is today, and we should pass this legislation and send it to the President's desk.

Madam President, I yield the floor.

Mr. STEVENS. Madam President, I merely wish to comment on a portion of the bill, not the pending amendment, but the bill itself which was called up by my good friend Senator PRYOR.

In my former capacity as chairman of the subcommittee, of which Senator PRYOR is now chairman, I had undertaken to fulfill a commitment to the former Postmaster General, Al Casey, who felt that the Postal Service should have the right to appeal these decisions to the Federal Circuit Court. That matter is now pending before the Federal Circuit Court of Appeals in the case of OPM against Shuck and Washington.

I have had correspondence with my friend from Arkansas, the manager of the bill, and I had desired to bring up that matter in connection with this bill. However, in view of the statement I have received from Senator PRYOR, which indicated that it is his intention to revisit the extent to which further relief may be necessary and appropriate once a decision is entered in the Shuck case, I shall not offer that amendment at this time.

With regard to the pending amendment of the Senator from North Carolina, I shall oppose it. I agree with him in principle concerning appeal rights of individual members of the Postal Service, but the real difficulty is that now to change the system that exists, by this amendment, I think would be wrong. I think that if we are to address the whole question of how the employee rights are to be protected within the Postal Service, which is an independent corporation and does have bargaining representatives for its employees, we should conduct a different type of hearing and deal with it in a different manner. It is my understanding that, at the present time, employees other than those covered by this bill do have appeal rights. Those rights are protected by bargaining representatives of units that the employees have seen fit not to join.

I think that imposing the concept of covering all nonbargaining unit employees on the existing labor-management agreements between the Postal Service and the employee representatives, without real study as to how that would impact on those contracts,

and whether or not Congress should change those contracts which are now in existence for a semi-independent entity created by Congress, would be a difficult problem, and I prefer not to make that determination on the floor. I prefer not to support my good friend from North Carolina at this time in that regard.

He does have a point, however, and it is a point I am sure all concerned understand. But, I do not think we could solve the problem with the vehicle that the Senator from North Carolina has offered, as I understand the problem.

I do hope that the manager of the bill on the majority side will agree that we do have a commitment that in the event the Shuck case leads to problems for the Postal Service and if the new Postmaster General does wish us to visit that question, we will do so.

Mr. PRYOR. Madam President, I thank the distinguished Senator from Alaska.

It is true that we have both shared opportunities, respectively, to chair the Federal Services Subcommittee of the Governmental Affairs Committee, and he has been an absolute pleasure to work with.

I say to the Senator from North Carolina that I will continue and keep my commitment to revisit the issue that the Senator from Alaska has discussed this afternoon on the floor of the Senate.

We will do that at the disposal of the case of OPM versus Shuck in Washington. By the way, that is document number, 86-1723.

At the appropriate time, we will reconsider this.

I thank the Senator from Alaska for supporting this legislation. He has been very much a contributing force to it.

Madam President, I see no other speakers on our side of the aisle, and I yield the floor.

Mr. HELMS. Madam President, I know Senators want to vote here and get it over with. I am mystified by the argument that my amendment is not desirable and not proper on this piece of legislation.

I think anything that could make the situation fair, equitable, and equal to all postal employees ought to be relevant.

I just do not understand why it should not include all postal employees. As a matter of fact, Senator PRYOR mentioned that he has 80 cosponsors. But I have a bunch of his cosponsors on my bill because his bill was modified. At the time he got so many of his cosponsors, his bill was modified in committee to take out OPM's authority to appeal adverse decisions on behalf of the Postal Service in the Court of Appeals.

I say with all the emphasis I possess that the question is here, should a political employee, any postal employee, be required to join a labor union in order to have the same appeal rights that others have? We are talking about 10,000 people who are affected in this matter, 10,000 employees including postal inspectors and clerical workers and female postmasters or postmistresses, whatever is the proper word.

I say that simple fairness dictates that my amendment in the nature of a substitute be adopted.

I hope it will be. Otherwise, this Senate will be saying to 10,000 employees, "Sorry about that, old boy, old girl; you've got to join a union if you want to be treated like everybody else."

I yield the floor.

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

Mr. PRYOR. Madam President, there are no more speakers. I am wondering if the Senator from North Carolina is asking for the yeas and nays. Have they been ordered?

Mr. HELMS. I already have.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. HELMS. They have already been ordered.

Mr. PRYOR. They have been ordered.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeding to the amendment of the Senator from North Carolina.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KERRY] and the Senator from Alabama [Mr. SHELBY] would each vote "nay."

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

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

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

The result was announced—yeas 18, nays 74, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—18

Armstrong	Hecht	Nickles
Cochran	Helms	Rudman
Dole	Humphrey	Simpson
Garn	McCain	Symms
Gramm	McClure	Thurmond
Hatch	McConnell	Wilson

NAYS—74

Adams	Evans	Mitchell
Baucus	Exon	Moynihan
Bentsen	Ford	Murkowski
Bingaman	Fowler	Nunn
Bond	Glenn	Pell
Boren	Graham	Pressler
Boschwitz	Grassley	Proxmire
Bradley	Harkin	Pryor
Breaux	Hatfield	Quayle
Bumpers	Heflin	Reid
Burdick	Heinz	Riegle
Byrd	Hollings	Rockefeller
Chafee	Inouye	Roth
Chiles	Johnston	Sanford
Cohen	Karnes	Sarbanes
Conrad	Kassebaum	Sasser
Cranston	Kasten	Specter
D'Amato	Lautenberg	Stafford
Danforth	Leahy	Stennis
Daschle	Levin	Stevens
DeConcini	Lugar	Trible
Dixon	Matsunaga	Warner
Dodd	Melcher	Weicker
Domenici	Metzenbaum	Wirth
Durenberger	Mikulski	

NOT VOTING—8

Biden	Kerry	Simon
Gore	Packwood	Wallop
Kennedy	Shelby	

So the amendment (No. 637) was rejected.

Mr. PRYOR. Mr. President, I wanted to make two points here at the conclusion of the action on this bill. Senator STEVENS, of Alaska, who is the ranking member of the Subcommittee on Governmental Affairs, has been very instrumental in making certain individual postmasters, where there is only one employee—especially in States like Alaska—are also covered in this piece of legislation. I want to compliment Senator STEVENS for the inclusion of that as a part of this bill.

Mr. HEFLIN. Mr. President, I am delighted to be an original cosponsor of almost identical legislation which I introduced in the Senate last year. It was almost enacted into law, but it became entangled in some procedural webs here in the Senate during the waning days of the 99th Congress. It passed the House in December 1985, after being cosponsored unanimously by the members of the Committee on Post Office and Civil Service. The Senate Committee on Governmental Affairs also reported unanimously a companion measure, but the full Senate was unable to act on it prior to adjournment.

On February 19, 1987, Senator PRYOR, 11 other of my distinguished colleagues and I resurrected this legislation here in the Senate by introducing S. 541. Its companion legislation, H.R. 348, was introduced by Mr. DYMALLY in January of this year. It passed the House, by voice vote, on March 3, 1987.

Mr. President, H.R. 348 would modify significantly the current procedures and appeal rights of postal supervisors and postmasters, generally. Presently, they must follow an internal review process, with no right of appeal outside of the Postal Service; for example, to the Merit Systems Protection Board. It would bring these nonbargaining, nonveteran postal employees under the same protective, statutory coverage as veterans—that is, preference eligibles—and Federal employees under civil service.

Mr. President, in my professional judgment, it is inherently unfair for an employee to defend against a serious disciplinary action through a strictly internal review process. The very nature of such a bureaucracy simply does not lend itself to impartiality when an agency acts as the prosecutor, jury, judge, and the appeals entity. By allowing nonbargaining, nonveteran postal supervisory and managerial personnel the same statutory, procedural, and appeals rights as many Federal/postal employees, we will be rectifying any perceived and/or existing flawed internal review process. This legislation would do just that. It would not create a new administrative appellate procedure, but would merely extend the existing one to a broader class of persons. In this way, we would be ensuring equal protection and due process to all heretofore described uncovered employees before certain adverse actions are initiated against them. I might add that this is the only group of postal employees not entitled to collective-bargaining rights under law.

Finally, Mr. President, H.R. 348 includes an amendment requested last year by the U.S. Postmaster General and approved by the Senate Governmental Affairs Committee. The amendment would authorize the U.S. Postal Service, along with the Office of Personnel Management, to file a petition for judicial review of a final Merit Systems Protection Board order or decision in adverse postal cases. I have no objection to this amendment.

Mr. President, I urge swift passage of this legislation, which has been cosponsored by 80 percent of the Members of the U.S. Senate.

Mr. DODD. Mr. President, I rise today in support of the postal employees appeal rights bill, which would remedy an inequity suffered by this Nation's nonveteran postmasters and postal supervisors; namely, their exclusion from the process of appeal of an adverse personnel action to the Merit System Protection Board.

We in this body have more reason than most to appreciate the herculean task confronting postmasters and postal supervisors as they labor to direct the delivery of billions of pieces of mail per year. I can attest to the personal attentiveness and efficiency which are a hallmark of Connecticut postmasters and supervisors; and we must not delay any longer in correcting the fundamental injustice which they face in the absence of MSPB appeal rights.

Granting these appeal rights would in no way change the existing administrative internal procedures of the U.S. Postal Service, but would merely assure that all postal employees are treated equally and fairly with respect to adverse actions. As an important biproduct, it would rectify the defacto sex discrimination against female postmasters who do not have veterans preference eligibility. In short, this legislation is long overdue, and I urge my colleagues to pass it without further delay.

Mr. TRIBLE. Mr. President, I rise in support of H.R. 348, legislation which extends appeal rights to nonveteran postmasters and postal supervisors. I applaud this effort to ensure fairness and equity in Postal Service personnel matters and I urge adoption of this measure.

H.R. 348 gives nonveteran postmasters and supervisors final appeal rights to the Merit Systems Protection Board [MSPB]. This allows these employees the same access to an impartial review of an adverse personnel action as their counterparts with veterans preference status.

All employees of the Postal Service are entitled to the same protections and I am pleased to be a cosponsor of the Senate version of this measure. MSPB appeal rights are essential to equitable treatment and with passage of this bill we take a significant step.

Mr. President, I want to thank my distinguished colleague from Arkansas, Senator PRYOR, for his leadership on this issue. I especially appreciate his efforts to ensure that H.R. 348 clearly extends MSPB appeal rights to postmasters in a one-person post office. This clarification was extremely important to me and I am grateful to him for his quick response to my concerns.

Mr. President, H.R. 348 represents important employment protections for our Nation's postmasters and postal supervisors. I am pleased to support this legislation and I look forward to its enactment.

Mr. KARNES. Mr. President, I rise today as a cosponsor of S. 541, the Senate's companion to H.R. 348 which we are currently debating, to offer a few brief remarks on the benefits of the concept this legislation promotes.

As we are aware, under current law, postmasters and supervisors have virtually no recourse in personnel matters which reflect negatively on their performance record. In the event they wish to appeal accusations regarding their performance, they face a system in which the accuser, judge, and jury are basically all one and the same. Thus, the first step of their appeal process is literally their last. The inequities of such a system are quite apparent.

It is important to note that the legislation we are debating today will not create a new appeals system for a select group of Federal employees. Rather, H.R. 348 will afford postmasters and supervisors the same appeals process all other Federal employees currently enjoy in regard to adverse personnel matters.

During the 99th Congress, the House of Representatives passed legislation that was nearly identical to the measure we are discussing today. Unfortunately, the Senate did not have the opportunity to act on the measure prior to the end of the Congress. This year, the House and Senate have once again worked together to develop legislation that will modify this situation in a positive manner, and I urge each of our colleagues to support final passage of H.R. 348.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 348) was passed.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, not to extend beyond 10 minutes and that Senators may speak therein up to 3 minutes each. I am hoping that at the conclusion of that period we may be able to proceed with the consideration of a bill on the cal-

endar. As soon as I hear from the distinguished Republican leader, I will be in a position to proceed.

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

The Chair recognizes the Senator from Illinois.

Mr. DIXON. Mr. President, I thank the majority leader very much for giving us the opportunity to speak in morning business.

(The remarks of Mr. DIXON will be found later in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

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

Mr. DANFORTH. Certainly.

ORDER TO PROCEED TO THE CONSIDERATION OF H.R. 921

Mr. BYRD. Mr. President, I have cleared this with the distinguished Republican leader. I ask unanimous consent that the Senate proceed to the consideration of H.R. 921 following morning business. Further, I ask unanimous consent that the time I am consuming now not be charged to morning business.

Finally, I will state to all Senators there will be no more rollcall votes today.

The PRESIDING OFFICER. Without objection, the request of the majority leader is agreed to.

The Senator from Missouri.

RENAMO REPLIES

Mr. HELMS. Mr. President, several Senators have inquired about the case of Ms. Kindra Bryan, an American missionary nurse being held by the forces of the Mozambique National Resistance [RENAMO] in Mozambique. I wish to report to the Senate today that I have received direct confirmation from RENAMO that Ms. Bryan is free to go at any time that the Communist Government of Mozambique will give permission for her safe exit. To date, Mozambique has refused that permission.

Ms. Bryan was evacuated from a military battle zone for her safety by the forces of RENAMO during fighting in the civil war in Mozambique in May; RENAMO immediately offered to release her to a neutral third party, but the Communist Government of Mozambique—with the help of Zimbabweans also communists—immediately began to bomb her exit route. As of today, I am informed, Ms. Bryan remains in RENAMO's care because the Marxist-Leninist Government of Mozambique—a government supported by the U.S. State Department—will not cooperate even to the extent of permitting a plane from the International Red Cross to enter their airspace for the purpose of evacuating Ms. Bryan.

I have been perplexed by United States policy toward Mozambique and all the more so as a result of the State Department's unwillingness to press the Government of Mozambique to cooperate even with this humanitarian effort. United States policy favoring the one-party Marxist-Leninist FRELIMO government of Mozambique is indicative of the State Department's record of collaborating with Marxist-Leninist regimes and to view with distrust and suspicion certain freedom fighters. Surely, the failure of the State Department to press the FRELIMO government of Mozambique is all the more inexplicable because of the legitimate need to evacuate Ms. Bryan.

The State Department has also refused to meet with Rnamo for purposes of ensuring equitable distribution of United States food to all of the people of Mozambique, including those in Rnamo-controlled areas of the country.

State Department diplomats have met at least 59 times with the Soviet-controlled African National Congress terrorists who are seeking to impose a Communist government on South Africa, but they refuse to meet with those seeking to overthrow Communist tyrants in Mozambique.

Mr. President, I am very pleased to report to my colleagues that yesterday I received a very affirmative response from Mr. Afonso Dhlakama, the President of the Mozambique National Resistance—known as Rnamo—to my July 14 inquiry as to whether Rnamo would cooperate in the safe evacuation of Ms. Kindra Bryan, an American missionary nurse.

On July 14, after meeting with the distinguished minority leader and the Secretary of State, I wrote identical letters to Mr. Dhlakama, the President of the opposition forces organized under Rnamo, and Mr. Chissano, the President of the Government of Mozambique, to obtain their cooperation in completing Ms. Bryan's safe evacuation. Separately, Senator DOLE sent letters to Mr. Dhlakama and Mr. Chissano.

As I mentioned earlier, according to information provided to my office, Ms. Bryan was evacuated from a military fire zone for her safety by the forces of Rnamo during fighting in the civil war in Mozambique; I understood that Rnamo had offered to release her to a neutral third party, and I want to obtain assurances that each side would cooperate in her evacuation. Unfortunately, only one side—Rnamo—has responded in the affirmative.

I asked four direct questions of each side:

1. Will you agree to a temporary cease-fire to allow a Red Cross plane to enter the airspace controlled by your forces for the purpose of completing the evacuation of Ms. Bryan?

2. If you will not agree to a Red Cross plane for the purpose mentioned above, will you agree to a cease-fire to allow a U.S. government plane to evacuate Ms. Bryan?

3. Will you agree that Ms. Bryan should be returned unharmed directly to Red Cross or U.S. Government authorities?

4. Will you agree to a longer-range cease-fire for the purpose of negotiations relating to national reconciliation, free elections with international observers, and peace?

I ask unanimous consent that the full text of both letters be printed at the conclusion of these remarks.

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

(See exhibit 1.)

Mr. HELMS. Mr. President, Rnamo has responded in the affirmative to all four questions. President Afonso Dhlakama stated very directly:

> * * * My reply to your question is affirmative. Renamo is ready, as we have always been willing, to sit down for negotiations. Therefore, it is now up to the other side to indicate whether they share our same view.

Mr. Dhlakama has summarized the situation succinctly. I have not yet heard from the Government of Mozambique. An identical letter was delivered the same day—July 14—to the Embassy of Mozambique here in Washington. My office has contacted the Embassy to ascertain the status of a response. We were told that no response had yet been sent from Maputo.

Specifically with regard to the safety of Ms. Kindra Bryan, President Dhlakama also responded in the affirmative.

> Regarding your questions concerning the American missionary, Kindra Bryan, I also reply in the affirmative. From the very beginning when our forces evacuated her from the war zone, RENAMO pledged to release her unconditionally as soon as she could be moved to a secure location for recovery by the Red Cross or other organizations.
>
> We have been waiting now for over two months for this operation to take place. As you know, the Red Cross has not been given assurances from FRELIMO to overfly Mozambican airspace.

Mr. President, this was one of the reasons for my inquiry to both sides—to obtain permission for the Red Cross or a U.S. Government plane to fly in with a guarantee of safe passage in order to evacuate Ms. Bryan.

Continuing, President Dhlakama responds:

> Initially, Zimbabwean gunships were bombing the area, now FRELIMO refuses clearance for humanitarian organizations to undertake the mission.
>
> We agree to any conditions which will allow a safe and non-political resolution of this situation.

Mr. President, let me repeat that last assurance from Rnamo:

> We agree to any conditions which will allow a safe and non-political resolution of this situation.

91-059 O-89-36 (Pt. 15)

Surely, Mr. President, at this point the onus is on the Government of Mozambique and the Government of the United States to initiate an affirmative response to bring to completion Ms. Bryan's release.

I do not know what more we can expect of Rnamo. They have complied with this request, a request which in itself contained the same initiatives being attempted by the International Red Cross. We now need to apply pressure to force the Marxist-Leninist government of Mr. Chissano to agree to the same arrangements—any conditions which will allow a safe and nonpolitical resolution of this situation. The State Department should exert such pressure immediately—as it should have done for the past 2 months.

I ask unanimous consent that the response from President Afonso Dhlakama be printed in the RECORD. I also ask unanimous consent that the list of 59 meetings with the Communist-controlled ANC be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, July 14, 1987.

Mr. AFONSO DHLAKAMA,
President, Renamo,
Gorongosa, Mozambique.

DEAR MR. PRESIDENT: The conflict in Mozambique is one which deeply affects the American people. This morning, I met with the Senate Republican Leader, Senator Robert Dole, and the Secretary of State, Mr. George Shultz, to discuss ways whereby the United States could use its good offices to ease the suffering of the Mozambican people.

In particular, we are distressed to learn that a U.S. citizen and nurse, Ms. Kindra Bryan, is caught up in the conflict between the two parties. Ms. Bryan was evacuated from a military fire zone for her safety by the Renamo forces, and we understand that the two parties have been unable to arrange a safe-conduct for a suitable humanitarian organization, such as the International Red Cross, to remove her from the war area.

In a humanitarian spirit, therefore, I am addressing the same inquiry both to the Government of Mozambique and to the insurgent forces organized under Renamo, and I await the replies of both sides to these identical questions:

1. Will you agree to a temporary cease-fire to allow a Red Cross plane to enter the airspace controlled by your forces for the purpose of completing the evacuation of Ms. Bryan?

2. If you will not agree to a Red Cross plane for the purpose mentioned above, will you agree to a cease-fire to allow a U.S. Government plane to evacuate Ms. Bryan?

3. Will you agree that Ms. Bryan should be returned unharmed directly to Red Cross or U.S. Government authorities?

4. Will you agree to a longer-range cease-fire for the purpose of negotiations relating to national reconciliation, free elections with international observers, and peace?

I await your immediate reply.

Sincerely,

JESSE HELMS.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, July 14, 1987.

Mr. JOAQUIM CHISSANO,
President, People's Republic of Mozambique,
Maputo, Mozambique.

DEAR MR. PRESIDENT: The conflict in Mozambique is one which deeply affects the American people. This morning, I met with the Senate Republican Leader, Senator Robert Dole, and the Secretary of State, Mr. George Shultz, to discuss ways whereby the United States could use its good offices to ease the suffering of the Mozambican people.

In particular, we are distressed to learn that a U.S. citizen and nurse, Ms. Kindra Bryan, is caught up in the conflict between the two parties. Ms. Bryan was evacuated from a military fire zone for her safety by the Rnamo forces, and we understand that the two parties have been unable to arrange a safe-conduct for a suitable humanitarian organization, such as the International Red Cross, to remove her from the war area.

In a humanitarian spirit, therefore, I am addressing the same inquiry both to the Government of Mozambique and to the insurgent forces organized under Rnamo, and I await the replies of both sides to these identical questions:

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3. Will you agree that Ms. Bryan should be returned unharmed directly to Red Cross or U.S. Government authorities?

4. Will you agree to a longer-range cease-fire for the purpose of negotiations relating to national reconciliation, free elections with international observers, and peace?

I await your immediate reply.

Sincerely,

JESSE HELMS.

RESISTÊNCIA NACIONAL
MOCAMBICANA—RNAMO,
GORONGOSA, MOZAMBIQUE, *July 24, 1987.*

Senator JESSE HELMS,
U.S. Senate, Committee on Foreign Relations, Washington, DC.

DEAR SENATOR HELMS: It was a pleasure to receive your message through our representative, Luis Benjamin Serapiao. This letter in itself meant a lot to me in addition to its' content.

The letter reflects excellent future prospects of the relationship between the Senate and the people of Mozambique. We are grateful for your efforts on behalf of these people led by Rnamo who are struggling for freedom against Frelimo Marxist-Leninist dictatorship.

Rnamo has always been in favor of peace and stability in Mozambique. This explains why Rnamo supports negotiations as a means for peace for all Mozambicans. We have always stated that we are prepared to have negotiations with Frelimo. We have also explained our conditions for such negotiations, namely:

A. All foreign troops must be removed from Mozambique.

B. National reconciliation.

C. General elections.

If today Mozambique is still at war, it is not due to lack of good faith on our part.

Senator Helms, as you can see, your idea to bring peace to Mozambique is not different from that of Rnamo. However, this idea has still not been accepted by the Frelimo regime.

Nevertheless, my reply to your question is affirmative. Rnamo is ready, as we have always been willing, to sit down for negotiations. Therefore, it is now up to the other side to indicate whether they share our same view.

Regarding your questions concerning the American missionary, Kindra Bryan, I also reply in the affirmative. From the very beginning when our forces evacuated her from the war zone, Rnamo pledged to release her unconditionally as soon as she could be moved to a secure location for recovery by the Red Cross or other organizations.

We have been waiting now for over two months for this operation to take place. As you know, the Red Cross has not been given assurances from Frelimo to overfly Mozambican airspace. Initially, Zimbabwean gunships were bombing the area, now Frelimo refuses clearance for humanitarian organizations to undertake the mission.

We agree to any conditions which will allow a safe and nonpolitical resolution of this situation.

Through our representative in Washington, we are very pleased to work with you on these matters of pressing concern to both our countries.

With my best regards,

ALFONSO DHLAKAMA,
President of Rnamo.

THE HISTORY OF ANC MEETINGS WITH THE STATE DEPARTMENT

The following is a historical chronology of State Department and ANC meetings, according to Nancy Morgan, the Director of Public Affairs at the African bureau:

From 1982 to 1986:

The State Department has been holding, and is continuing to hold regular meetings with the ANC, "at least once a month" in Lusaka, Zambia.

July, 1986:

Paul Hare, the American ambassador to Lusaka, Zambia, met with the ANC in Lusaka.

September, 1986:

Assistant Secretary of State for Africa, Chester Crocker, met with Oliver Tambo "President" of the ANC, in London, England.

December, 1986:

Under Secretary of State Micheal Armacost met with the ANC in Lusaka, Zambia.

From September, 1986 to January, 1987:

Paul Hare, the American ambassador to Zamiba met with the ANC at least six times.

January 29, 1987:

Secretary of State George Shultz met with Tambo in Washington.

February, 1987:

Gibson Lanpher, Director of Southern African Affairs, and Ambassador Paul Hare met with the ANC at the African American Institute's annual conference for three days in Garborne, Botswana.

Since February 1987:

Ambassador Paul Hare has continued to meet with the ANC five or six times in Lusaka, Zambia.

Summary:

One meeting with the ANC at the Secretary of State level.

One meeting at the Under Secretary of State level.

One meeting at the Assistant Secretary of State level.

The State Department has had (at the minimum) fifty-nine official meetings with the ANC.

AMERICA'S OUTDOOR RECREATION

Mr. PRESSLER. Mr. President, today I wish to call the Senate's attention to the esthetic and economic value this country possesses in its great outdoor natural resources. Each day millions of Americans flock to the lakes, prairies, seashores, or mountains to enjoy the beauty of our country.

Thirty years ago, Congress authorized the Outdoor Recreation Resources Review Commission to study and report on Americans outdoors. Their reports documented the growing public use and demand for recreational lands and facilities.

America's love for the outdoors has not diminished. Public use of Federal, State, and local recreation areas and facilities continues to increase, providing a basis for a multibillion dollar industry. In South Dakota alone, the Fish and Wildlife Service estimates over $65 million is spent annually by hunters and fisherman. These activities provide a substantial boost to our economy.

Recently reported results from a 1985 Bureau of the Census Survey show that 1 in 4 American adults participate in fishing, and 1 in 10 hunt wildlife. Nearly 110 million adult Americans participate in nonconsumptive wildlife related recreation; such as wildlife viewing, photography, camping, backpacking, and birdfeeding. In enjoying these activities, Americans spent over $52 billion in 1985. These data do not address the many other outdoor activities available.

It is clear that we have a strong interest in preserving American's outdoor resources in order to enjoy major environmental and economic benefits.

To ensure that outdoor recreation resources receive the attention they deserve, it is critical that Congress take the following actions,

First, reauthorize and provide adequate funding for the Land and Water Conservation Fund Act of 1965. Thousands of recreational facilities throughout the United States have been developed under this program. My home State of South Dakota has initiated nearly 1,200 recreational projects. Over 250 communities have benefited.

Second, work to maintain and establish effective stewardship of all outdoor resources, including America's rivers, lakes, and other wetlands.

Third, work to assure that the appropriate Federal agencies wisely manage our National Parks, Monuments, Forests, Grasslands, and Refuges.

Our continuing concern and vigorous actions will protect our outdoor heritage for ourselves and many future generations.

RECOGNIZING JACK RENTSCHLER

Mr. PRESSLER. Mr. President, I rise to recognize Mr. Jack Rentschler who is completing his term as chairman of the board of directors of the National Association of Truck Stop Operators. Jack Rentschler and his wife, Joyce, are residents of Sioux Falls, SD, and owners of Rentschler's Standard Truck Plaza, Inc.

Mr. Rentschler's exemplary leadership was aptly displayed throughout his chairmanship this past year. In fact, he presided over the largest trade show convention and exposition in the history of the National Association of Truck Stop Operators.

In addition to serving as chairman of the board of NATSO, Mr. Rentschler has been active in his community for many years. He has been an avid participant in local government and is currently serving as a Minnehaha County Commissioner. Jack is a highly respected businessman and is a member of the National Board of the U.S. Chamber of Commerce. He has contributed much to our State of South Dakota, and I am honored to have him as a friend.

At this time I ask my Senate colleagues to join me in commending Jack for his good work and wishing him well in his future endeavors. I am certain that he will continue his active participation within NATSO, and I congratulate him for his distinguished tenure as chairman.

AIRLINE PASSENGERS OF AMERICA, INC.

Mr. FORD, Mr. President, I am going to have the pleasure on Thursday to help welcome the formation of a new nonprofit organization for the purpose of informing and serving airline passengers—the Airline Passengers of America, Inc. [AP/USA]. These days, if ever a group of people deserved an organization to look out for their "special interests," it's airline passengers.

In meetings with some of the organizers of this group over the past several weeks, one of their ideas has struck me as worthy of our review. I plan to introduce legislation so that we can consider establishing a real-time, "Airline Traffic Delay Advisory" that's available to the public and media, around the clock, by recording. The FAA has this information available today. They provide it as they should for private pilots and airlines, and I think they should provide it for passengers as well. If we can give local automobile commuters traffic updates without the advantage of flow-control computers, we ought to be able to give passengers similar information about the national air traffic picture before their flights are scheduled to depart. Today's flow-control data won't inform passengers of all delay problems by any means, but it would give some pasengers a useful warning about their routing, just as it does for private pilots.

In cases where we have multihour delays—or forecasts of delays—at key hubs due to weather or air traffic delays or both, we ought to have a system to disseminate that information. Passengers could use such advisories to change flight plans in a few cases, but perhaps most often to adjust their own schedules and commitments to accommodate the possibility of a delay. Such a service would not provide information about individual flight delays by airline flight, but it would give passengers a snapshot of current trouble spots in the system. That is information that I would like to know as a passenger even if it's not a guarantee of my flights performance.

Let me again emphasize that this information is available today from the FAA for pilots, so it should not require a massive Government program. There are a number of alternatives for providing the information recordings to the public and the media—800 service by DOT, 900 service paid by the caller, or multiple local area numbers. But the important point is finding a way to get the traveling public information the Federal Government already has available.

The Airline Passengers of America has discussed the feasibility of such a system with FAA, and they are currently helping to research some of the commuications and operations details of an advisory service. I hope my colleagues will want to support this effort to give airline passengers better information about their chances of being delayed.

IN HONOR OF THE 60TH BIRTHDAY OF CONGRESSMAN JIM HOWARD

Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to a good friend and colleague from New Jersey, JIM HOWARD, on the occasion of his 60th birthday.

As chairman of the House Public Works and Transportation Committee, JIM HOWARD is a key player in issues of vital importance to our State, and to the Nation as a whole. His chairmanship has been one of accomplishment and leadership. He has served his constituents, State, and country well.

Since coming to this body, I have had the pleasure of working with JIM

HOWARD on a number of important issues. We fought together to see a national uniform drinking age law become reality. That law is today saving hundreds of young lives each year. We worked together to see tough environmental laws, such as Superfund and the Clean Water Act, reauthorized. And we've worked together to keep the Sandy Hook marine laboratory in New Jersey.

JIM HOWARD was a major player in the effort to get the Nation's highway and mass transit programs reauthorized. He was a strong opponent of efforts to raise the speed limit on our highways, a view I share. And he continues to address issues of importance in the areas of environment, public works, and transportation. Several weeks ago, I had the pleasure of testifying before his committee on the matter of airline consumer issues.

JIM HOWARD is a leader in the Congress, and a leader at home in New Jersey. His accomplishments are recognized, respected, and appreciated. The transportation center named for him in Asbury Park is representative of the appreciation of his work by his constituents.

He is a leader who tackles important national issues but never forgets the people back home, and the things that are important to them.

Mr. President, I'm proud to serve in the Congress with JIM HOWARD. I wish him all the best on his 60th birthday, and look forward to many more years of working together.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on July 27, 1987, during the recess of the Senate, received a message from the President of the United States transmitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on July 27, 1987 are printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on today, July 28, 1987, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

S. 1020. An act to confer the honorary status of Librarian of Congress Emeritus on Daniel J. Boorstin.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STENNIS).

MESSAGES FROM THE HOUSE

At 11:22 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 958. An act to dedicate the North Cascades National Park to Senator Henry M. Jackson.

At 3:55 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 151. Joint resolution to designate August 1, 1987, as "Helsinki Human Rights Day".

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 82. An act to amend the Merchant Marine Act, 1920, to require vessels used to transport sewage sludge to be built in the United States;

H.R. 2399. An act to provide for study and research on the decline in the United States forest productivity and to determine the effects of atmospheric pollutants on forest environments, and for other purposes;

H.R. 2401. An act to extend the authorization of the Renewable Resources Extension Act of 1978, and for other purposes;

H.R. 2663. An act to authorize the establishment by the Secretary of Agriculture of a plant stress and water conservation research laboratory and program at Lubbock, Texas;

H.R. 2948. An act to prohibit the Department of Defense from purchasing any product manufactured or assembled by Toshiba America, Incorporated, or Toshiba Corporation for the purpose of resale of such product in a military exchange store; and

H.R. 2971. An act to provide continuing authority to the Secretary of Agriculture for recovering costs associated with cotton classing services, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 164. A concurrent resolution to recognize the importance of the agricultural export enhancement program.

The message also announced that pursuant to section 1321 of Public Law 99-498, the Speaker appoints the following from the private sector as members of the National Commission on Responsibilities for Financing Postsecondary Education, on the part of the House: Mr. Leslie Koltai, of Los Angeles, CA; Mr. Thomas Butts, of Ann Arbor, MI; and Mr. R. Marshall Witten, of Bennington, VT.

The message further announced that pursuant to the provisions of section 4 of Public Law 99-624, the Speaker appoints as members of the Dwight David Eisenhower Centennial Commission, the following Members on the part of the House: Mr. STRATTON, Mr. GLICKMAN, Mr. SLATTERY, Mr. GOODLING, Mr. EMERSON, and Mr. ROBERTS.

The message also announced that pursuant to section 407 of Public Law 99-498, the Speaker appoints the following from the private sector, as members of the Advisory Committee on Student Financial Assistance, on the part of the House: Mr. Jim Craig, of Bozeman, MT; Mr. Joe L. McCormick, of Austin, TX; and Mr. Jeffrey A. Flatten, of Clearwater, FL.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 82. An act to amend the Merchant Marine Act, 1920, to require vessels used to transport sewage sludge to be built in the United States; to the Committee on Commerce, Science, and Transportation.

H.R. 2399. An act to provide for study and research on the decline in the United States forest productivity and to determine the effects of atmospheric pollutants on forest environments, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 2401. An act to extend the authorization of the Renewable Resources Extension Act of 1978, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 2663. An act to authorize the establishment by the Secretary of Agriculture of a plant stress and water conservation research laboratory and program at Lubbock, Texas; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 2948. An act to prohibit the Department of Defense from purchasing any product manufactured or assembled by Toshiba America, Incorporated, or Toshiba Corporation for the purpose of resale of such product in a military exchange store; to the Committee on Armed Services.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2971. An act to provide continuing authority to the Secretary of Agriculture for recovering costs associated with cotton classing services, and for other purposes.

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 164. Concurrent resolution to recognize the importance of the agricultural export enhancement program.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

ED-1591. A communication from the Executive Associate Director of the Office of Management and Budget transmitting, pursuant to law, a report on numerous accounts which have been apportioned on a basis indicating a necessity for supplemental appropriations for fiscal year 1987; to the Committee on Appropriations.

EC-1592. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a confidential report on a proposed foreign military assistance sale to Sweden; to the Committee on Armed Services.

EC-1593. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the status of local mass transportation, performance, and conditions; to the Committee on Banking, Housing, and Urban Affairs.

EC-1594. A communication from the Chairman of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, the Board's monetary policy report; to the Committee on Banking, Housing, and Urban Affairs.

EC-1595. A communication from the Executive Director of the U.S. Olympic Committee transmitting, pursuant to law, the committee's 1986 financial statement; to the Committee on Commerce, Science, and Transportation.

EC-1596. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to increase civil penalty limits for safety violations in commercial aircraft operations; to the Committee on Commerce, Science, and Transportation.

EC-1597. A communication from the Secretary of the Interior transmitting, pursuant to law, a report on salinity control of public lands; to the Committee on Energy and Natural Resources.

EC-1598. A communication from the Director of the Office of Civilian Radioactive Waste Management transmitting, pursuant to law, omitted enclosures to accompany an earlier report on the station of consultation and cooperation negotiations with the State of Nevada and the State's comments on the report; to the Committee on Energy and Natural Resources.

EC-1599. A communication from the Administrator of GSA transmitting, pursuant to law, copies of lease prospectuses for certain Federal space; to the Committee on Environment and Public Works.

EC-1600. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on a prospective payment system for radiology, anesthesia, and pathology services to hospital inpatients; to the Committee on Finance.

EC-1601. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military assistance sale to the Philippines; to the Committee on Foreign Relations.

EC-1602. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the 60 days previous to July 16, 1987; to the Committee on Foreign Relations.

EC-1603. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of D.C. Act 7-56; to the Committee on Governmental Affairs.

EC-1604. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of D.C. Act 7-51; to the Committee on Governmental Affairs.

EC-1605. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of D.C. Act 7-49; to the Committee on Governmental Affairs.

EC-1606. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of D.C. Act 7-50; to the Committee on Governmental Affairs.

EC-1607. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of D.C. Act 7-47; to the Committee on Governmental Affairs.

EC-1608. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of D.C. Act 7-48; to the Committee on Governmental Affairs.

EC-1609. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the innovative projects for Community Service Program; to the Committee on Labor and Human Resources.

EC-1610. A communication from the Director of the Office of Management and Budget transmitting a draft of proposed legislation entitled "Postal Service Financing Reform Act of 1987"; to the Committee on Governmental Affairs.

EC-1611. A communication from the Assistant Secretary of Health and Human Services transmitting, pursuant to law, a report on an altered Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1612. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the Drug-Free Schools and Communities Regional Centers Program; to the Committee on Labor and Human Resources.

EC-1613. A communication from the Secretary of Labor transmitting; pursuant to law, the initial report on mass layoffs and plant closings; to the Committee on Labor and Human Resources.

EC-1614. A communication from the Secretary of Education transmitting a draft of proposed legislation entitled "Magnet Schools Assistance Amendments of 1987"; to the Committee on Labor and Human Resources.

EC-1615. A communication from the Secretary of Education transmitting, pursuant to law, final regulations on Drug-Free Schools and Communities, Hawaiian Natives Program; to the Committee on Labor and Human Resources.

EC-1616. A communication from the Executive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, a report on DOD procurement from small and other business firms for October 1986 through April 1987; to the Committee on Small Business.

EC-1617. A communication from the President of the United States transmitting, pursuant to law, an amended request for appropriations for fiscal year 1988 for the Department of State; to the Committee on Appropriations.

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of July 24, 1987, the following reports of committees were submitted on July 27, 1987, during the recess of the Senate:

By Mr. BENTSEN, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 1127. A bill to provide for medicare catastrophic illness coverage, and for other purposes (with additional views) (Rept. No. 100-126).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute and an amendment to the title:

S. 305: A bill to amend the National School Lunch Act to improve the administration of the commodity distribution program, and for other purposes (Rept. No. 100-127).

By Mr. CRANSTON, from the Committee on Veterans Affairs, with an amendment in the nature of a substitute:

S. 999: A bill to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans employment, counseling, and job-training services and program (Rept. No. 100-128).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 257: An original resolution managing the expenditure of funds for Senate official mail during fiscal year 1988 (Rept. No. 100-129).

S. Res. 258: An original resolution to require documentation for payments and reimbursements from the contingent fund of the Senate (Rept. No. 100-130).

S. Res. 259: An original resolution relating to the reimbursement of expenses paid to witnesses appearing before the Senate (Rept. No. 100-131).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with amendments:

S. 1402: A bill to amend title VIII of the Public Health Service Act to establish programs to reduce the shortage of professional nurses (Rept. No. 100-132).

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 29: A concurrent resolution expressing the sense of Congress regarding the inability of American citizens to maintain regular contact with relatives in the Soviet Union.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs:

Charles E. Cobb, Jr., of Florida, to be an Assistant Secretary of Commerce;

Arnold L. Steinberg, of California, to be a Member of the Board of Directors of the National Institute of Building Science for a term expiring September 7, 1988;

David S. Ruder, of Illinois, to be a Member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1991; and

Roger F. Martin, of Wisconsin, to be a Member of the Federal Home Loan Bank Board for the remainder of the term expiring June 30, 1989;

Alan Greenspan, of New York, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of 14 years from February 1, 1978; and

Alan Greenspan, of New York, to be Chairman of the Board of Governors of the Federal Reserve System for a term of 4 years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PELL, from the Committee on Foreign Relations:

Leonard Grant Shurtleff, of New Hampshire, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of the Congo.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Leonard G. Shurtleff.

Post: Ambassador to the Congo.

Contributions, amount, date, and donee.

1. Self, none.

2. Spouse, Christine M. Shurtleff, none.

3. Children and spouses, no children.

4. Parents, Leonard F. Shurtleff (deceased); Mary Frances Shurtleff, none.

5. Grandparents, Ellis Grant Cornish (deceased); Albert Wilson Shurtleff (deceased); Mary Agusta Sears Cornish (deceased); Lula Peckham Shurtleff (deceased).

6. Brothers and spouses, none.

7. Sisters and spouses, Marilyn Shurtleff Plummer, none; Warner M. Plummer, $25, August 1984 Reagan Reelection Campaign.

Mark L. Edelman, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Mark L. Edelman.

Post: Ambassador to the Republic of Cameroon.

Contributions, amount, date, and donee.

1. Self, $35, Oct. 22, 1983, National Republican Senatorial Committee;

$15, Oct. 29, 1983, Francke For Congress;

$50, Feb. 4, 1984, National Republican Senatorial Committee;

$50, Aug. 8, 1984, National Republican Senatorial Committee;

$20, Aug. 8, 1984, Francke for Congress;

$25, Oct. 7, 1984, National Federation of Republican Women;

$400, Jan. 25, 1985, Missourians for Kit Bond; and

$200, Aug. 5, 1986, Missourians for Kit Bond.

2. Spouse, Nancy, none.

3. Children and spouses, none.

4. Parents, Marvin and Ruth Edelman, $25, Apr. 17, 1986, Missourians for Kit Bond.

5. Grandparents, Charles and Dora Edelman, deceased, Jacob and Jennie Goldstein.

6. Brothers and spouses, Robert and Marjorie Edelman, brother, $10, Oct. 25, 1984, the Jim Hunt Committee; $10, Oct. 25, 1984, Rudy Boschwitz.

7. Sisters and spouses, none.

Note: No contributions were made by any family members during 1982.

W. Nathaniel Howell, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: W. Nathaniel Howell.

Post: Ambassador to Kuwait.

Contributions, amount, date, and donee.

1. Self, none.

2. Spouse, none.

3. Children and spouses, Wilson Nathaniel Howell III, $30 (total) 1984, 1985, and 1986, John Glenn Friendship Fund. Laura Mattes Howell, none. Edward Vaughan Howell, none.

4. Parents, Wilson Nathaniel Howell, Sr. (deceased), none. Josephine Edwards Howell, none.

5. Grandparents, James Alfred Howell (deceased), none. Alma West Howell (deceased), none. Albert Sidney Edwards (deceased), none. Molly Bridgers Edwards (deceased), none.

6. Brothers and spouses, Joel Edwards Howell, none. Christine Hope Howell, none.

7. Sisters and spouses, none.

Michael Gordon Wygant, of Massachusetts, a Foreign Service Officer of Class one, to be the United States Representative to the Federated States of Micronesia.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Michael G. Wygant.

Post: SLNO Saipan.

Contributions, amount, date, and donee.

1. Self, Michael G. Wygant, $20, Nov. 17, 1983, Cong. Marjorie Holt (MD).

2. Spouse, Lee Dunn Wygant, $15, Apr. 19, 1986, Cong. candidate Bob Neall (MD).

3. Children and spouses: Heather McDonough (daughter) and Donald McDonough (son-in-law), none. Michele Wygant (daughter), none. Catherine Wygant (daughter), none.

4. Parents, Gordon J. Wygant (father), deceased. Ruth W. Wygant (mother), none.

5. Grandparents, (all deceased).

6. Brothers and spouses, Martin H. Wygant (brother), $10, 1983, Cong. Benjamin Gilman (NY).

7. Sisters and spouses, Margot Wygant (sister), $50, 1984, Sen. John Kerry (MA). $50, 1984, Cong. Barney Frank (MA).

Samuel Eldred Lupo, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Contributions are to be reported for the period beginning on the first day of the fourth calandar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Samuel Eldred Lupo.

Post: Guinea.

Contributions, amount, date, and donee.

1. Self, none.

2. Spouse, none.

3. Children and spouses, Ramona and Colon Ward, none. Raymond Lupo, Douglas Lupo, none.

4. Parents, Carrie Lupo, none. Fulton Lupo, deceased.

5. Grandparents, N.J. and Reddin Page, deceased. Henry and Ella Lupo, deceased.

6. Brothers and spouses, Fulton and Billie Lupo, none. Alfred and Barbara Lupo, none. Rufus Lupo, none. James Lupo, deceased. Henry and Jeanette Lupo, none. Forrest Lupo, none.

7. Sisters and spouses, none.

Warren Clark, Jr., of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabonese Republic and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Sao Tome and Principe.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Warren Clark, Jr.

Post: Gabon, Sao Tome and Principe.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Not applicable.

3. Children and spouses names: Sarah, Warren, Hope, none.

4. Parents names: Father, deceased; Mary D. Clark (Mother), none.

5. Grandparents names: Deceased.

6. Brothers and spouses names: Not applicable.

7. Sisters and spouses names: Joan C. Moffett, none; William W. Moffett, none.

Robert G. Rich, Jr., of Florida, 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 Belize.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Robert G. Rich, Jr.

Post: Ambassador to Belize.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Mr. & Mrs. Patrick Kelly, Mr. & Mrs. Lloyd Epperson, Miss Catherine Rich, Miss Nan Rich, none.

4. Parents names: Robert G. Rich (deceased); Lula H. Rich, none.

5. Grandparents names: Deceased.

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

Roscoe Seldon Suddarth, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemit Kingdom of Jordan.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Roscoe S. Suddarth.

Post: Ambassador to the Hashemite Kingdom of Jordan.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Anne V. Suddarth, none; Mark S. Suddarth, none.

4. Parents names: Mr. and Mrs. George S. Suddarth, none.

5. Grandparents names: Mr. and Mrs. Henry Suddarth, none; Mr. and Mrs. Fred Urfer, none.

6. Brothers and Spouses names: None.

7. Sisters and spouses names: Georgia and Edgar Allman none.

Theresa Anne Tull, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Cooperative Republic of Guyana.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Tull, Theresa Anne.

Post: Ambassador to Guyana.

Contributions, amount, date and donee:

1. Self: None.

2. Spouse: N/A.

3. Children and spouses names: N/A.

4. Parents names: John J. Tull, deceased 1947. Anna C. Paull, deceased 1966.

5. Grandparents names: All deceased prior to 1960 (maternal: Charles and Elizabeth McDonald Paull; Paternal: Ira and Minnie McDorman Tull).

6. Brothers and spouses names: Robert Tull, $120, July 1983, Republic Presidential Tax Force; $100, October 1983, Dan Evans Campaign for Senate; $50, December 1984, Republican National Committee; $100, May 1985, Republican National Committee; $100, January 1986, Republican National Committee; $50 July 1986, Slade Gorton Campaign for Senate. Helen Clark, spouse, none.

John J. Tull, $50, July 1983, RPAC (Realtors Political Action Committee; $21, February 1984, CENPAC (Century 21 Political Action Committee; $21, January 1985, CENPAC; $50, September 1985, RPAC; $25 October 1985, Democratic National Committee; $15, May 1986, Democratic Senatorial Campaign Committee; $15, January 1986, Democratic National Committee; $15, September 1986, Democratic National Committee; $50, December 1986, Democratic National Committee.

Elizabeth Bradshaw, spouse, none; Charles J. Tull, $25, August 1984, Mondale for President Campaign; Mildred Banker, spouse, none; Thomas J. Tull, none; Marie Walsh, spouse, none.

7. Sisters and spouses names: Elizabeth Waldis, none; John J. Waldis, spouse, none; Margaret H. McLane, none; Robert E. McLane, spouse (deceased), none.

Charles L. Gladson, of California, to be an Assistant Administrator of the Agency for International Development; and

Charles L. Gladson, an Assistant Administrator of the Agency for International Development, to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 22, 1991;

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which was printed in the CONGRESSIONAL RECORD of July 15, 1987, and, to save the expense of reprinting it on the Executive Calendar, ask unanimous consent that these nominations lie at the Secretary's desk for the information of Senators.

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

Charles Luna, of Texas, to be a Member of the Board of Directors of the National Railroad Passenger Corporation for a term expiring April 27, 1990;

Darrell M. Trent, of Kansas, to be a Member of the Board of Directors of the National Railroad Passenger Corporation for a term expiring April 27, 1990; and

Robert D. Orr, of Indiana, to be a Member of the Board of Directors of the National Railroad Passenger Corporation for a term expiring April 27, 1990.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRESSLER:

S. 1552. A bill to amend title 10, United States Code, to require the advancement of Army and Air Force reserve enlisted personnel to highest grade satisfactorily held after thirty years of service; to the Committee on Armed Services.

By Mr. STEVENS (for himself and Mr. PRYOR):

S. 1553. A bill to amend title 5, United States Code, to provide that any liability of a Federal employee for a breach of any fiduciary responsibility under the Federal Retirement Thrift Investment Management System shall be payable by the United States if the liability relates to action taken in good faith and within the scope of the individual's official duties; to the Committee on Governmental Affairs.

By Mr. FOWLER (for himself, Mr. MATSUNAGA, Mr. WIRTH, Mr. FORD, Mr. BUMPERS, and Mr. DECONCINI):

S. 1554. A bill to provide Federal assistance and leadership to a program of research, development and demonstration of renewable energy and energy conservation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 1555. A bill to amend the Davis-Bacon Act by increasing the coverage threshold to $100,000 for non-military contracts and $1,000,000 for military contracts, and to amend the Copeland Act compliance provision, and for other purposes; to the Committee on Labor and Human Resources.

S. 1556. A bill to amend the Service Contract Act to increase the coverage threshold to $100,000 for non-military contracts and $1,000,000 for military contracts, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HOLLINGS (for himself, Mr. DANFORTH, Mr. WILSON, and Mr. MCCAIN):

S. 1557. A bill to require the Secretary of Transportation to promulgate rules regarding certain operating transponders on aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KASTEN (by request):

S. 1558. A bill to amend the Federal Railroad Safety Act of 1970 and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DIXON (for himself, Mr. BUMPERS, and Mr. WEICKER):

S. 1559. A bill to amend the Small Business Act to modify certain provisions relating to the small business set-aside program; to the Committee on Small Business.

By Mr. PRESSLER:

S.J. Res. 180. A joint resolution designating the honeybee as the national insect; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KARNES (for himself, Mr. ARMSTRONG, Mr. BOND, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. COCHRAN, Mr. DANFORTH, Mr. DECONCINI, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. EXON, Mr. GRAMM, Mr. GRASSLEY, Mrs. KASSEBAUM, Mr. KASTEN, Mr. LUGAR, Mr. MCCAIN, Mr. MCCLURE, Mr. MCCONNELL, Mr. NICKLES, Mr. PACKWOOD, Mr. QUAYLE, Mr. SIMPSON, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. WEICKER, Mr. WILSON, Mr. ADAMS, Mr. HEFLIN, Mr. MOYNIHAN, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. PELL, Mr. BUMPERS, Mr. BURDICK, Mr. CHILES, Mr. SYMMS, Mr. STAFFORD, Mr. SIMON, Mr. SHELBY, Mr. SARBANES, Mr. METZENBAUM, Mr. MITCHELL, Mr. BINGAMAN, Mr. PROXMIRE, Mr. ROCKEFELLER, Mr. PRESSLER, Mr. CRANSTON, Mr. SANFORD, Mr. RUDMAN, Mr. BRADLEY, Mr. REID, Mr. JOHNSTON, Mr.

HOLLINGS, Mr. EVANS, and Mr. INOUYE):

S. Res. 256. A resolution to express the sorrow and regret of the Senate at the death of Howard Malcolm Baldrige, Jr.; considered and agreed to.

By Mr. FORD, from the Committee on Rules and Administration:

S. Res. 257. An original resolution managing the expenditure of funds for Senate official mail during fiscal year 1988; placed on the calendar.

S. Res. 258. An original resolution to require documentation for payments and reimbursements from the contingent fund of the Senate; placed on the calendar.

S. Res. 259. An original resolution relating to the reimbursement of expenses paid to witnesses appearing before the Senate; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself and Mr. PRYOR):

S. 1553. A bill to amend title 5, United States Code, to provide that any liability of a Federal employee for a breach of any fiduciary responsibility under the Federal retirement thrift investment management system shall be payable by the United States if the liability relates to action taken in good faith and within the scope of the individual's official duties; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEES' RETIREMENT SYSTEM ACT AMENDMENT

● Mr. STEVENS. Mr. President, today I am introducing, along with Senator PRYOR, legislation to amend the Federal Employees' Retirement System [FERS] Act of 1986 (5 U.S.C. 8401-8479) that we passed last year. The purpose of this amendment is to provide Government indemnification for the Executive Director, members of the Federal Retirement Thrift Investment Board, and other fiduciaries of the thrift savings fund established under the act against liability which they may incur because of action taken in good faith in the course of their official duties.

I believe that enactment of this legislation would result in a significant reduction in Government costs, because Government indemnification of the plan fiduciaries would be less costly than the present requirement that Government agency funds be used to purchase private insurance for the fiduciaries.

The FERS Act established a tax-deferred thrift savings plan for Federal employees financed by both employer and employee contributions. The act also established an independent Board, the Federal Retirement Thrift Investment Board, and Executive Director to direct the investments of the thrift savings fund.

The responsibilities and liabilities of Executive Director, Thrift Investment Board members, and other fiduciaries of the thrift savings fund are currently set forth in 5 U.S.C. 8477. For example, in making investment decisions, the fiduciaries must act with the care, skill, prudence, and diligence that a prudent person acting in a like capacity would use in the conduct of a similar enterprise (5 U.S.C. 8477(b)(1)(B)). A fiduciary of the thrift savings fund is personally liable to the fund for any losses resulting from any breach of his or her fiduciary obligations (5 U.S.C. 8477(e)(1)(A)).

The act authorized the Executive Director of the Board to assess each Federal agency up to an additional 1 percent of the agency's contributions to the fund for the purpose of purchasing private insurance to protect the fiduciaries against personal liability.

The Board has made a concerted effort to obtain private insurance. The uniqueness and potential size of the plan, however, have presented problems of pricing and risk assessment to the insurance industry. Consequently, the Board has not yet received any definite offers of coverage.

Even if adequate insurance were available on reasonable terms, it would be less costly to the Government if the present statutory provisions for private insurance were deleted and replaced with Government indemnification. In fact, the policy of the Federal Government for many years has been that indemnification, or self-insurance, is less costly to the Government than the premiums required to be paid to private insurers because the Government is better able to cover its own risks.

This legislation would delete the current law under 5 U.S.C. 8479(b) allowing for a special assessment on agencies of up to 1 percent of agency contributions to the fund for the purpose of buying private insurance to cover the potential liability of the thrift savings fund fiduciaries, and substitute a system of governmental indemnity where the fiduciary is found by the Attorney General to have acted in good faith in the performance of his or her official duties.

Under the Employee Retirement Income Security Act [ERISA], fund managers may be and commonly are indemnified by the sponsoring companies for personal liabilities imposed by that act. Such indemnification of fiduciaries by an employer is explicitly permitted by the Department of Labor's ERISA regulations, 29 CFR 2509.75-4. The thrift savings fund managers should not be in a worse position than their counterparts in the private sector. And while indemnification would make the Federal Government liable for some breaches of fiduciary obligations of the thrift savings fund managers, the Government would be in no worse position than a plan sponsor in the private sector.

Again, I believe that the cost of self-insurance by the Federal Government would be less than the cost of the private insurance required by the present provision because the Government is better able to bear the risks involved in managing the thrift savings fund. This legislation provides that indemnity payments shall be made out of the funds and appropriations available for the payment of judgments and compromise settlements against the United States.

Now, at the very beginning of the thrift savings plan, it is especially important that there be no questions as to the Government's support for this new program. Federal employees who participate in the plan deserve to know that the full faith and credit of their employer stands squarely behind the fiduciaries who are appointed to manage their retirement fund.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 1553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. METHOD FOR THE PAYMENT OF LIABILITIES RELATING TO A GOOD FAITH BREACH.

(a) METHOD OF PAYMENT.—Section 8479(b) of title 5, United States Code, is amended to read as follows:

"(b)(1) For the purpose of this subsection, the term 'employee' means—

"(A) an employee as defined by section 2105; and

"(B) an employee of the United States Postal Service or the Postal Rate Commission.

"(2) Notwithstanding subsection (a) or any other provision of law, the amount of any judgment, award, or compromise settlement for which the Executive Director, a member of the Board, or any other employee would otherwise be liable under section 8477(e) for any violation of the responsibilities, duties, and obligations under subsection (b) or (c) of section 8477, and any court costs and reasonable attorney's fees incurred by such Executive Director, Board member, or other employee in connection therewith, shall, for purposes of section 1304 of title 31, be considered to be an amount payable under section 2414 of title 28, subject to paragraph (3).

(3) A payment under this subsection to, or on behalf of, the Executive Director, a member of the Board, or any other employee shall be made unless the Attorney General determines, in writing, that such Executive Director, Board member, or other employee was not acting in good faith, and within the scope of that individual's official duties, when engaged in the conduct with respect to which the payment relates."

(b) REPAYMENT OF CERTAIN AGENCY CONTRIBUTIONS.—Any amounts contributed to the Thrift Savings Fund by an agency under section 8479(b) of title 5, United States Code (as in effect before the effective date of this Act), and not expended or obligated for the purchase of fiduciary liability insurance, shall be returned to such agency (and the appropriation account out of which the contribution was made).

(c) CONFORMING AMENDMENTS.—(1) The heading of section 8479 of title 5, United States Code, is amended to read as follows:

"Section 8479. Exculpatory provisions void; actions taken in good faith.

(2) The item relating to section 8479 in the table of sections for chapter 84 of title 5, United States Code, is amended to read as follows:

"8479. Exculpatory provisions void; actions taken in good faith."

SEC. 2. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall be effective as of April 1, 1987, except for subsection (b) of Section 1 which shall be effective as of the date of enactment.●

By Mr. FOWLER (for himself, Mr. MATSUNAGA, Mr. WIRTH, Mr. FORD, Mr. BUMPERS, and Mr. DECONCINI):

S. 1554. A bill to provide Federal assistance and leadership to a program of research, development and demonstration or renewable energy and energy conservation technologies, and for other purposes; to the Committee on Energy and Natural Resources.

RENEWABLE ENERGY AND ENERGY CONSERVATION TECHNOLOGY COMPETITIVENESS ACT

Mr. FOWLER. Mr. President, I rise today to introduce the "Renewable Energy and Energy Conservation Technology Competitiveness Act of 1987."

This bill addresses an issue as important as any we now face. In fact, this issue lies at the foundation of our national security and international competitiveness. And, like some other foundations of our national strength, it does not receive the attention it warrants.

The issue, the foundation, I am referring to is our national energy policy for the future—or rather, our lack of one.

We all know we are in a time of transition, as Americans look for some certainty in what the 1990's, what the turn of the century will bring. Perhaps more than ever before, our policies have to be concerned with what is to come. And no issue holds more uncertainty, or demands more advance planning, than our future energy needs.

The signs are all around us, at this very second, if we will choose to heed them.

Sadly, we have not yet begun to face, realistically, our energy requirements for the decades ahead. I am introducing this legislation to help remedy our current state of affairs—by encouraging the development, demonstration, production and marketing of alternative energy technologies. I am concerned here with renewable energy sources that will not vanish over time and leave our future begging.

We already know how to harness power from some of these sources. Our taxpayers have spent millions to develop the technologies and the techniques. The challenge now is to commit the resources that will lead to commercialization, so new energy sources can reduce our dangerous dependence on foreign oil.

This legislation is not a cure-all. But it is a start. If my recommendations are adopted, we will for once—for once—begin to address a problem before it reaches crisis proportions. This is one chance to have clear goals and policies, first; commitment to a course of action, after—not the other way around.

I am proud of my proposal because it does more than react to problems and uncontrollable circumstances. It offers hope. It is positive legislation, urging positive and constructive efforts.

Energy—from the Greek word "ergon," to work. How is it that up to now we have devoted such precious little effort and depth of thought to what is going to make America work in the next century?

Right now, over a quarter of our energy needs are met with oil, and world oil reserves are not projected to last through the next century at current rates of consumption. Perhaps it would stimulate our thought process to imagine our future without oil, if we fail to make the changes necessary to prepare for that day.

If the flow of oil were cut off today, we know that refineries, factories and powerplants, from one end of this country to the other, would sputter to a halt. But that would just be the beginning.

The irrigation systems on our farms would shut down. Twenty-three million farm vehicles would rust in the fields. There would be no way to plow, no way to harvest—no way to transport the food that could be grown and gathered to distant markets.

The most massive construction project in the history of the world, the U.S. Interstate Highway System, would be rendered practically useless.

The transportation systems on which life in our cities depend would freeze. Most of the commercial network as we know it would unravel. Distant travel would become almost impossible. Cars and trucks would sit up on blocks. Planes would remain grounded. Ships would drift with the tides and currents.

The consequences for our military would be obvious. We all know the story of the Battle of the Bulge, when the German counterattack broke through Allied lines and raced for Antwerp—until the tanks ran out of gas.

It is easy to disregard this entire scenario as pure hyperbole, when we have so much time ahead of us to make the transition away from oil energy. I think it is important, though, to ask ourselves just how long we do have to adjust?

The United States has 28 billion barrels of proven oil reserves. If we had to rely on our reserves alone, they would last us for a little less than 9 years. That is not much time at all.

That is why, at this very minute, we have our finger on the trigger, are poised to risk military engagement—and American casualties—in the Persian Gulf. Not because our geopolitical objectives are clearly defined, but because we cannot afford for the flow of oil out of the gulf to stop.

We don't buy that much of our oil in the Middle East, but the percentage is rising. Our industrial allies are dependent on the Middle East, and we are legally obligated to share our supplies with them in a crisis.

A Persian Gulf oil crisis would, at the very least, force the other Western democracies to compete with us for oil in the remaining markets, driving up prices, increasing energy costs to unacceptable levels—unacceptable because the added costs would decrease the competitiveness of our goods and services, and increase our trade deficits. There is simply no way we are going to have competitive business and industry without competitive energy costs.

So, after a military buildup unprecedented in history, we find ourselves stronger, perhaps, but not more secure. We are, in fact, more vulnerable than we were in 1980. We find ourselves more in harm's way in the Middle East than we did under previous administrations. President Reagan himself calls the Straits of Hormuz a "chokepoint for freedom."

The incident of the U.S.S. *Stark* is a vivid reminder that the game we are being forced to play in the Middle East is an unpredictable one. Sadly, the faces of 37 sailors aboard that vessel remind us that our young people have already died there. Sadly, we have been reduced to trading arms to the Iranians for our hostages over there. Does anyone think we would have tolerated this insolvent blackmail if we weren't gluttons for their black crude?

Now we find ourselves drawn in closer to the Hezbollah's web as our military presence increases in the Persian Gulf. This is a fool's game. It's a dangerous game. How did we get into it?

We stumbled into this foreign policy quagmire, this threat to our national security, by having no long-range comprehensive energy policy. We have not reduced our dependence on foreign oil, in spite of all the warning signs.

We have ignored the facts, which we will have to face one day: that in 1986, one half of the world's proven oil reserves had already been consumed; that in the last quarter century the rate of world consumption has more than quadrupled.

We have ignored the hard fact that Middle Eastern control of the remaining reserves is going to tighten relent-

lessly. Those countries have 4 percent of world population, and 57.6 percent of the oil reserves. This makes an eventual price increase a certainty. As time passes, it will also place a greater and greater percentage of the remaining world supply within easy striking distance of the Soviet Union.

None of the shocks and stutters of the last 20 years have brought us to our senses. We had fair warning when the Arab-Israeli War of 1973 caused oil to triple in price to $11 a barrel. We were warned at the time of the Iranian Revolution of 1979. By 1982, the world price of oil was an unheard of $32.

Are we going to sit on our hands and wait for the next unprecedented escalation, simply because it may be as far as 10 years down the road? Or as close as the next Exocet or Silkworm missile?

My Bible says, Matthew 16: "When it is evening, ye say, It will be fair weather: for the sky is red. And in the morning, It will be foul weather today: for the sky is red and lowring.

"O ye hypocrites, ye can discern the face of the sky; but can ye not discern the signs of the times?"

Apparently not. We have not profited from our experiences in the 1970's. Our dependence on foreign oil is actually increasing. It reached 40 percent this year, the same as at the time of the oil embargo of 1973. Our dependence is projected to top 60 percent in the next decade.

A 1987 report on energy security by the Department of Energy found that no coherent strategy guides our programs, and most do little to reduce our oil dependency—this in a country that has 5 percent of world oil reserves, and 29.1 percent of world consumption. No wonder administration officials are predicting gas lines by the 1990's.

Unfortunately, this administration has offered no solutions, only temporary stopgaps—that only once again delay the day we formulate a real energy policy to meet the future needs of this Nation.

This administration has actually taken us backwards, by gutting the programs that must prepare now to put new energy technologies in place in the coming years.

The Secretary of Energy has pushed for the end of improvements in gas mileage standards. He has opposed appliance efficiency standards. This administration has cut out programs for energy efficiency in older buildings, where over a third of our power is used. Successful conservation programs have been scrapped.

We have cut research and development in alternative energy sources by 80 percent since 1980. United States firms, which once held the technological edge—and the world markets—have lost their lead in wind power to the Dutch, and are losing it rapidly to the Japanese in photovoltaics. We have allowed short-term market forces to totally preempt a sound long-term strategy for the development of energy technologies—and at the same time we call the oil straits a chokepoint for freedom.

We have the need. We have the know-how. So, if we do not act to correct this contradiction, if we have to live through yet another energy crisis, we will not have ignorance as an excuse—only laziness, political spinelessness, self-delusion and dereliction of duty.

The legislation I am introducing encourages development of renewables that can reduce our dependence on imported oil without creating the increased environmental hazards of burning other fossil fuels. Renewables that could open up vast, undreamed of energy supplies, without producing the potentially lethal by-products of nuclear energy.

Nuclear power will obviously play some role. But, with its dangers, real and perceived, it is never going to be the energy of the future. I say this as we find ourselves locked in an enormous political struggle even to determine where to put the radioactive waste already being produced.

We have unlimited potential in solar, wind, geothermal, biomass—we have huge grain surpluses that we don't know what to do with, that are depressing prices, that can be turned into energy that is cheaper than nuclear—which, by the way, is where this administration has placed most of our energy research dollars. For many of these renewables, the technology already exists. It is simply waiting to be developed.

Our society has not always run on oil. It will not run on oil forever. The transformation to new energy sources has got to come, but it is not going to happen without the involvement and leadership of our Government. The task is too enormous. The cost is too high. Our energy infrastructure is too highly developed and deeply ingrained. Our society is too large, complex and interdependent.

Other countries realize this. Every other major industrial power has strengthened its alternative energy research programs during the 1980's, while we have all but eliminated ours.

We, too, have to coordinate our efforts. The transformation has to be facilitated by our policies. We have to make market forces work for us now, instead of against the clock later.

We have to create the climate in which, without direct Government intervention, America's entrepreneurial spirit can meet this challenge. My legislation prompts Government to exercise leadership in this area, where it is sorely needed, and sorely lacking.

Sorely needed because we have to plan now to implement these technologies on a wide scale 5 to 10 years from now.

But as we look ahead, we should not forget the more immediate benefits of pursuing this policy. We have to keep in mind the export possibilities.

Oil now provides 38 percent of the world's commercial energy. The industrialized nations account for 55 percent of the world oil demand, but have only 10 percent of the world's proven reserves. In developing countries, 1.7 billion of the world's people live in villages without power. Most are in remote areas without access to any grid, and where it is already more economical to bring in portable wind and photovoltaic units.

The market is there, if we will only read the signs of the times.

Development and export of these technologies is sound policy all the way around. Some country is going to do it. Many have already entered the competition, with more government assistance than we are providing. I want to make sure that America is best prepared to win this important race to the future. We know we have the ability, if we will put it to work. That is why I offer this bill.

Let me recount the goals this legislation would help us to realize, through the development of renewable, alternative sources of energy: Solar, photovoltaic, wind, ocean, geothermal, methanol, biomass—and conservation.

My bill would help decrease our reliance on foreign oil.

It allows us to conduct our foreign policy from a position of strength.

It would reduce our trade deficits.

It opens new business opportunities in this country, and vast export possibilities abroad.

Within our present budget constraints, it calls for modest, but essential investment in our future.

It offers hope for the greatest return on Government investment since rural electrification and the GI bill.

It reinforces our energy and national security, improving the competitive stance of American enterprise.

It accomplishes all this with the minimum harm to our environment.

And the bill confronts our present problems by making a prudent investment now, not by passing the burden to future Congresses and future generations of Americans.

I offer this legislation in 180 degree contrast to the policy of this administration, which has overseen a 90-percent reduction in conservation, solar and renewable energy programs, without offering an alternative for our future.

So far, we have failed to read the signs of the times. Our absence of policy has allowed us to backslide deeper into danger, both economic and military. Our reemergence will be a

test of our political will, because it is a test of our foresight.

The choices are right in front of us: Dependence and deficit, or security and surplus.

Maybe a little hindsight will help us to look ahead: Six years ago a happy-go-lucky Ronald Reagan rode to the Presidency, denigrating those he called the purveyors of gloom and doom—meaning those who warned of the finitude of resources, especially when it came to our energy needs. Now it is the Ayatollah who is laughing in his beard.

But the most ironic part is that the President was not all wrong. There are nearly infinite resources. There is cause for his famous optimism.

But not based on the world oil supply. Which may or may not run out. Which may keep flowing, or may be choked off in the world's most volatile region, strangling the Western democracies.

Our cause for hope is not any other fossil fuel. That may or may not meet our needs through the 21st century. That will cost us dearly in damage to our environment, which has already received far too much abuse.

It is not nuclear power, which will only transfer even heavier costs to future generations.

Our real cause for optimism is in the wind and the Sun overhead, the oceans and magma at our feet, the ever-renewing grain in our fields. The barely tapped reservoirs of energy at our disposal, the gifts of Creation. That can provide clean energy, not for decades, but for millions of years.

This is not science fiction. The taxpayers' money has been invested. The research and development has been done. We now face a different question: Will we let these efforts lapse, and let so much potential come to nothing? Or will we put this research to work in our buildings, in our fields, in our vehicles?

It is not our job in Government, as custodians of the national welfare, to sit back and let the future happen to us—because the price at the pumps happens to be low today. The days ahead will only be as good as our vision and our plans for them. Both depend on our ability to read the signs of the present time.

The legislation I offer reads the handwriting on the wall into law, law that will set us soundly back on the right course. Beyond our horizon. Toward a future that, for generations of Americans to come, holds promise, not a promissory note.

At this point, I ask unanimous consent that a reprint of the summary of the bill, of the bill itself, and of an April 16 Wall Street Journal article "Renewable Energy Concerns Begin Attracting Big Institutions Betting On Another Oil Crisis," be printed in the RECORD.

Mr. MATSUNAGA. Will the distinguished junior Senator from Georgia yield?

Mr. FOWLER. I am delighted to yield to the Senator from Hawaii, a cosponsor of the legislation.

Mr. MATSUNAGA. As a cosponsor, I rise to congratulate and commend the Senator, the principal sponsor of the measure. I fully and wholeheartedly agree with the Senator that unless we resolve our energy problem, we shall never fully control our economic destiny.

As the Senator from Georgia has suggested, the way to go is to become energy independent. How then can we become energy independent? By the development of alternative sources, which we find plentiful in this country. As a matter of fact, in the State of Hawaii we started a program to become energy self-sufficient by the use of alternative indigenous resources: Solar energy, wind energy, geothermal energy, ocean thermal energy, biomass energy. Under the Carter administration, we were well on our way to attaining our goal of becoming energy self-sufficient by the year 1990.

Unfortunately, with the change in administration, there has been an altogether different policy effected which has stymied our program in Hawaii.

Nevertheless, our effort toward energy self-sufficiency has shown some measure of success. For example, from 100 percent dependency on imported oil on the island of Hawaii, more than 50 percent of the electricity produced today is produced by the use of alternative sources of energy. And they were 100 percent dependent on imported oil before.

On my home island of Kauai, where I was born, from 100 percent dependency on imported oil to produce electricity, today 50 percent of the electricity is produced by use of indigenous natural resources.

I once again commend the junior Senator from Georgia for his leadership in this area. It is a rare occasion when a freshman Senator, within 6 months after being sworn into office, registers the impact on nationally essential legislation as the junior Senator from Georgia has. I heartily congratulate him.

Mr. FOWLER. I thank the Senator from Hawaii. I would be remiss if I did not say because of his leadership going back over many, many years, we would not have the few policies in place for the development of alternative energy. To those of us who have come after his leadership, he has been an inspiration and we hope it will continue.

I thank the Senator.

Mr. MATSUNAGA. I thank the Senator for his kind words.

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

S. 1554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Renewable Energy and Energy Conservation Technology Competitiveness Act of 1987".

SEC. 2. FINDINGS AND PURPOSES.

(a) Congress finds that—

(1) a secure and diverse supply of energy is in the Nation's best interest, and it is appropriate for the Federal government to sponsor a balanced program of energy research and energy technology development and demonstration to insure diverse supplies of energy by the year 2000;

(2) a strategic plan to pursue a program that balances Federal investments among energy supply and technology options is needed to assure that a well-managed, cost-effective research, development and demonstration program will be implemented;

(3) renewable energy resources and energy conservation technologies can make the energy sources of the United States secure and diverse with minimal environmental risks;

(4) the development and use of renewable energy and energy conservation technologies can significantly reduce U.S. dependence on foreign energy sources; however, the extent of such contribution is dependent upon increasing efficiencies and reducing costs of renewable energy and energy conservaton technologies;

(5) energy for buildings consumes approximately 36 percent of the total U.S. energy supply, and approximately two-thirds of U.S. electricity is consumed in buildings;

(6) use of renewable energy and energy conservation technologies in buildings potentially could provide for a cost-effective increase in energy efficiency in the buildings' sector of as much as 30 to 50 percent;

(7) the Federal government, as the largest consumer of energy in the United States, should promote the effective use of renewable energy and energy conservation technologies;

(8) the technological lead of U.S. firms and their capability to compete with foreign renewable energy and energy conservation technology has declined in recent years, and many foreign firms are selling renewable energy and energy conservation technology in the United States;

(9) competitiveness of U.S. firms overseas depends in part on long-term, stable Federal support of research and development efforts to maintain U.S. preeminence in technology; it is also appropriate for the Federal government to support nearer-term commercial and proof-of-concept demonstrations so that U.S. firms will have not only technology, but also products to market;

(10) the development and export of renewable energy and energy conservation products and technology can contribute positively to the balance of trade; and

(11) the volatility of world energy markets underscore the need for sustained levels of support for the research and development of renewable energy conservation technologies.

(b) It is the purpose of this Act to direct the Secretary of Energy to pursue an aggressive National program of research, development and demonstration of renewable energy and energy conservation technologies in order to ensure a stable and secure future energy supply by—

(1) providing a long-term stable environment for renewable energy and energy con-

servation technology research and development activities through the establishment of long-term goals and multi-year funding levels;

(2) directing the Secretary to undertake initiatives to hasten the commercialization in the near term of renewable energy and energy conservation technologies;

(3) fostering collaborative research and development efforts involving the private sector through government support of a vigorous program of joint venture innovative projects; and

(4) promoting the use of renewable energy and energy conservation in buildings owned or leased by the Federal government.

SEC. 3. DEFINITIONS.

As used in this Act the term "Secretary" means the Secretary of Energy.

SEC. 4. NATIONAL GOALS AND MULTI-YEAR FUNDING FOR FEDERAL WIND, PHOTOVOLTAICS AND SOLAR THERMAL PROGRAMS.

(a) The following are declared to be the National goals for the wind, photovoltaics and solar thermal energy programs currently being carried out by the Secretary under existing law:

(1) WIND.—(A) In general, the goals for the Wind Energy Research Program include improving design methodologies and developing more reliable and efficient wind turbines to increase the cost competitiveness of wind energy. Research efforts shall emphasize—

(i) activities that address near-term technical problems and permit exploitation of current market opportunities of the wind energy industry;

(ii) developing advanced airfoils and variable speed generations to increase wind turbine output and reduce maintenance costs by decreasing structural stress and fatigue;

(iii) increasing the basic knowledge of aerodynamics, structural dynamics, fatigue and electrical systems interactions as applied to current wind energy technology; and

(iv) improving the compatibility of electricity produced from windfarms with conventional utility needs.

(B) Specific goals for the Wind Energy Research Program shall be to—

(i) reduce average wind energy costs to 3 to 5 cents per kilowatt hour by 1995;

(ii) reduce capital costs of new wind energy systems to $500 to $750 per kilowatt of installed capacity by 1995;

(iii) increase installed generating capacity to 4000 to 8000 megawatts by 1995;

(iv) reduce operation and maintenance costs for wind energy systems to less than 1.0 cents per kilowatt hour by 2000; and

(v) increase capacity factors for new wind energy system to 25 to 30 percent by 1995.

(2) PHOTOVOLTAICS.—(A) In general, the goals of the Photovoltaic Energy Systems Program include improving the reliability and conversion efficiencies and lowering the costs of photovoltaic conversion. Research efforts shall emphasize advancements in the performance, stability and durability of photovoltaic materials.

(B) Specific goals of the Photovoltaic Energy Systems Program shall be to—

(i) improve operational reliability of photovoltaic modules to 30 years by 1995;

(ii) increase photovoltaic conversion efficiency of new photovoltaic amorphous silicon modules to 15 percent by 1995;

(iii) decrease new photovoltaic module direct manufacturing costs to $0.80 per watt by 1995; and

(iv) increase installed capacity of photovoltaic electric power production capacity to 100 to 200 megawatts by 1991.

(3) SOLAR THERMAL.—(A) In general, the goal of the Solar Thermal Energy Systems Program shall be to advance research and development to a point where solar thermal technology is cost-competitive with conventional energy sources and to promote the integration of this technology into the production of industrial process heat and the conventional utility network. Research and development shall emphasize development of a thermal storage technology to provide capacity for shifting power to periods of demand when full insolation is not available, improvement in receivers, energy conversion devices, and innovation concentrators using stretch membranes, lenses and other materials, as well as exploration of advanced manufacturing techniques.

(B) Specific goals of the Solar Thermal Energy Systems Program shall be to—

(i) reduce solar thermal costs for industrial process heat to $9.00 per million Btu; and

(ii) reduce average solar thermal costs for electricity to 4 to 5 cents per kilowatt hour.

(4) The President's budget request for fiscal year 1989 shall contain the Secretary's recommendations for specific cost, installed capacity and other pertinent goals for 1995 for Department of Energy research and development programs in Biofuels Energy Systems, Solar Buildings Energy Systems, Ocean Energy Systems and Geothermal Energy.

(b) There is authorized to be appropriated to the Secretary—

(1) for the Wind Energy Research Program, an amount not to exceed $19,000,000 in fiscal year 1988; $22,000,000 in fiscal year 1989; and $26,000,000 in fiscal year 1990;

(2) for the Photovoltaic Energy Systems Program, an amount not to exceed $43,100,000 in fiscal year 1988; $45,000,000 in fiscal year 1989; and $50,000,000 in fiscal year 1990;

(3) for the Solar Thermal Energy Systems Program, an amount not to exceed $28,700,000 in fiscal year 1988; $32,000,000 in fiscal year 1989; and $35,000,000 in fiscal year 1990;

(4) for the Biofuels Energy Systems Program, an amount not to exceed $32,100,000 in fiscal year 1988; $35,100,000 in fiscal year 1989; and $40,000,000 in fiscal year 1990;

(5) for the Solar Buildings Energy Systems Program, an amount not to exceed $8,000,000 in fiscal year 1988; $9,000,000 in fiscal year 1989; and $10,000,000 in fiscal year 1990;

(6) for the Ocean Energy Systems Program, an amount not to exceed $5,000,000 in fiscal year 1988; $5,000,000 in fiscal year 1989; and $5,000,000 in fiscal year 1990;

(7) for the Geothermal Program, an amount not to exceed $34,900,000 in fiscal year 1988; $38,700,000 in fiscal year 1989; and $35,700,000 in fiscal year 1990.

(c)(1)(A) The President's budget request for fiscal year 1990 shall include the Secretary's recommendations for at least one proposed proof-of-concept or near-commercial demonstration project in each of the categories represented by paragraphs (1), (2) and (3) of subsection (b). Each proposed project shall be described in sufficient detail to support congressional authorization and solicitation of bids for construction of necessary facilities.

(B) A list and description of alternative project plans recommended by the Secretary under this paragraph shall be submitted in President's fiscal year 1989 budget request. Such plans shall require funding or in-kind contributions from private sources in support of up to fifty percentum of total project costs.

(C) In selecting projects under this paragraph, the Secretary shall take into account the extent to which such projects will contribute to earlier commercialization of key technologies within such categories than might occur without Federal support under this paragraph and the extent to which such projects will contribute to the competitiveness of U.S. firms engaged in international trade in renewable energy technologies.

(2) On or before May 1, 1989, the Secretary shall submit to Congress a report analysing options available to the Secretary under existing law to accelerate the timely commercialization of wind, photovoltaic, solar thermal, biofuels, biomass, solar buildings, ocean and geothermal renewable energy technologies through emphasis on development and demonstration assistance to specific technologies in the research, development and demonstration programs of the Department of Energy that are near commercial application.

(3) Whenever the Secretary determines that any of the goals established under this section is no longer appropriate, he shall notify Congress of the reason for the determination and provide an amended goal that is consistent with the purposes of this Act.

SEC. 5. ENERGY CONSERVATION RESEARCH AND DEVELOPMENT.

(a) The President's budget request for fiscal years 1989 and 1990 shall include the Secretary's recommendations of amounts to be set aside for new initiatives in energy conservation research and development. Funds made available for new initiatives shall supplement and not supplant funds available to complete on-going energy conservation research and development projects supported in whole or in part by the Secretary during fiscal year 1988. Funds made available for new initiatives shall be used by the Secretary to support the most promising and deserving new ideas in energy conservation research and development brought to the attention of the Secretary during the previous fiscal year.

(b)(1) There is hereby authorized to be appropriated to the Secretary for the energy conservation research and development programs of the Secretary, an amount not to exceed $187,137,000 in fiscal year 1988, of which $20,250,000 shall be available for new initiatives, as set forth below:

(A) for transportation energy conservation research and development, there is authorized to be, appropriated to the Secretary an amount not to exceed $58,200,000, of which $3,200,000 shall be made available for new initiatives;

(B) for industrial energy conservation research and development, there is authorized to be appropriated to the Secretary an amount not to exceed $42,300,000, of which $5,800,000 shall be available for new initiatives;

(C) for buildings and community systems energy conservation research and development, there is authorized to be appropriated to the Secretary an amount not to exceed $51,975,000, of which $9,250,000 shall be available for new initiatives;

(D) for multi-sector energy conservation research and development, there is authorized to be appropriated to the Secretary an amount not to exceed $33,000,000, of which

$2,000,000 shall be available for new initiatives; and

(E) for energy conservation research and development policy and management, there is authorized to be appropriated to the Secretary an amount not to exceed $1,662,000.

(2) There is hereby authorized to be appropriated to the Secretary for the energy conservation research and development programs of the Secretary, an amount not to exceed $201,403,000 in fiscal year 1989, of which $6,000,000 shall be available for new initiatives, as set forth below:

(A) for transportation energy conservation research and development, there is authorized to be appropriated to the Secretary an amount not to exceed $63,200,000, of which $2,000,000 shall be made available for new initiatives;

(B) for industrial energy conservation research and development, there is authorized to be appropriated to the Secretary an amount not to exceed $45,000,000, of which $1,000,000 shall be available for new initiatives;

(C) for buildings and community systems energy conservation research and development, there is authorized to be appropriated to the Secretary an amount not to exceed $55,775,000, of which $2,000,000 shall be available for new initiatives;

(D) for multi-sector energy conservation research and development, there is authorized to be appropriated to the Secretary an amount not to exceed $35,700,000, of which $1,000,000 shall be available for new initiatives; and

(E) for energy conservation research and development policy and management, there is authorized to be appropriated to the Secretary an amount not to exceed $1,728,000.

(3) There is hereby authorized to be appropriated to the Secretary for the energy conservation research and development programs of the Secretary, an amount not to exceed $209,147,000 in fiscal year 1990, of which $6,000,000 shall be available for new initiatives, as set forth below:

(A) for transportation energy conservation research and development, there is authorized to be appropriated to the Secretary an amount not to exceed $65,460,000, of which $2,000,000 shall be made available for new initiatives;

(B) for industrial energy conservation research and development, there is authorized to be appropriated to the Secretary an amount not to exceed $46,740,000, of which $1,000,000 shall be available for new initiatives;

(C) for buildings and community systems energy conservation research and development, there is authorized to be appropriated to the Secretary an amount not to exceed $58,100,000, of which $2,000,000 shall be available for new initiatives;

(D) for multi-sector energy conservation research and development, there is authorized to be appropriated to the Secretary an amount not to exceed $37,050,000, of which $1,000,000 shall be available for new initiatives; and

(E) for energy conservation research and development policy and management, there is authorized to be appropriated to the Secretary an amount not to exceed $1,797,000.

SEC. 6. JOINT RESEARCH AND DEVELOPMENT VENTURES.

(a)(1) Congress finds that joint research and development ventures can—

(A) improve coordination in technology development among firms in industries attempting to commercialize renewable energy and energy conservation technologies;

(B) assist in setting national standards to improve the operation of markets for these technologies; and

(C) enhance the ability of domestic firms to compete with foreign enterprises in sales of renewable energy and energy conservation technologies.

(2) The purpose of this section is to direct the Secretary of Energy to make use of joint research and development ventures to further commercialization of renewable energy and energy conservation technologies.

(3) As used in this section the term "joint research and development venture" means a joint research and development venture under the National Cooperative Research Act of 1984 (98 Stat. 1815).

(b)(1) The Secretary shall establish seven joint research and development ventures in accordance with the provisions of this section. Each joint research and development venture under this section shall include manufacturing firms, investors, an advisory committee appointed in accordance with this section and such other participation as the Secretary deems appropriate to achieve the purposes of this section.

(2) The Secretary shall establish at least one joint research and development venture in accordance with subsection (c) to develop technology and expertise for domestic commercial use and for export in—

(A) photovoltaics technology;

(B) wind energy technology;

(C) solar thermal technology;

(D) factory-made housing;

(E) advanced district cooling technology;

(F) integrated renewable energy systems; and

(G) renewable energy and energy conservation technology exports.

(3) Not later than 180 days after the date of the enactment of this section the Secretary shall publish plans to implement this section and report to Congress on such plans.

(c) Joint Research and Development Ventures.

PHOTOVOLTAICS TECHNOLOGY

(1)(A) The Secretary shall establish and provide financial assistance to a joint research and development venture for the development of high-efficiency thermal and electrical distribution, storage and end-use systems employing electricity from photovoltaic conversion of solar energy that may be deployed in villages in remote or rural areas, including villages in developing countries.

(B) The purpose of the venture under subparagraph (A) shall be to design, test and demonstrate an integrated, cost-efficient village energy system including components for electrical and thermal production, conversion, distribution, storage and use under electronic control.

(C) Subsystems of the village energy system under this paragraph may include—

(i) advanced photovoltaic concentrators or other photovoltaic arrays;

(ii) an electronically-controlled village electrical system;

(iii) a potable water desalination system employing multistage flash distillation technology; and

(iv) a small scale village refrigeration system employing a low-temperature chiller driven by waste heat from the village energy system or by photovoltaic arrays.

(D) The Secretary shall appoint members to an Advisory Committee on Photovoltaic Village Energy Systems to assist the Secretary in carryng out his responsibilities with respect to the joint venture under this paragraph. Such committee shall include at least one member representing—

(i) firms in the photovoltaic manufacturing industry;

(ii) the Secretary of Commerce;

(iii) the Director of the Agency for International Development;

(iv) the Director of the Export-Import Bank;

(v) the Electric Power Research Institute;

(vi) the Solar Energy Research Institute; and

(vii) such other groups or institutions as the Secretary deems appropriate.

(E) There is authorized to be appropriated to the Secretary a total of not more than $1,200,000 for fiscal years 1988, 1989 and 1990 to carry out the purposes of this paragraph.

WIND ENERGY TECHNOLOGY

(2)(A) The Secretary shall establish and provide financial assistance to a joint research and development venture for the development of high-efficiency thermal and electrical distribution, storage and end-use systems employing wind-diesel systems designed for use where diesel generation of electricity currently is being used at a site with significant wind energy potential.

(B) The purpose of the venture under subparagraph (A) shall be to design, test and demonstrate an integrated, cost-efficient wind-diesel village energy system including components for electrical and thermal production, conversion, distribution, storage and use under electronic control.

(C) Subsystems of the village energy system under this paragraph may include—

(i) a diesel generator operating in conjunction with one or more wind turbines;

(ii) an electronically-controlled village electrical system;

(iii) a potable water desalination system employing multistage flash distillation technology; and

(iv) a small scale village refrigeration system employing a low-temperature chiller driven by excess wind-generated energy or a combination of wind-generated and diesel-generated energy.

(D) The Secretary shall appoint members to an Advisory Committee on Wind Energy Village Energy Systems to assist the Secretary in carrying out his responsibilities with respect to the joint venture under this paragraph. Such committee shall include at least one member representing—

(i) firms in the wind energy equipment manufacturing industry;

(ii) the Secretary of Commerce;

(iii) the Director of the Agency for International Development; and

(iv) the Director of the Export-Import Bank;

(v) the Electric Power Research Institute;

(vi) the Solar Energy Institute; and

(vii) such other groups or institutions as the Secretary deems appropriate.

(E) There is authorized to be appropriated to the Secretary a total of not more than $1,2000,000 for fiscal years 1988, and 1989, and 1990 to carry out the purposes of this paragraph.

SOLAR THERMAL TECHNOLOGY

(3)(A) The Secretary shall establish and provide financial assistance to a joint research and development venture for the efficient use of solar thermal energy deployed in planned communities in the United States and overseas as a total energy system

for the supply of electricity, industrial energy, potable water, refrigeration and the community heating and cooling needs, and the treatment of community-generated wastes.

(B) The purpose of the venture under paragraph (A) shall be to design, test and demonstrate an integrated, cost-effective community total energy system including components for thermal production, conversion, distribution, storage and use under automated control.

(C) Subsystems of the community total energy system under this paragraph may include:

(i) advanced solar thermal concentrators;

(ii) a potable water desalination system employing advanced thermal distillation technology;

(iii) an automated energy distribution and control system;

(iv) a thermally-driven solar refrigeration system; and

(v) advanced waste treatment systems using thermal energy or direct concentrated solar flux.

(D) The Secretary shall appoint members to an Advisory Committee on Solar Thermal Community Total Energy Systems to assist the Secretary in carrying out his responsibilities with respect to the joint venture under this paragraph. Such committee shall include at least one member representing—

(i) firms in the solar thermal manufacturing industry;

(ii) the Secretary of Commerce;

(iii) the Director of the Agency for International Development;

(iv) the Director of the Export-Import Bank;

(v) the Electric Power Research Institute;

(vii) the Gas Research Institute;

(viii) the Solar Energy Research Institute; and

(ix) such other groups or institutions as the Secretary deems appropriate.

(E) There is authorized to be appropriated to the Secretary a total of not more than $900,000 annually for fiscal years 1988 through 1992 to carry out the purposes of this paragraph.

FACTORY-MADE HOUSING

(4)(A) Congress finds that—

(i) The United States is moving toward the industrialization of home building;

(ii) ninety percent of new homes have factory-made components and over 400,000 of the approximately 2,000,000 homes built each year are largely factory-made;

(iii) the United States is facing competition from foreign home builders who make use of factory-made housing techniques;

(iv) foreign firms have begun to penetrate United States markets for homes and housing-related products, while United States exports in these categories have stagnated;

(v) housing construction and materials comprises 21 percent of the Gross National Product;

(vi) the Office of Technology Assessment has found that the technological innovations that could improve the quality and reduce the cost of housing in the United States are "being needlessly slowed by inadequate research and development";

(vii) the Department of Commerce has warned that foreign competitors have targeted the United States market for residential construction in the same way that domestic markets for autos and steel have been targeted in the past; and

(viii) a joint research and development venture supported in part by the Federal government is needed to assist the United States home building industry in competing with housing products and technology from overseas.

(B) The Secretary shall establish and provide financial assistance to a joint research and development venture with such specialized private firms and investors as the Secretary deems appropriate in order to establish at least three regional centers to develop techniques to improve the energy performance of factory-made housing offered by United States firms. In locating the regional centers under this paragraph, the Secretary shall consider regional differences in housing needs, housing design, construction technique, marketing practices and construction materials.

(C) The regional centers under this paragraph shall carry out research and development efforts to improve the quality, energy efficiency and adaptability to renewable forms of energy of factory-made housing offered for sale in the United States and the productivity and energy efficiency of the housing construction process. The research and development programs at these centers shall consider housing design, fabrication, delivery systems, construction processes, marketing and product export.

(D) The research and development strategy under this paragraph shall be guided by—

(i) a detailed characterization of the needs of the home building industry;

(ii) a close working relationship with all sectors of the home building industry; and

(iii) coordination among the centers to pool and conserve resources.

(E) The Secretary shall appoint members to an Advisory Committee on Energy Performance in Factory-Made Housing to assist the Secretary in carrying out his responsibilities with respect to the joint research and development venture established under this paragraph. Such committee shall include at least one member representing—

(i) the Secretary of Housing and Urban Development;

(ii) the Secretary of Commerce;

(iii) the National Institute of Building Sciences;

(iv) the National Association of Home Builders;

(v) the National Laboratories of the Department of Energy;

(vii) the National Bureau of Standards; and

(vii) such other groups or institutions as the Secretary deems appropriate.

(F) There is authorized to be appropriated to the Secretary a total of not more than $10,000,000 for fiscal years 1988 through 1993 to carry out the purposes of this paragraph.

ADVANCED DISTRICT COOLING TECHNOLOGY

(5)(A) The Secretary shall establish and provide financial assistance to a joint research and development venture with such specialized private firms and investors as the Secretary deems appropriate in order to develop advanced district cooling technologies that are applicable in cities with high cooling loads.

(B) The joint research and development venture under this paragraph shall—

(i) develop technical strategies for decreasing the capital cost and increasing the energy efficiency of major district heating and cooling system components;

(ii) encourage the use of cogeneration and renewable energy technologies in district heating and cooling; and

(iii) assist in transfer of district heating and cooling technology to local governments.

(C) The Secretary shall select three major cities for application of advanced district cooling technologies developed by the joint venture under this paragraph. The activities to be carried out in such application shall include district cooling assessment, feasibility and engineering design studies.

(D) The Secretary shall appoint members to an Advisory Committee on Advanced District Cooling Technology to assist the Secretary in carrying out his responsibilities with respect to the joint research and development venture under this paragraph. Such Committee shall include at least one member representing—

(i) The Secretary of Housing and Urban Development;

(ii) The Secretary of Commerce;

(iii) firms manufacturing district cooling equipment;

(iv) the National League of Cities; and

(v) such other groups or institutions as the Secretary deems appropriate.

(E) There is authorized to be appropriated for each of the fiscal years 1988 through 1992 not more than $1,000,000 per year to carry out the purposes of this paragraph.

INTEGRATED RENEWABLE ENERGY SYSTEMS

(6)(A) Congress finds that—

(i) the fuel cell is an energy technology that will require Federal assistance to achieve commercial acceptance in domestic and foreign markets;

(ii) use of low maintenance, high efficiency fuel cells can minimize costs, conserve energy and provide opportunities to more fully utilize locally available energy resources;

(iii) fuel cells are self contained, environmentally safe and can provide sufficient energy to operate vehicles, heat, light and cool individual buildings and isolated military, commercial and industrial facilities and function as mobile power sources; and

(iv) integrated energy systems involving fuel cells could provide opportunities for export of fuels cell and renewable energy technology developed in the United States.

(B)(i) The Secretary shall establish and provide financial assistance to a joint research and development venture with such specialized private firms and investors as the Secretary determines appropriate in order to address the problem of variable output from solar and wind energy systems. The primary emphasis of the joint research and development venture under this paragraph shall be the integration of solar and wind energy systems with fuel cell and energy storage systems so as to produce approximately constant output.

(ii) Such joint venture shall emphasize the production of reliable electric power capable of meeting utility requirements, but may also consider single purpose needs such as portable medical uses, vehicular applications and the provision of heat, light and cooling in isolated areas at efficiency and cost improvements over central utility service.

(C) The joint research and development venture under this paragraph shall consider the interests of electric and natural gas utilities and manufacturers of fuel cells and renewable energy systems in order to enhance the ability of solar and wind energy to contribute to the demand for electric power in the 1990's.

(D) The Secretary shall appoint members to an Advisory Committee on Integrated

Renewable Energy Systems to assist the Secretary in carrying out his responsibilities with respect to the joint research and development venture under this paragraph. Such committee shall include at least one member representing—

(i) firms manufacturing solar, wind or fuel cell equipment;

(ii) the Secretary of Commerce;

(iii) the Director of the Agency for International Development;

(iv) the Director of the Export-Import Bank;

(v) the Solar Energy Research Institute;

(vi) the Electric Power Research Institute;

(vii) the Gas Research Institute; and

(viii) such other groups or institutions as the Secretary deems appropriate.

(E) There is authorized to be appropriated to the Secretary in total for the fiscal years 1988 through 1993 an amount not to exceed $5,000,000 to carry out the purposes of this paragraph.

EXPORT TECHNOLOGY PROJECTS

(7)(A) Congress finds that—

(i) the United States has several advanced energy conservation and renewable energy technologies that lack only sufficient coordination, support, and emphasis to become important export items capable of reducing the United States' trade deficit;

(ii) a major barrier to export of energy conservation and renewable energy technology is the lack of information on overseas markets and technology development by foreign competitors;

(iii) the industry that markets energy conservation technology is highly fragmented and the renewable energy industry is comprised of small firms that lack the necessary resources to identify and target overseas markets;

(iv) a joint research and development venture is needed to bring together a broad array of manufacturing firms, financial institutions, and Federal agencies to identify and develop promising technologies and export markets for energy conservation and renewable energy technologies.

(B) The Secretary shall establish and provide financial assistance to a joint research and development venture with such specialized private firms and investors as the Secretary determines appropriate for the purpose of improving energy conservation and renewable energy manufacturing processes in order to enhance product reliability and cost competitiveness relative to foreign-made products. The joint venture under this paragraph shall be coordinated with research, assessment and targeting of foreign markets for energy conservation and renewable energy products.

(C) The Secretary shall appoint members to an Advisory Committee on Energy Conservation and Renewable Energy Technology Exports to assist the Secretary in carrying out his responsibilities with respect to the joint research and development venture under this paragraph. Such committee shall include at least one member representing—

(i) The Secretary of Commerce;

(iii) the Director of the Agency for International Development;

(iii) the Director of the Export-Import Bank;

(iv) the United States Export Council for Renewable Energy;

(v) the national laboratories of the Department of Energy; and

(vi) such other groups or institutions as the Secretary deems appropriate.

(D) There is authorized to be appropriated to the Secretary to carry out the purposes of this paragraph a total amount for fiscal years 1988 through 1993 not to exceed $5,000,000 with respect to renewable energy activities under this paragraph and $5,000,000 with respect to energy conservation activities under this paragraph.

SEC. 7. RENEWABLE ENERGY AND ENERGY CONSERVATION IN FEDERAL BUILDINGS

(a)(1) Congress finds that—

(A) the Federal government consumes large amounts of energy at significant cost to heat and cool buildings owned or leased by Federal agencies;

(B) the potential for savings in energy and in budget outlays in Federal buildings is large and should be brought to the attention of heads of the Federal agencies responsible for such buildings; and

(C) the Secretary of Energy should make use of expertise in energy conservation and the use of renewable energy already in existence in the Federal establishment to assess systematically the potential for budget savings in Federal buildings.

(2) The purpose of this section is to require the Secretary of Energy to analyze the potential for improved energy efficiency and for use of renewable forms of energy in a limted but representative sample of Federal buildings and to make recommendations for energy conservation and renewable energy improvements in such buildings.

(3) As used in this section, the term "Federal building" has the meaning given such term in section 521 of the National Energy Conservation Policy Act and includes facilities used in connection with such Federal building.

(b)(1) The Secretary shall establish a Federal Energy Analysis Team to analyze, and make recommendations with respect to energy conservation and the use of renewable energy in, specific Federal buildings selected by the Secretary under this section. The Team shall be made up of individuals—

(A) engaged in research on energy conservation or the use of renewable energy in buildings at the National Laboratories of the Department of Energy; and

(B) nominated by the Secretary of Defense, the Administrator of the General Services Administration and the Director of the National Bureau of Standards, respectively, on the basis of their expertise in energy conservation and the use of renewable forms of energy in buildings.

Persons who serve on the Team shall be transferred to the Team for purposes of this section without loss of salary or benefits.

(2) The Team shall conduct an analysis of energy use in Federal buildings designated by the Secretary under paragraph (3) to determine the potential for the use of renewable forms of energy and for improved energy conservation in such buildings and make recommendations for cost-effective renewable energy and enegry conservation improvements in such buildings. For purposes of this section an improvement shall be considered cost effective if cost of the energy saved or displaced by the improvement exceeds the cost of the improvement over the life or remaining term of lease of the building.

(3) The Secretary shall designate buildings to be analyzed by the Team so as to obtain a sample of buildings of the types and in the climates that is representative of the Federal buildings owned or leased by Federal agencies in the United States that consume the major fraction of the energy consumed in Federal buildings.

(4) The Secretary shall submit a plan for implementing this subsection to Congress within six months after the date of the enactment of this section.

(5) The Team shall report its findings and recommendations based on the analyses carried out under paragraph (2) to the Secretary and to the head of the agency owning or leasing each building analyzed within eighteen months after the date of the enactment of this section.

(b)(1) The Secretary shall use the results of the analyses under subsection (a) to develop goals for 1995 for energy conservation and the use of renewable energy in Federal buildings generally and in the catagories identified by the Secretary under subsection (a)(3). Goals developed under this subsection shall be submitted to Congress within twenty four months after the date of the enactment of this section.

(2) Any agency that chooses not to implement promptly the recommendations of the Team with respect to a Federal building analyzed under subsection (a)(2) shall provide Congress with a written explanation of the reasons for such choice.

(3) Any agency that implements the recommendations of the Team with respect to a Federal building analyzed under subsection (a)(2) may retain for purposes of furthering the objectives of the agency one half of the dollar savings realized as a result of such recommendations. The Secretary shall consult with the heads of appropriate Federal agencies to insure that the maximum dollar savings under this subsection are realized.

(c) There is hereby authorized to be appropriated to the Secretary for purposes of carrying out this section $250,000.

SEC. 8. RENEWABLE ENERGY EXPORTS.

(a)(1) Congress finds that——

(A) Among the major problems in promoting exports of renewable energy technology are the lack of available information on overseas markets and the absence of financing for the purchase of the technologies; and

(B) the Committee on Renewable Energy, Commerce, and Trade established under the Renewable Energy Industry Development Act (Public Law 98-370) currently coordinates Federal government activites to promote renewable energy exports.

(2) The purpose of this section is to evaluate current efforts to promote exports of renewable energy technology, to establish a joint government-industry plan to identify promising technologizes and increase the financing available for exports of renewable energy technologies, to target potential markets for these technologies and to authorize funding of these activities.

(b) In order to provide reliable information on overseas markets for renewable energy technology, the Secretary shall review the activities of the Committee on Renewable Energy, Commerce, and Trade in order to determine if current efforts by such Committee to promote exports of renewable energy technology are sufficient and whether additional efforts are necessary. The Secretary shall report to Congress the results of such review on or before six months after the date of the enactment of this section.

(c) Each participating member of the Committee on Renewable Energy, Commerce, and Trade shall report annually to Congress on the actions of such agency during the previous fiscal year to achieve the purposes of the Committee on Renewable Energy, Commerce and Trade and of this section. Such report shall describe the

exports of renewable energy technology that have occurred as a result of such agency actions.

(d) The Committee on Renewable Energy, Commerce, and Trade shall—

(1) establish a joint government-industry plan to maintain or increase the market share of the United States in international trade in renewable energy technologies, including technologies for production of alcohol fuels, biomass energy, geothermal energy, wood energy and in technologies for passive solar energy conversion, photovoltaics, solar thermal energy conversion and wind energy conversion. Such plan shall include guidelines for agencies that are members of the Committee with respect to the financing of exports of such renewable energy technologies.

(2) develop, in consultation with representatives of affected industries, administrative guidelines for Federal export loan programs to simplify application by firms seeking export assistance for renewable energy technologies from agencies implementing such programs; and

(3) target renewable energy technology markets for primary emphasis by Federal export loan programs, development programs and private sector assistance programs.

(e) There is hereby authorized to be appropriated to the Secretary for activities of the Committee on Renewable Energy, Commerce, and Trade an amount not to exceed—

(1) $1,500,000 in fiscal year 1988;

(2) $2,200,000 in fiscal year 1989 and;

(3) $2,500,000 in fiscal year 1990.

SEC. 9. REPORTS.

(a) One year after the date of the enactment of this Act and annually thereafter the Secretary shall report to Congress on the programs, projects and ventures conducted under this Act and the progress being made towards accomplishing the goals and purposes set forth in this Act, including the goals set forth in section 4.

(4) Each annual submission of the National Energy Policy Plan under Title VIII of Public Law 95-91 shall be accomplished by a three-year strategic plan for energy technology research, development and demonstration. Such plan shall address the role of federally-assisted research, development and demonstration in the achievement of the national policy goals of the National Energy Policy Plan and shall assess both the level of support for energy research, development and demonstration reasonably necessary to achieve these goals and the basis for allocating the support recommended by the President among the available alternatives. At a minimum, these alternatives shall include energy conservation and renewable energy technologies.

SECTION-BY-SECTION ANALYSIS—RENEWABLE ENERGY AND ENERGY CONSERVATION TECHNOLOGY COMPETITIVENESS ACT OF 1987

SECTION 2

This section contains the findings and purposes of the Act. The purposes include directing the Secretary to undertake initatives to hasten the commercialization in the near term of renewable energy and energy conservation technologies.

SECTION 3

This section contains definitions of terms used in the Act.

SECTION 4

Subsection (a) sets forth genreal and specific goals for Department of Energy programs in wind, photovoltaics and solar thermal technologies and requires the Secretary of Energy to submit goals for other programs in renewable energy in his fiscal year 1989 budget request.

Subsection (b) provides authorizations for fiscal years 1988, 1989, and 1990 for DOE programs in wind, photovoltaics, solar thermal systems, solar buildings, biofuels, ocean thermal energy systems and the geothermal program.

Subsection (c) requires the Secretary to submit demonstration or proof-of-concept proposals in renewable energy in his 1990 budget request, to present Congress by May 1, 1988, with options for furthering timely commercialization of renewable energy technologies, and when approporiate to submit amended goals for those established under this section.

SECTION 5

Subsection (a) requires the Secretary to set aside in his budget requests for fiscal years 1989 and 1990 funds for new initiatives in energy conservation research and development.

Subsection (b) authorizes appropriations for fiscal years 1988, 1989 and 1990 for energy conservation research and development programs.

SECTION 6

This section requires the Secretary to establish and provide financial assistance to seven joint research and development ventures aimed at topics named in the Act. The seven topics are: photovoltaic village energy systems; wind-diesel village energy systems; solar thermal systems; factory-made housing; advanced district cooling technology; integrated fuel cell and renewable energy systems; and renewable energy and energy conservation technology export projects.

Joint research and development ventures are defined in the National Cooperative Research Act of 1984. Each venture is described in detail in the paragraphs of subsection (c).

SECTION 7

This section requires the Secretary of Energy to establish a Federal Energy Analysis Team to analyze the potential for improved energy efficiency and use of renewable energy in a representative sample of federal buildings and to make recommendations for improvements in such buildings. The results of the analysis are to be used to set goals for energy conservation and the use of renewable energy in federal buildings. Any agency that implements the recommendations with respect to one of its buildings that is analyzed can retain one half of the energy savings resulting from the improvements implemented.

SECTION 8

This section requires the Secretary of Energy to review the activities of the Committee on Renewable Energy, Commerce and Trade and requires the Committee to establish a joint government-industry plan to maintain or increase the market share of the United States in trade in renewable energy technologies.

SECTION 9

This section requires annual reports to Congress on activities under the Act and on progress being made toward accomplishing the goals of the Act and requires the National Energy Policy Plan to assess research, development and demonstration needs and to justify the allocation of support recommended.

RENEWABLE ENERGY CONCERNS BEGIN ATTRACTING BIG INSTITUTIONS BETTING ON ANOTHER OIL CRISIS

(By Bill Paul)

A small segment of the energy business is starting to attract a lot of interest from big institutional investors.

Companies in this sector use "renewable" energy sources, such as wood, water power, garbage, the sun and the Earth's internal warmth, to produce electricity and for heating and cooling. Some concerns also tap the "alternative" source of industrial waste heat.

Many of the companies grew out of federally subsidized programs in the 1970s that were intended to reduce U.S. dependence on foreign oil. As the subsidies have dried up, institutions are starting to pick up the slack.

"Institutional investors are awash in cash, and some are betting there'll be another energy crisis" that will put renewable energy in the spotlight, says Scott Fenn, energy director of the Investor Responsibility Research Center in Washington.

The center is a nonprofit provider of analytical services and is funded largely by institutional investors. It recently completed a study of their holdings in renewable-energy companies. Among the findings: Seven renewable-energy concerns have 20% or more of their common shares owned by institutions.

Even without another energy crisis, some think the renewable energy field has a bright long-term future. Many electric utilities predict they'll need additional generating capacity by the early 1990s. But they are reluctant to grapple with the vagaries of state utility regulation and commit themselves in building more of the familiar fossil-fuel or nuclear power plants.

Donaldson, Lufkin & Jenrette recently estimated that the renewable and alternative energy business could grow 20% to 40% a year in the next five to 10 years, generating total investments in the industry of $25 billion to $50 billion. That compares with $5 billion to $10 billion invested so far.

The outlook for the renewable energy business isn't the only lure for institutions. Dimensional Fund Advisers, a money manager based in Santa Monica, Calif., owns several such stocks simply because they fit into Dimensional's small-company portfolio made up of concerns with stock market values of $10 million to $100 million.

Rex Sinquefield, Dimensional's cochairman, says that smaller firms in general generate higher rates of return than larger firms, even after adjusting for increased risk. Dimensional, for example, currently owns 3% of Energy Factors, a San Diego company that designs and builds cogeneration plants. Cogeneration is the simultaneous production of electricity and steam from a single fuel source, such as natural gas.

Richard Reiss is a big believer in the potential of hydropower in the Northeast. That's why, as managing director of Cumberland Associates, a New York investment management firm, he has acquired 9% of Consolidated Hydro of Stamford, Conn. Consolidated Hydro acquires, develops and operates small scale hydroelectric plants in New England and New York state, selling the power to local utilities under long-term contracts. Mr. Reiss expects the region to be short of power by the 1990s, when many of Consoldiated Hydro's contracts come up for renewal. "It's a real growth area," he says.

Of course, there are risks in investing in renewable and alternative energy technol-

ogies. If there isn't a power shortage in the 1990s, there might be scant demand for electricity produced from renewable sources, especially if oil prices stay low. Many of the companies are still spending heavily on research and development. Many depend on just a handful of projects for revenue.

In addition to Consolidated Hydro, Donaldson Lufkin follows Catalyst Energy Development of New York. The company's engineering expertise cuts across several alternative-energy technologies, including cogeneration, hydro and geothermal energy. "As a leading developer of those alternative-energy sources, Catalyst Energy appears to be in an extremely good position to benefit from the envisioned shortage of conventional electrical generating capacity," the securities firm says.

Mr. Fern of the research center says recent breakthroughs in superconductivity research could make some renewable energy firms more attractive. He says that if superconducting electrical wire can be perfected, solar and geothermal power plants, which often must be built far from population centers, could become more economical as their power could be transmitted more efficiently over long distances.

One company already making news in this area is Energy Conversion Devices, a Troy, Mich.-based solar energy concern, which last month announced that its scientists have developed a thin film of material that makes superconducting wire more economically feasible.

Another factor attracting interest to renewable-energy companies is the nationwide landfill crisis. Many cities have or are about to run out of garbage-dumping space, and thus they're turning to garbage-incineration plants that also generate electricity. Conversion Industries of Pasadena, Calif., is involved in one such big project, while O'Brien Energy Systems of Downingtown, Pa., has projects that recover methane gas from existing dumps.

By Mr. HATCH:

S. 1555. A bill to amend the Davis-Bacon Act by increasing the coverage threshold to $100,000 for nonmilitary contracts and $1,000,000 for military contracts, and to amend the Copeland Act compliance provision, and for other purposes; to the Committees on Labor and Human Resources.

S. 1556. A bill to amend the Service Contract Act to increase the coverage threshold to $100,000 for nonmilitary contracts and $1,000,000 for military contracts, and for other purposes; to the Committees on Labor and Human Resources.

DAVIS-BACON AND SERVICE CONTRACT ACT REFORMS

● Mr. HATCH. Mr. President, I am pleased to introduce, on behalf of the administration, legislation which will save the taxpayers billions of dollars in unnecessary construction and service contract expenditures.

Since 1935, the Davis-Bacon Act has required the payment of "prevailing wages" for all federally assisted construction projects over $2,000. Since 1965, the Service Contract Act has required "prevailing wages" for service contracts over $2,500 or more. It is hard to believe that this threshold still applies in 1987. Clearly, it is time to update these laws.

At a time when State and local governments are endeavoring to stretch their budgets as far as possible—trying to leverage local funds with Federal revenue sharing, HUD, EDA, or Transportation Department grants—it makes little sense to me that the Federal Government continue to mandate wages for such construction.

I have been asked repeatedly by local officials in Utah to report on the progress of legislative initiatives which would reform the Davis-Bacon Act. The costs of erecting a new city auditorium or senior citizens center, renovating a park, painting a rural health clinic, or repairing roads are inflated when wage rates are noncompetitive. While there is no argument that military construction comprises a major share of all federally assisted construction, it is important to note that we are not talking only about airfields and barracks. We are also talking about local efforts to improve community services and promote economic development.

The bills I have proposed will increase the threshold for Department of Defense projects to $1 million, clearly a more realistic figure. It would also increase the threshold for nondefense contracts to $100,000 to ease the burdens of State and local governments. Raising these thresholds in the Davis-Bacon alone would yield an estimated 5-year savings of $1.2 billion.

I might add, Mr. President, that some of our colleagues in both the House and Senate have suggested an even higher figure as the threshold for nondefense construction, and I am not unsympathetic to their points of view. We could achieve even greater savings given a higher threshold.

This legislation also contains language which prohibits contract splitting for the purposes of evading the act.

I invite Senators to join me as a cosponsor of these two important reform measures. They are long overdue.

Mr. President, I ask unanimous consent that the transmittal letter from Secretary of Labor William Brock to Vice President BUSH be printed in the RECORD as well as the text of both bills.

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

S. 1555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Construction Labor Reform Act of 1987".

DAVIS-BACON ACT AMENDMENTS

SEC. 2. (a) Subsection (a) of the first section of the Act of March 3, 1931, commonly known as the Davis-Bacon Act (40 U.S.C. 276a(a)) is amended by striking out "$2,000" and inserting in lieu thereof "$100,000, or in the case of contracts awarded by the Department of Defense, the advertised specifications for every contract in excess of $1,000,000,".

(b) Subsection (a) of the first section of such Act is further amended by striking out "once a week" and inserting in lieu thereof "twice per month".

(c) The first section of such Act is further amended by adding at the end thereof the following new subsection:

"(c)(1) A person contracting or providing Federal assistance on behalf of the United States or the District of Columbia or a recipient of Federal financing or assistance shall not divide projects for construction, alteration, or repair (including painting and decorating) into contracts or instruments providing Federal financing or assistance of $100,000 or less, or $1,000,000 or less in the case of contracts awarded by the Department of Defense, for the purpose of avoiding the application of this Act or the labor standards provisions of any Act under which the Secretary of Labor establishes prevailing wage rates on Federally-assisted construction projects.

"(2) Whenever the Secretary of Labor determines that a division for such purpose has occurred, the Secretary may—

"(A) require that the contracts, grants, or other instruments providing Federal financing or assistance be amended so as to incorporate retroactively all the provisions that would have been required under this Act or other applicable prevailing wage law; and

"(B) require the contracting or assisting agency, the recipient of Federal financing or assistance, or any other entity that awarded the contract or instrument providing Federal financing or assistance in violation of this section, to compensate the contractor, the grantee, or other recipient of Federal assistance, as appropriate, for payment to each affected laborer and mechanic, of an amount equal to the difference between the rate received and the applicable prevailing wage rate, with interest on wages due at the rate specified in 6621(c) of the Internal Revenue Code of 1986, from the date the work was performed by such laborers and mechanics.

"(3) The Secretary shall make such a determination only if the Secretary has notified the agency or entity in question no later than 180 days after the completion of construction on the project that an investigation will be conducted concerning an alleged violation of this subsection.".

(d) Section 3(a) of such Act (40 U.S.C. 276a-2(a)) is amended by striking out the first sentence and inserting in lieu thereof the following new sentences: "In accordance with regulations issued by the Secretary of Labor pursuant to Reorganization Plan No. 14 of 1950 (64 Stat. 1267), any wages found to be due to laborers and mechanics pursuant to this Act shall be paid directly to such laborers and mechanics from any accrued payments withheld under the terms of the contract. Any sums due laborers or mechanics under the first section, not paid because of inability to do so within 3 years, shall revert to or be deposited into the Treasury of the United States. The Administrator of General Services shall distribute a list to all departments of the Government giving the names of persons or firms that the Secretary of Labor has found to have disregarded their obligations to employees and subcontractors under this Act.".

(e) Such Act is further amended by adding at the end thereof the following new section:

"SEC. 8. Except as provided in subsection (c) of the first section, no provision of any law requiring the payment of prevailing wage rates as determined by the Secretary of Labor in accordance with this Act shall apply to projects for construction with respect to which the instrument providing Federal financing or assistance is in the amount of $100,000 or less, or in the case of rent supplement assistance or other assistance for which the instrument of Federal financing or assistance does not have an aggregate dollar amount, where the assisted project is in the amount of $100,000 or less.".

COPELAND ACT AMENDMENT

SEC. 3. (a) The first sentence of section 2 of the Act of June 13, 1934, (40 U.S.C. 276c) is amended by striking out "weekly a statement with respect to the wages paid each employee during the preceding week" and inserting in lieu thereof "at least twice per month a statement of compliance with the labor standards provisions of applicable law, certifying the payroll with respect to wages paid employees during the preceding period for which the statement is furnished, covering each week any contract work is performed".

(b) Section 2 of such Act is further amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"(b) Sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act (15 U.S.C. 49 and 50) are made applicable to the jurisdiction, powers, and duties of the Secretary of Labor.".

TRANSITION

SEC. 4. The amendments made by subsections (a) and (c) section 2 shall apply only to contracts entered into pursuant to negotiations concluded or invitations for bids issued on and after the date of enactment of this Act.

S. 1556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Service Contract Threshold Increase Act of 1987".

SEC. 2. Section 2(a) of the Service Contract Act of 1965 (41 U.S.C. 351(a)) is amended by striking out "$2,500" and inserting in lieu thereof "$100,000, or in the case of contracts entered into by the Department of Defense, every contract (and any bid specification therefor) in excess of $1,000,000".

SEC. 3. Section 5(a) of the Service Contract Act of 1965 is amended by striking "Comptroller General" each place it appears and inserting in lieu thereof "Administrator of General Services".

SEC. 4. The amendment made by section 2 of this Act shall apply only to contracts entered into pursuant to negotiations concluded or invitations for bids issued on and after the date of enactment of this Act.

DEPARTMENT OF LABOR,
Washington, DC, June 9, 1987.

Hon. GEORGE BUSH,
President, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: I am pleased to enclose for the consideration of Congress two draft bills, one entitled the "Construction Labor Reform Act of 1987" and the other entitled the "Service Contract Threshold Increase Act of 1987."

Since 1935, the Davis-Bacon Act has required the Secretary of Labor to determine prevailing wage rates for classes of laborers and mechanics on Federal construction projects for contracts in excess of $2000. Parallel to this, more than 70 statutes have been enacted over the years which have applied Davis-Bacon Act prevailing wage requirements to Federally-assisted construction. The Service Contract Act has imposed similar prevailing wage requirements for Federal service contracts in excess of $2,500 since its enactment in 1965.

I believe the time has come to increase the outdated coverage threshold amounts of these labor standards acts.

As construction and service costs have risen over the years, the unrealistically low thresholds have imposed ever increasing costs on the Federal budget. The General Accounting Office, the Grace Commission, and the Office of Federal Procurement Policy have noted the inflationary effects of the Davis-Bacon and Service Contract Acts.

Specifically, the Construction Labor Reform draft bill would amend the Davis-Bacon Act to eliminate its application to contracts awarded by the Department of Defense costing $1 million or less and other Federal construction contracts costing $100,000 or less. A higher threshold is proposed for the Department of Defense because contracts awarded by the Department of Defense tend to have a higher dollar value than those awarded by other Federal agencies. For Federally assisted contracts, Davis-Bacon Act requirements would not apply where the Federal assistance to a project is $100,000 or less. The legislation would also amend the Davis-Bacon Act to prohibit artificially splitting contracts for the purpose of avoiding application of the Act.

This draft bill would also help ease the paperwork burden on construction contractors by permitting them to pay employees twice a month rather than once a week. It would also remove the requirements of the Copeland Act for a weekly submission of the payroll and substitute a submission of a statement of compliance no less often than twice a month. Finally, the bill would provide the Secretary of Labor with authority to issue a subpoena for the production of witnesses and documents under the Copeland Act, and provide that the Secretary of Labor rather than the Comptroller General is authorized to make findings as to debarment under the Davis-Bacon Act and remove the Comptroller General's authority with respect to other enforcement matters.

As for the "Service Contract Threshold Increase Act" draft bill, it would amend the Service Contract Act to eliminate the application of wage determinations by the Secretary of Labor to Federal (non-military) service contracts of $100,000 or less, and military service contracts of $1 million or less. This draft bill would also remove the Comptroller General's authority with respect to distribution of the debarment list, and substitute the Administrator of General Services.

While the regulatory changes under the Davis-Bacon and Service Contract Acts have achieved some cost savings, increasing their thresholds will achieve greater and more meaningful savings. Based on a study by the Congressional Budget Office (CBO), it has been estimated that the threshold increases proposed for the Davis-Bacon Act would provide a five year savings for the Federal government of $1.2 billion. The savings under the threshold increases in the Service Contract Act would also be significant. Raising these thresholds will not only reduce Federal costs and help restrain inflation, but will also open up employment opportunities for those who have been denied an opportunity to compete for jobs.

These savings are particularly significant in light of the stark and painful budget choices you face in every aspect of Federal spending. Even with these cost savings from threshold increases there would still be prevailing wage protection for most workers on Federal or Federally assisted construction contracts and on Federal service contracts.

These draft bills are part of the President's 1987 Management Legislation program as described in the Office of Management and Budget report entitled, "Management of the United States Government, Fiscal Year 1988."

We urge that these bills receive prompt and favorable consideration.

The Office of Management and Budget advises that there is no objection to the submission of this legislation to the Congress, and that enactment would be in accord with the program of the President.

Very truly yours,

WILLIAM E. BROCK.

By Mr. HOLLINGS (for himself, Mr. DANFORTH, Mr. WILSON, and Mr. MCCAIN):

S. 1557. A bill to require the Secretary of Transportation to promulgate rules regarding certain operating transponders on aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIR TRAFFIC CONTROL SAFETY IMPROVEMENT ACT

● Mr. HOLLINGS. Mr. President, I am introducing legislation today, along with my colleague on the Commerce Committee, Senator DANFORTH, which is designed to increase the safety of the flying public in and around our Nation's commercial airports.

Our legislation will require the Secretary of Transportation to ensure that all aircraft operating around those airports in which the FAA provides radar air traffic control services—approximately 180 of them—be equipped with altitude reporting transponders. Currently, such equipment is required only for aircraft operating around the Nation's nine busiest airports.

Known as "Mode C" transponders, this equipment is needed to ensure that air traffic controllers can positively identify the location of each and every aircraft operating in the congested airspace surrounding these airports. And it is needed to eliminate the continuing risk of a repeat of the tragic midair collision in 1986 over southern California in which a private aircraft collided with an Aeromexico passenger aircraft and led to the death of scores of people.

Mr. President, there are approximately 220,000 active civil aircraft operating in the United States today. Of

that number, 98 percent are general aviation aircraft—privately owned and operated.

These aircraft represent a critical segment of our air transportation system, flying close to 34 million miles last year. However, only 39 percent of all general aviation aircraft have transponders that report to the air traffic controllers their precise location and altitude. This means that significant numbers of aircraft—well over 125,000—are currently flying through congested airspace with no positive assurance that the controllers know where they are relative to other air traffic.

During the past several years, a dramatic increase in our air traffic levels has brought with it a similarly dramatic increase in the number of near-misses around our major airports. Many of these incidents involve general aviation aircraft operating without transponders. It is pure luck that midair collisions have been relatively few in number. The question is: How long before our luck runs out?

We have the technology to significantly increase our margin of safety in the skies. It is not prohibitively expensive. Therefore, we in Government have an obligation to the traveling public to bring about the highest level of safety possible.

The bill that Senator DANFORTH and I are introducing, along with Senators WILSON and MCCAIN as cosponsors, is a giant step in that direction. It will require that within 24 months of enactment, the Secretary of Transportation ensure that all aircraft operating in the vicinity of the busiest airports—everywhere the FAA provides terminal radar service—have altitude reporting, or Mode C, transponders.

This is not a new issue. In 1973, the FAA first required the use of altitude reporting transponders at the nine busiest airports and for all en route traffic above 12,500 feet. Yet, some 14 years later—with significantly higher levels of airline traffic—there has been no change in transponder requirements.

Last year, the House Appropriations Committee attempted to address this shortfall by laying out a timeframe under which the FAA was required to mandate expanded use of Mode C transponders. However, to date, the FAA has failed to fulfill this requirement. Under current FAA proposals, only those aircraft flying around the 23 terminal control areas will be required to have altitude reporting transponders.

Mr. President, some may argue that we are attempting to unnecessarily penalize one segment of the aviation industry. That's just not the case. Not only will Mode C transponders help air traffic controllers maintain safety at these airports, but this equipment must be installed for the soon-to-be-certified TCAS-II airborne collision avoidance equipment, which will be installed aboard commercial aircraft. Together, the Mode C and TCAS-II will significantly reduce the chance of midair collisions between aircraft in this country.

Nor is this an economic issue. Transponders of the type we are calling for cost approximately $2,000—hardly a substantial sum for someone who is flying a privately owned aircraft to the major airports. This relatively small amount of money should not stand in the way of the increased safety we can bring to the flying public.

I am pleased to say that this legislation has the strong support of those groups representing the airlines and the commercial pilots. They have been calling on the DOT and FAA to undertake such a step for several years.

Mr. President, in the coming days, when the Senate considers the FAA authorization legislation—the Airport and Airway Capacity Expansion Act—I intend to offer this measure as an amendment to provide for its quick enactment. I hope that my colleagues will join me in supporting this critical legislation.

The need for increased safety has never been greater. And this is one important step that will provide the traveling public with a large dose of safety.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Air Traffic Control Safety Improvement Act of 1987".

RULEMAKING REQUIRING INSTALLATION AND USE OF CERTAIN TRANSPONDERS

SEC. 2. (a) Within six months after the date of enactment of this Act, the Secretary of Transportation shall promulgate a final rule requiring the installation and use of operating transponders with automatic altitude reporting capability for aircraft operating in designated terminal airspace where radar service is provided for separation of aircraft.

(b) For terminal airspace designated under subsection (a), other than for Terminal Control Areas and Airport Radar Service Areas, the Secretary may provide for access to such airspace by non-equipped aircraft if the Secretary determines that such access will not interfere with the normal traffic flow.

(c) The rule described in subsection (a) of this section shall require the installation and use of such transponders not later than twenty-four months after the date of enactment of this Act.●

● Mr. DANFORTH. Mr. President, the Air Traffic Control Safety Improvement Act of 1987, which Senator HOLLINGS is introducing today, is designed to cure a problem of terrifying proportions. Under the Federal Aviation Administration's [FAA] current regulations, aircraft flying in the vicinity of many busy airports need not be equipped with devices—termed "transponders"—which make those aircraft easily visible to air traffic controllers. As a result, air traffic controllers sometimes do not know enough about the location of aircraft to warn pilots to adjust their course to avoid other planes. Under these conditions, pilots must rely on a system of see and avoid, a procedure which depends on pilots' ability to see other aircraft heading toward them and which is patently and tragically incapable of reliably preventing mid-air collisions.

Mr. President, the preliminary findings of the National Transportation Safety Board concerning the aircraft collision which occurred last August over Cerritos, CA, indicated that the probable causes of that tragedy were the inadvertent and unauthorized entry of a private plane into the airspace over Los Angeles, and the limitations of the see and avoid concept. One of the Safety Board's preliminary recommendations was expansion of existing FAA requirements that aircraft be equipped with transponders with altitude reporting capability—Mode C.

Greater use of these transponders would allow air traffic controllers to more easily note the position and altitude of all air traffic in a given area. Mode C transponders, however, provide other benefits. The airline industry is now testing a prototype air collision avoidance system termed TCAS II, which the FAA expects to approve in 1989. TCAS II is only effective if other aircraft have either a TCAS II or a Mode C transponder. Installation of TCAS II on commercial airline fleets will not be effective in preventing midair collisions unless Mode C transponders are required for those aircraft not equipped with the more expensive TCAS II systems.

Over the past year the FAA has announced several regulations which would require the use of Mode C transponders near the 23 busiest U.S. airports. However, aircraft using numerous smaller airports, including Washington-Dulles in Virginia, and airports at Baltimore, MD, Louisville, KY, Charleston, SC, and Charleston, WV, would not be subject to these rules.

The Air Traffic Control Safety Improvement Act would reduce the possibility of midair collisions near these airports by directing the FAA to promulgate a final rule requiring the use of transponders with automatic altitude reporting capability for aircraft operating in designated airspace, around airports, where radar service is provided for the purpose of separating aircraft. In other words, Mode C transponders would be required in airspace

near the approximately 200 largest U.S. airports.

Mr. President, the cost to plane owners of compliance with the Air Traffic Control Safety Act would normally range from $600 to $2,000, depending on the type of plane and the kind of equipment already installed. Because the requirement for transponders is limited to designated airspace near airports, aircraft such as cropdusters, which do not ordinarily fly near large airports, would not be affected. However, some aircraft based at smaller airports where surrounding airspace is subject to the Mode C transponder requirement would need these transponders even if these aircraft could use the designated airspace without interfering with the normal flow of traffic. For this reason, the bill gives the Transportation Secretary discretion to designate airspace, other than Terminal Control Areas or Airport Radar Service Areas—the busiest categories of airspace—for use by nonequipped aircraft, provided that those nonequipped aircraft will not interfere with the normal traffic flow.

This bill is aimed at improving our air traffic control system, which has come under fire in recent months because of recent midair collisions, because of a rise in the number of reported near midair collisions, and because of a growing perception that the skies are becoming uncomfortably crowded. This bill will buy a big increase in the margin of safety at a relatively low cost. There has never been more reason to act to make our airspace safer.●

By Mr. KASTEN (by request):

S. 1558. A bill to amend the Federal Railroad Safety Act of 1970 and for other purposes; to the Committee on Commerce, Science, and Transportation.

FEDERAL RAILROAD SAFETY AUTHORIZATION ACT

● Mr. KASTEN. Mr. President, I am introducing, by request, legislation proposed by the Department of Transportation to authorize funding for, and make improvements to, the Department's railroad safety programs.

Many of the provisions contained in this bill have been incorporated, in whole or in part, into legislation that I will be cosponsoring today with Senator EXON who serves with me on the Commerce Committee's Subcommittee on Surface Transportation. I am particularly supportive of provisions aimed at putting a stop to the disabling of vital rail safety equipment such as warning whistles and automatic braking devices on locomotives. Both DOT's bill and our bipartisan legislation would provide the Federal Railroad Administration with employee sanction authority and increased penalty levels intended to curb this dangerous trend, and I urge my colleagues to support such provisions when they come to the Senate for approval.

At this time, I would ask that the DOT's bill be printed in its entirety along with Secretary Elizabeth Dole's letter of transmission which contains a brief summary of the DOT's proposal.

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

S. 1558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Railroad Safety Authorization Act of 1987."

AUTHORIZATION FOR APPROPRIATIONS

SEC. 2. Section 214 of the Federal Railroad Safety Act of 1970 (45 U.S.C. § 444) is amended by striking all words after the title and inserting immediately thereafter the following:

"There are authorized to be appropriated to carry out the provisions of this Act not to exceed $40,649,000 for the fiscal year ending September 30, 1988, and such sums as may be necessary for the fiscal year ending September 30, 1989.".

ENFORCEMENT OF SUBPENAS AND ORDERS

SEC. 3. Section 208(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. § 437(a)) is amended by striking the semicolon and all language following it in the last sentence, by inserting a period after the second use of the word "Act" in that sentence, and by inserting immediately thereafter:

"In case of contumacy or refusal to obey a subpena, order, or directive of the Secretary issued under this subsection or under section 203 of this title by any individual, partnership, or corporation that resides, is found, or conducts business within the jurisdiction of any district court of the United States, such district court shall have jurisdiction, upon petition by the Attorney General, to issue to such individual, partnership, or corporation an order requiring immediate compliance with the Secretary's subpena, order, or directive. Failure to obey such court order may be punished by the court as a contempt of court.".

USE OF CERTAIN REPORTS, TESTIMONY, AND DOCUMENTS IN PRIVATE LITIGATION FOR DAMAGES

SEC. 4. Section 208 of the Federal Railroad Safety Act of 1970 (45 U.S.C. § 437), as amended by this Act, is further amended by adding at the end thereof the following new subsection:

"(c) None of the following may be admitted as evidence or used for any purpose in lawsuits for damages arising out of railroad accidents or incidents:

(1) opinions or recommendations contained in a report (whether in final or draft form) prepared by or for the Federal Railroad Administration as a result of its investigation of a rail accident;

(2) the opinion (whether in writing or in the form of oral testimony) of a Federal Railroad Administration employee or agent as to the probable cause of any railroad accident;

(3) any report submitted by a railroad to the Federal Railroad Administration in fulfillment of the railroad's obligation under statute or regulation to report certain accidents and incidents;

(4) reports prepared by the Federal Railroad Administration in connection with safety assessments of railroads;

(5) any report, list, schedule, or survey prepared by or for a State pursuant to section 203 of the Highway Safety Act of 1973;

(6) documents submitted to the Federal Railroad Administration by railroads or other entities in connection with an enforcement proceeding under this title (or regulations issued under it) or under any other statute or regulations enforced by that agency (except that this subsection does not bar use of copies of these documents if obtained from the railroad or other entity through discovery or compulsory process issued by a court of component jursidiction).".

INCREASED PENALTIES; LIABILITY OF INDIVIDUALS

SEC. 5. Sec. 209 of the Federal Railroad Safety Act of 1970 (45 U.S.C. § 438) is amended as follows:

(a) Subsection (a) is amended by striking the word "railroad" and inserting in its place: "person (including a railroad or any individual who performs service covered under the Hours of Service Act, 45 U.S.C. § 61 et seq. (as it exists on the date of enactment of the Federal Railroad Safety Authorization Act of 1987), or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary)".

(b) Subsection (b) is amended by striking the words after "thereof" and inserting in their place: "in such amount, not less than $250 nor more than $10,000, as the Secretary deems reasonable, except that, where a violation has created an especially egregious safety hazard, a maximum penalty of $25,000 may be assessed.".

(c) Subsection (c) is amended by striking the first sentence and inserting in its place: "Any person violating any rule, regulation, order or standard referred to in subsection (b) of this section may be assessed by the Secretary the civil penalty applicable to the standard violated; penalties may be assessed against individuals only for willful violations."; and by inserting a comma after the word "occurred" in the third sentence and inserting thereafter: "in which the individual resides,".

(d) Immediately after existing subsection (e), a new subsection (f) is added, as follows:

"(f) Where, after notice and opportunity for a hearing, an individual's violation of any rule, regulation, order, or standard prescribed by the Secretary under this title is shown to make that person unfit for performance of safety-sensitive tasks, the Secretary may issue an order directing that such person be prohibited from serving in a safety-sensitive capacity in the rail industry for whatever period of time the Secretary deems necessary. This section shall not be construed to affect the Secretary's authority under section 203 of this title to take such action on an emergency basis.".

JURISDICTION OVER HIGH SPEED RAIL SYSTEMS

SEC. 6. Sec. 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. § 431) is amended by striking subsections (e), (g), (h), (i), (j), and (k), and by inserting before the existing subsection (f) a new subsection (e) to read as follows:

"(e) The term "railroad" as used in this title includes all forms of non-highway ground transportation that run on rails or electromagnetic guideways, except for rapid transit operations within an urban area that are not connected to the general railroad system of transportation. The term "railroad" specifically refers, but is not limited, to (a) commuter or other short-haul rail

passenger service in a metropolitan or suburban area, including any commuter rail service which was operated by the Consolidated Rail Corporation as of January 1, 1979, and (b) high speed ground transportation systems that connect metropolitan areas, whether or not they use new technologies not associated with traditional railroads.".

REPEAL OF THE OLDER RAILROAD SAFETY LAWS

SEC. 7. Sec. 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. § 431) is amended by adding new subsections (g) and (h) as follows:

"(g)(1) The following statutes are hereby repealed effective one hundred and eighty days from the date of enactment of this title: the Safety Appliance Acts, 45 U.S.C. §§ 1-16; the Locomotive Inspection Act, 45 U.S.C. § 22-34; an act concerning Block Signal Systems, 45 U.S.C. § 35; an act concerning Inspection and Testing of Railroad Cars and Appliances, 45 U.S.C. §§ 36-37; the Accident Reports Act, 45 U.S.C. §§ 38-43; and the Signal Inspection Act, 49 App. U.S.C. § 26.

(2) Within one hundred and eighty days of enactment of this title, the substantive provisions of the statutes referred to in subsection (1) of this section that are not in regulatory form at the time of this enactment shall be issued verbatim by the Secretary as regulations, except for linguistic changes necessary to transform the language of those provisions into regulatory form. These regulations shall become effective when published, and their issuance shall not be subject to judicial review. Any subsequent changes in these regulations however, shall be subject to judicial review as provided in subsection (f) of this section.

(3) Each regulation issued under subsection (2) of this section, and any subsequent amendments thereto, shall have the same preemptive effect on state law as did the corresponding statute repealed by subsection (1) of this section.

(h) All orders, rules, regulations, standards, and requirements in force, or prescribed or issued by the Secretary under this title shall have the same force and effect as a statute for purposes of the application of sections 3 and 4 of the Act of April 22, 1908 (45 U.S.C. §§ 53 and 54), relating to the liability of common carriers by railroad for injuries to their employees.".

CONFORMING AMENDMENTS

SEC. 8. The Federal Railroad Safety Act of 1970 (45 U.S.C. § 421 et seq.) is amended as follows:

(a) SEC. 202(a) (45 U.S.C. § 431(a)) is amended by striking the phrase, "supplementing provisions of law and regulations in effect on the date of enactment of this title", and by inserting the following immediately after the first sentence: "This authority specifically includes authority to regulate all aspects of railroad employees' safety-related behavior, as well as that of the railroads themselves.";

(b) SEC. 208 (45 U.S.C. § 437) is amended by striking existing subsection (c) and renumbering subsection (d) as subsection (c);

(c) SEC. 209(b) (45 U.S.C. § 438(b)) is amended by striking the phrase "or for violation of section 2 of the Act of May 6, 1910 (45 U.S.C. 39)"; and

MISCELLANEOUS

SEC. 9. SEC. 211 of the Federal Railroad Safety Act of 1970 (45 U.S.C. § 440) is amended by striking subsection (c).

USER FEES

SEC. 10. Immediately after section 214 of the Federal Railroad Safety Act of 1970 (45 U.S.C. § 444), a new section 215 is added, as follows: "Sec. 215 User Fees

(a)(1) The Secretary shall establish a schedule of fees to be assessed to railroads, in reasonable relationship to criteria such as revenue ton-miles, track miles, passenger miles, revenues, other relevant factors, or an appropriate combination thereof.

(2) The Secretary shall establish procedures for the collection of such fees. The Secretary may use the services of any Federal, State, or local agency or instrumentality to collect such fees, and may reimburse such agency or instrumentality a reasonable amount for such services.

(3) Fees established under this section shall be assessed to railroads subject to this Act and shall approximate, as provided in subsection (d), the costs of administering this Act and all other federal laws relating to railroad safety and railroad noise control.

(b) The Secretary shall assess and collect fees described in subsection (a) of this section with respect to each fiscal year before the end of such fiscal year.

(c) All fees collected under this section shall be covered into the Treasury as miscellaneous receipts.

(d) Fees established by the Secretary under subsection (a) of this section shall be assessed after September 30, 1987. Fees assessed in the fiscal year beginning on October 1, 1987, shall total no more than $9,299,000; fees assessed in the fiscal year beginning October 1, 1988, shall total no more than $18,000,000; and fees assessed in the fiscal year beginning October 1, 1989, shall total no more than $41,725,000. Beginning on October 1, 1990, the fees assessed shall at least equal the appropriations made for the activities described in subsection (a)(3) of this section, but at no time shall the aggregate of fees assessed for any fiscal year under this section exceed 105 percent of the aggregate of appropriations made for such fiscal year for activities to be funded by such fees.".

THE SECRETARY OF TRANSPORTATION,
Washington, DC, February 20, 1987.

Hon. JIM WRIGHT,
Speaker of the House of Representatives, Washington, DC.

DEAR JIM: Transmitted herewith is a bill, "Federal Railroad Safety Authorization Act of 1987."

This bill would make vital improvements to the nation's railroad safety program, especially in the area of individual accountability for acts that violate the safety laws. In light of the tragic rail accident that took sixteen lives in Chase, Maryland, in January of this year, these improvements are especially timely. The bill would authorize appropriations for the Department's railroad safety program for fiscal years 1988 and 1989, make various substantive amendments to the Federal Railroad Safety Act of 1970 (Safety Act), and repeal certain older railroad safety statutes.

FY 1988-1989 authorization: Section 2 of the bill would authorize appropriations for general safety operations of $40,649,000 for fiscal year 1988 and such sums as are necessary for fiscal year 1989.

Amendments to the Safety Act: Sections 3 through 6 and section 9 of the bill would amend the Safety Act to enhance enforcement of the safety laws by, *inter alia*, making express the Attorney General's authority to enforce the Secretary's subpoenas and orders; prohibiting the use of certain Federal Railroad Administration documents and testimony in private suits for damages; increasing the maximum civil penalty for safety violations and providing for sanctions against individuals who violate the safety laws; clarifying the Act's applicability to high speed rail systems being developed; and removing certain unnecessary language.

Repeal of the older safety laws: Section 7 would repeal certain unnecessary statutes that predate the Safety Act. In addition to providing certain regulatory authority that is redundant in light of the Safety Act's authority over all areas of railroad safety, these laws contain certain outmoded and ambiguous provisions that have long caused administrative, interpretive, and enforcement problems.

Authority for imposition of rail safety user fees. Congress has recently authorized the imposition of appropriate user fees for the provision of federal pipeline safety regulation, and section 10 of this bill would authorize a comparable system of fees for the regulatory oversight of railroad safety provided by the FRA. This provision would fulfill the President's FY 1988 Budget Request to Congress.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submittal of this legislative proposal to Congress, and that its enactment would be in accord with the program of the President.

Sincerely,

ELIZABETH HANFORD DOLE.●

By Mr. DIXON (for himself, Mr. BUMPERS, and Mr. WEICKER):

S. 1559. A bill to amend the Small Business Act to modify certain provisions relating to the small business set-aside program; to the Committee on Small Business.

SMALL BUSINESS FEDERAL CONTRACTING RESTORATION ACT

Mr. DIXON. Mr. President, today I am introducing a bill which relates to the operation of the small business procurement set-aside programs of the Federal Government. These programs have been in operation for many years. They have frequently provided the small business community with the opportunity to supply critical goods and services to the Government on a competitive basis when unrestricted competition may have precluded them. I believe that the Government has benefited substantially from small business participation, in terms of the prices paid for goods and services, in the quality of the products received and in the maintenance of our defense industrial base. Changes in this type of program should come only after clear evidence of problems and after a thorough review.

However, Mr. President, during the consideration of the fiscal year 1987 Department of Defense authorization bill, a number of changes to the small business procurement set-aside program of the Small Business Act were adopted. This process did not permit time for input by the small business community nor did it permit a review

of the impact that passage would have on the small business procurement program.

As a member of both the Senate Armed Services and Small Business Committees, I expressed my concerns at that time. Not only did I object to how they were enacted, I also objected to the substance of the amendments.

Mr. President, to alleviate these concerns as expressed by members of the Small Business Committee a compromise was reached. The amendments to the Small Business Act were enacted but were not to go into effect until October 1987. This time delay was designed to allow those affected by the amendments to voice their opposition and seek redress.

In December of last year, Senators WEICKER, BUMPERS, and I sent a letter to all of the major procurement agencies and the dozens of small business trade groups active in the field of procurement. We asked them for their best assessment of the changes and the impact of the small business set-aside program. Responses were received from each of the major Federal procurement agencies with the overwhelming number of respondents raising significant concerns about the actions taken by the Defense Authorization Act.

To address these concerns, Mr. President, I am today introducing a bill to modify last year's provisions in certain key respects. I am not sure that I have identified all of the issues in this bill and I would hope that the agencies and the small business community would assist me in identifying additional areas in need of correction.

To provide a forum for the small business community, the Federal procurement agencies and all other groups impacted by this legislation, I have written to Senator BUMPERS, the chairman of the Small Business Committee, requesting prompt hearings on these important issues.

Mr. President, these hearings will give the small business community the chance to be heard. It will provide a forum for the agencies to voice their concerns over the amendments. It will give the Senate an opportunity to formulate an opinion on the value and merit of these changes before they take effect and then to weigh whether or not they should go into effect in October.

I ask unanimous consent that the text of the bill, with a brief explanation, be printed in the RECORD.

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

S. 1559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Small Business Federal Contracting Restoration Act of 1987".

FAIR PROPORTION OF TOTAL FEDERAL CONTRACTING; AWARDS AT "FAIR AND REASONABLE" PRICES

SEC. 2. Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended—

(1) in paragraph (3), by striking out "in each industry category" and inserting in lieu thereof "of the total awards (utilizing the product and services codes of the Federal Procurement Data System established pursuant to section 6(d)(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)))";

(2) by striking out the matter that begins "For purposes of clause (3) of the first sentence of this subsection" up to the last sentence of the paragraph; and

(3) by striking out "which exceeds a fair market price" in the last sentence of the paragraph and inserting in lieu thereof "which exceeds a fair and reasonable price".

SMALL BUSINESS SMALL PURCHASE RESERVE EXCLUDED FROM ANNUAL GOALS

SEC. 3. Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by inserting "having a value of $25,000 or more" after "procurement contracts of such agency" in the first sentence.

SUBCONTRACTING LIMITATIONS

SEC. 4. (a) Section 15(o) of the Small Business Act (15 U.S.C. 644(o)) is amended by—

(1) striking out "unless the concern agrees that" in paragraph (1) and inserting in lieu thereof "unless the concern agrees to expend its best efforts so that";

(2) inserting a flush sentence at the end of paragraph (1) as follows:

"Higher percentages of permissible subcontracting may be authorized in an individual contract solicitation by the contracting officer.";

(3) by striking out "in that industry category" in paragraph (2) and inserting in lieu thereof "for that size standard"; and

(4) by striking out all after the phrase "general and specialty construction" in paragraph (3) and inserting in lieu thereof a period.

(b) The amendments made by section 921(c) of the Defense Acquisition Improvement Act of 1986 (Public Law 99-661) shall apply to solicitations issued on or after October 1, 1987.

REPEALER

SEC. 5. Section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is repealed.

CONFORMING AMENDMENTS TO SECTION 8(a)

SEC. 6. Section 8(a)(14) (15 U.S.C. 637(a)(14)) of the Small Business Act is amended—

(1) in subparagraph (A) by striking out "the concern agrees that" and inserting in lieu thereof "the concern agrees to expend its best efforts so that";

(2) in subparagraph (B), by striking out "in that industry category" and all that follows in the subparagraph and inserting in lieu thereof "for that size standard."; and

(3) by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) The Administration shall establish, through public rulemaking, requirements similar to those established in subparagraph (A) to be applicable to contracts for general and specialty construction.".

EFFECTIVE DATE

SEC. 7. The amendments made by this Act shall take effect on October 1, 1987.

EXPLANATION OF "A BILL TO AMEND THE SMALL BUSINESS ACT TO MODIFY CERTAIN PROVISIONS RELATING TO THE SMALL BUSINESS SET-ASIDE PROGRAM"

Section 1. This section amends section 15(a) of the Small Business Act, which contains the basic authority for the small business set-aside program. Specifically, section 1(a) deletes the requirement in current law that set-aside programs be established in "industry categories" and reestablished the rule that the set-aside program is to be based on a fair proportion of government contracts based on total awards within the Federal procurement data system. Essentially, this provision is designed to reestablish the rule upheld by the courts in Rutter Rex. However, a modification has been made to exclude, for purposes of determining what a fair proportion of contracts is, those purchases made using small purchase procedures. Under current law, awards under $25,000 are already reserved exclusively for small business concerns.

Subsection (b) is designed to rely on a "fair and reasonable price" as the determination of whether to perfect a set-aside. A fair and reasonable price is a well-accepted term that is set by the marketplace each time that an award is made. Under the current statutory requirement, contracting officers may have to make an extensive search of the procurement history, if possible, to determine what an "objective" market price would be. This change is only made in the small business set-aside program. No similar change is made to the 8(a) program.

Subsection (c) deletes extensive provisions relating to the definition of an "industry category" for purposes of the set-aside program. Since this bill moves away from the categorization, this language is unnecessary.

Section 2 of the bill makes further changes to other sections of the Small Business Act.

Subsection (2)(a) amends section 15(g) of the Small Business Act, relating to the goal-setting for small businesses, to include a floor of $25,000. Prior law had established a floor of $10,000 for the goal-setting program.

In current law, however, that floor was eliminated, thus forcing agencies to set goals to the $1 level, even though awards under $25,000 are already reserved exclusively for small businesses under other provisions of the Small Business Act. Further, since the agencies have not maintained detailed records of the awards under $10,000 previously, there was no acceptable data base from which to work. This change will establish the "floor" for purposes of the goal-setting requirement at the $25,000 threshold for small purchase procedures.

Subsection (2)(b) makes several changes to section 15(o) of the Small Business Act. The first is to clarify that a small business concern's "requirement" to ensure that a minimum level of the concern's personnel are used on each contract is not a mandatory contract clause that would result in termination of the contract, but it should be a "best efforts" requirement. It is recognized that this requirement exists, by regulation, in the 8(a) program. However, its application as a mandatory rule for the regular small business program has not been well researched, and care must be taken to ensure that it does not create adverse ef-

fects for the very segment of the business community that this program is designed to assist.

Subsections (b) and (c) of section 2 make conforming changes to other provisions in subsection 15(o) to carry through the policies of this legislation.

Section 3 of the bill repeals section 15(p) of the Small Business Act. Section 15(p) requires the disclosure of applicants for procurement set-asides. The procurement agencies have no idea how this program will work. It will place enormous burdens on the contracting officers, with little or no benefit to those who oppose the set-aside program. Sufficient protest provisions exist elsewhere to make repeal of this section of law the preferable approach.

Section 5 of the bill amends section 8(a)(14) of the Small Business Act, to make conforming changes to that section relative to awards to 8(a) concerns.

By Mr. PRESSLER:

S.J. Res. 180. Joint resolution designating the honeybee as the national insect; to the Committee on the Judiciary.

DESIGNATION OF THE HONEYBEE AS THE NATIONAL INSECT

Mr. PRESSLER. Mr. President, today I am introducing legislation recognizing the honeybee as the national insect. Representative NEAL has introduced House Joint Resolution 171, a companion resolution in the House of Representatives. Thirty-nine members of the House have cosponsored the legislation. Thirteen states have also recognized the importance of the honeybee and designated it as their State insect. The entire Nation should endorse the same recognition because the honeybee is a very important insect in areas such as agriculture, ecosystems and wildlife.

Aside from the obvious fact that honeybees produce honey—$100 million worth annually—they are responsible for other areas of agriculture productivity as well. Pollination by honeybees make possible the production of over $19 billion of U.S. crops produced each year. They pollinate some 90 different crops, including everything from apples to zucchini. It is estimated also that one-third of our total diet comes directly or indirectly from insect-pollinated plants.

The importance of honeybee pollination can be demonstrated by a 4-year experiment on crimson clover in Alabama. This study showed that by using two honeybee colonies per acre the seed yield was increased from 280 pounds per acre to 510 pounds per acre.

Another study showed that during the period 1963 through 1977, when the honeybee industry was declining in Arizona, the muskmelon acreage also declined—from 18,100 to less than 11,000 acres. Alfalfa seed acreages almost disappeared, down from 19,000 acres to 1,000 acres. Monetary decreases at that time were about $10 million in muskmelons and $6 million in alfalfa seed annually.

As can be inferred from these cases, honeybees are very important for an adequate food supply. They also can be credited for producing it at a lower cost, due to efficient pollination. Seeds for common fruits, vegetables, and flowers would require extensive hand or mechanical pollination in the absence of honeybee activity. On a larger scale, the meat and dairy industries depend upon the honeybee for pollination of the seeds of legume crops, which make up a major part of the feed for livestock. In these respects, the activities of the insects are worth more than 143 times the value of the products the honeybees produce.

The honeybee plays a very important role in ecosystems as well. It has been estimated that there are between 25 and 50 different forms of life dependent upon each key plant species in the world. When key plant species die out, that system goes into a decline and dozens of other life forms in the ecosystem also disappear. It is obvious that the honeybee is an important link in this chain of growth continuation and should not be overlooked. Plants are the basic components of all ecosystems, and honeybees are essential to the propagation of many plants and plant communities upon which animal life is dependent.

Another important aspect of the ecosystem is genetic enrichment. This occurs in native plants through cross pollination activities and is essential for the adaptation of plants to accommodate a variety of environmental variables. Genetic enrichment of plants is critical to the development of varieties capable of changing as the ecosystem itself evolves. These genetic enrichment activities are often facilitated by honeybees.

This outstanding insect is of major importance to the survival of many birds and mammals. Many of our native forage, seed, and fruit plants pollinated by bees provide food and shelter to wildlife. Bees have a significant impact on the wildlife that grace our urban and rural landscapes. Eighty-six percent of the woody plants known to be of value to wildlife are pollinated by honeybees. The year to year status of many wildlife populations is dependent on the growth, productivity, and distribution of these plants.

The importance of the honeybee cannot be overemphasized. It plays a large role in the effective production and continuation of agriculture, natural ecosystems, and wildlife. Therefore, I urge my colleagues to join me in support of this joint resolution designating the honeybee as our national insect.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. MOYNIHAN, the names of the Senator from Connecticut [Mr. DODD], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 38, a bill to increase the authorization of appropriations for the Magnet School Program for fiscal year 1987 to meet the growing needs of existing Magnet School Programs, and for the establishment of new Magnet School Programs.

S. 39

At the request of Mr. MOYNIHAN, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 182

At the request of Mr. RIEGLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 182, a bill to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections.

S. 305

At the request of Mr. LEAHY, the names of the Senator from Kansas [Mr. DOLE], the Senator from Iowa [Mr. HARKIN], the Senator from Montana [Mr. MELCHER], the Senator from Indiana [Mr. LUGAR], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Arkansas [Mr. PRYOR], the Senator from Mississippi [Mr. COCHRAN], the Senator from South Dakota [Mr. DASCHLE], the Senator from North Dakota [Mr. CONRAD], the Senator from California [Mr. WILSON], the Senator from Missouri [Mr. BOND], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Louisiana [Mr. BREAUX], the Senator from Missouri [Mr. DANFORTH], the Senator from Idaho [Mr. MCCLURE], the Senator from Tennessee [Mr. GORE], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 305, a bill to amend the National School Lunch Act to improve the administration of the Commodity Distribution Program, and for other purposes.

S. 685

At the request of Mr. QUAYLE, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. DODD], the Senator from Vermont [Mr. STAFFORD], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 685, a bill to amend the Deficit Reduction Act of 1984 to make permanent the administrative offset debt

collection provisions with respect to education loans.

S. 808

At the request of Mr. McCLURE, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 808, a bill to clarify the application of the Clayton Act with respect to rates, charges, or premiums filed by a title insurance company with State insurance departments or agencies.

S. 840

At the request of Mr. THURMOND, the names of the Senator from Virginia [Mr. TRIBLE], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 840, a bill to recognize the organization known as the 82d Airborne Division Association, Inc.

S. 887

At the request of Mr. MATSUNAGA, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 887, a bill to extend the authorization of approprations for and to strengthen the provisions of the Older Americans Act of 1965, and for other purposes.

S. 999

At the request of Mr. CRANSTON, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 999, a bill to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans employment, counseling, and job-training services and programs.

S. 1052

At the request of Mr. SPECTER, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of S. 1052, a bill to establish a National Center for the U.S. Constitution within the Independence National Historical Park in Philadelphia, PA.

S. 1081

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1081, a bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the U.S. population and the nutritional quality of the U.S. food supply, with provision for the conduct of scientific research and development in support of such program and plan.

S. 1346

At the request of Mr. MATSUNAGA, the name of the Senator from Connecticut [Mr. WEICKER] was added as a cosponsor of S. 1346, a bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1397

At the request of Mr. CRANSTON, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 1397, a bill to recognize the organization known as the Non Commissioned Officers Association of the United States of America.

S. 1419

At the request of Mr. DURENBERGER, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 1419, a bill to prevent ground water contamination by pesticides.

S. 1440

At the request of Mr. EVANS, the names of the Senator from Oklahoma [Mr. BOREN], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 1440, a bill to provide consistency in the treatment of quality control review procedures and standards in the Aid to Families with Dependent Children, Medicaid and Food Stamp Programs; to impose a temporary moratorium for the collection of penalties under such programs, and for other purposes.

S. 1493

At the request of Mr. BRADLEY, the names of the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 1493, a bill to clarify the authority of the Secretary of the Interior to make land exchanges within the Arctic National Wildlife Refuge.

S. 1501

At the request of Mr. CRANSTON, the name of the Senator from Rhode Island [Mr. PELL] was added as cosponsors of S. 1501, a bill to amend title 38, United States Code, to eliminate the requirement that the Administrator of Veterans' Affairs carry out a transition under which community-based vet centers would be moved to Veterans' Administration medical facilities and to provide standards and procedures governing any closures or moves of vet centers, and for other purposes.

S. 1510

At the request of Mr. KERRY, the names of the Senator from Delaware [Mr. BIDEN], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 1510, a bill to require the Administrator of Veterans' Affairs to arrange for the review by the National Academy of Sciences of scientific evidence, studies, and literature pertaining to the human health effects of exposure to agent orange and its component compounds and the issuance of a report on the Academy's conclusions as to the weight of the evidence regarding the health effects in humans of exposure to agent orange, and for other purposes.

S. 1519

At the request of Mr. LAUTENBERG, the names of the Senator from Vermont [Mr. STAFFORD], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 1519, a bill to authorize the President of the United States to award congressional gold medals to Lawrence Doby and posthumously to Jack Roosevelt Robinson in recognition of their accomplishments in sport and in the advancement of civil rights, and to authorize the Secretary of the Treasury to sell bronze duplicates of those medals.

S. 1530

At the request of Mr. SASSER, the names of the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 1530, a bill to extend for 5 years the authorization granted under the State and Local Government Cost Estimate Act of 1981.

S. 1540

At the request of Mr. WEICKER, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1540, a bill to amend the Civil Rights of Institutionalized Persons Act to provide certain authority for protection and advocacy systems, and for other purposes.

SENATE JOINT RESOLUTION 44

At the request of Mr. DURENBERGER, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Joint Resolution 44, joint resolution to designate November 1987 as "National Diabetes Month."

SENATE JOINT RESOLUTION 53

At the request of Mr. CRANSTON, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 53, joint resolution to designate the period commencing November 22, 1987 and ending November 28, 1987 as "American Indian Week."

SENATE JOINT RESOLUTION 98

At the request of Mr. HATCH, the names of the Senator from California [Mr. Wilson], the Senator from Delaware [Mr. ROTH], the Senator from Maryland [Ms. MIKULSKI], the Senator from Hawaii [Mr. INOUYE], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 98, joint resolution to designate the week of November 29, 1987 through December 5, 1987 as "National Home Health Care Week."

SENATE JOINT RESOLUTION 99

At the request of Mr. DECONCINI, the names of the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. D'AMATO], the Senator from Delaware [Mr. BIDEN], and the Senator from Utah [Mr. HATCH] were

added as cosponsors of Senate Joint Resolution 99, joint resolution to express the sense of the Congress that the Special Supplemental Food Program for Women, Infants, and Children should receive increasing amounts of appropriations in fiscal year 1988 and succeeding fiscal years.

SENATE JOINT RESOLUTION 106

At the request of Mr. BINGAMAN, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Michigan [Mr. LEVIN], the Senator from New York [Mr. MOYNIHAN], the Senator from Kentucky [Mr. FORD], the Senator from Georgia [Mr. NUNN], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 106, joint resolution to recognize the Disabled American Veterans Vietnam Veterans National Memorial as a memorial of national significance.

SENATE JOINT RESOLUTION 170

At the request of Mr. ROTH, the names of the Senator from Idaho [Mr. MCCLURE] and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Joint Resolution 170, joint resolution designating the month of September 1988 as "National Ceramic Arts Month."

SENATE JOINT RESOLUTION 171

At the request of Mr. CRANSTON, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], the Senator from Arkansas [Mr. PRYOR], the Senator from Michigan [Mr. LEVIN], the Senator from Georgia [Mr. NUNN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Wisconsin [Mr. PROXMIRE], were added as cosponsors of Senate Joint Resolution 171, joint resolution designating the week beginning November 8, 1987 as "National Women Veterans Recognition Week."

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. DECONCINI, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Washington [Mr. EVANS] were added as cosponsors of Senate Concurrent Resolution 29, a concurrent resolution expressing the sense of Congress regarding the inability of American citizens to maintain regular contact with relatives in the Soviet Union.

SENATE RESOLUTION 248

At the request of Mr. GRAHAM, the names of the Senator from Vermont [Mr. LEAHY], the Senator from New York [Mr. MOYNIHAN], the Senator from Michigan [Mr. LEVIN], the Senator from North Dakota [Mr. BURDICK], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Michigan [Mr. RIEGLE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Illinois [Mr. DIXON], the Senator from Indiana [Mr. LUGAR], the Senator from New York [Mr. D'AMATO], and the Senator from North Carolina [Mr. HELMS], were added as cosponsors of Senate Resolution 248, a resolution supporting the people of Haiti in their efforts to obtain respect for human rights and the holding of free and fair elections in Haiti, and for other purposes.

SENATE RESOLUTION 255

At the request of Mr. KERRY, his name was added as a cosponsor of Senate Resolution 255, a resolution expressing the sense of the Congress with regard to the forthcoming negotiations by Gen. John Vessey to resolve the fate of Americans missing in Southeast Asia, and other issues of humanitarian concern to the people of the United States and Vietnam.

At the request of Mr. MCCAIN, the names of the Senator from Kansas [Mr. DOLE], the Senator from Rhode Island [Mr. PELL], the Senator from North Carolina [Mr. HELMS], the Senator from California [Mr. CRANSTON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oklahoma [Mr. BOREN], the Senator from Oregon [Mr. HATFIELD], the Senator from Arizona [Mr. DECONCINI], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Michigan [Mr. RIEGLE], the Senator from Idaho [Mr. SYMMS], the Senator from Alabama [Mr. SHELBY], the Senator from Nevada [Mr. HECHT], the Senator from South Dakota [Mr. DASCHLE], the Senator from Florida [Mr. GRAHAM], the Senator from California [Mr. WILSON], the Senator from North Carolina [Mr. SANFORD], the Senator from New York [Mr. MOYNIHAN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Alabama [Mr. HEFLIN], the Senator from West Virginia [Mr. BYRD], the Senator from Illinois [Mr. DIXON], the Senator from Nebraska [Mr. EXON], the Senator from Massachusetts, [Mr. KENNEDY], the Senator from Maine [Mr. MITCHELL], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Resolution 255, supra.

AMENDMENT NO. 591

At the request of Mr. DANFORTH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of amendment No. 591 intended to be proposed to S. 328, a bill to amend chapter 39, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes.

SENATE RESOLUTION 256—EXPRESSING THE SORROW AND REGRET OF THE SENATE AT THE DEATH OF HOWARD MALCOLM BALDRIGE, JR.

Mr. KARNES (for himself, Mr. ARMSTRONG, Mr. BOND, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. COCHRAN, Mr. DANFORTH, Mr. DECONCINI, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. EXON, Mr. GRAMM, Mr. GRASSLEY, Mrs. KASSEBAUM, Mr. KASTEN, Mr. LUGAR, Mr. MCCAIN, Mr. MCCLURE, Mr. MCCONNELL, Mr. NICKLES, Mr. PACKWOOD, Mr. QUAYLE, Mr. SIMPSON, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. WEICKER, Mr. WILSON, Mr. ADAMS, Mr. HEFLIN, Mr. MOYNIHAN, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. PELL, Mr. BUMPERS, Mr. BURDICK, Mr. CHILES, Mr. SYMMS, Mr. STAFFORD, Mr. SIMON, Mr. SHELBY, Mr. SARBANES, Mr. METZENBAUM, Mr. MITCHELL, Mr. BINGAMAN, Mr. PROXMIRE, Mr. ROCKEFELLER, Mr. PRESSLER, Mr. CRANSTON, Mr. SANFORD, Mr. RUDMAN, Mr. BRADLEY, Mr. REID, Mr. JOHNSTON, Mr. HOLLINGS, Mr. EVANS, and Mr. INOUYE) submitted the following resolution; which was considered and agreed to:

S. RES. 256

Whereas Howard Malcolm Baldrige, Jr. was born in Omaha, Nebraska in 1922, the son of Howard Malcolm Baldrige, Sr. and the former Regina Connell;

Whereas Howard Malcolm Baldrige, Jr. was graduated with a Bachelor of Arts degree from Yale College;

Whereas Howard Malcolm Baldrige, Jr. married the former Margaret Trowbridge Murray in 1951 and had two children, Megan Brewster and Mary Trowbridge;

Whereas Howard Malcolm Baldrige, Jr. was a recipient of an honorary Doctor of Letters degree from the University of Nebraska at Omaha in 1985;

Whereas Howard Malcolm Baldrige, Jr. was a preeminent business leader and served as director of many distinguished organizations;

Whereas Howard Malcolm Baldrige, Jr. rendered exemplary service to the nation in the Cabinet of the President of the United States for six years as the Secretary of Commerce, influencing major trade policy decisions with his fair trade principles;

Whereas Howard Malcolm Baldrige, Jr. in his tenure as Commerce Secretary developed policies and initiatives, including a Bureau of Competitive Assessment within the Department of Commerce, to monitor and improve the United States' global trade position;

Whereas Howard Malcolm Baldrige, Jr. generally contributed his time and energies to numerous community organizations and philanthropic efforts;

Whereas Howard Malcolm Baldrige, Jr. demonstrated his zest for life as a true-to-life cowboy and a champion on the professional rodeo circuit; and

Whereas with the death of Howard Malcolm Baldrige, Jr. on July 25, 1987, at age 64, the United States lost a distinguished citizen and foremost policy adviser who helped guide the nation toward a stronger economic and competitive trade position, and who remained up to the moment of his death a respected, thoughtful and articulate adviser on the urgent and complex economic questions facing the nation: Now, therefore, be it

Resolved, That it is the sense of the Senate to express profound sorrow and regret at the death of Howard Malcolm Baldrige, Jr.

SEC. 2. The Secretary of the Senate shall transmit an enrolled copy of this resolution

to the family of Howard Malcolm Baldrige, Jr.

SENATE RESOLUTION 257—ORIGINAL RESOLUTION REPORTED MANAGING THE EXPENDITURE OF FUNDS FOR SENATE OFFICIAL MAIL DURING FISCAL YEAR 1988

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 257

Resolved, That for purposes of this resolution—

(1) the term "franked mail" has the meaning given to such term by section 3201(4) of title 39, United States Code;

(2) the term "mass-mailing" is a mass mailing (as defined in section 3210(a)(6)(E) of such title) which is to be mailed as franked mail; and

(3) the term "official mail costs" means the equivalent of—

(A) postage on, and fees and charges in connection with, mail matter sent through the mail under the franking privilege; and

(B) those portions of the fees and charges to be paid for handling and delivery by the Postal Service of Mailgrams considered as franked mail under section 3219 of such title;

(4) the term "Senate office" means the Vice President of the United States, a United States Senator, a United States Senator-elect, a committee of the Senate, the Joint Committee on Printing, the Joint Economic Committee, an officer of the Senate, or an office of the Senate authorized by section 3210(b)(1) of title 39 of the United States Code to send franked mail.

SEC. 2. (a) Notwithstanding any provision of law or of the Standing Rules of the Senate, the total amount which may be incurred by a Senate office for official mail costs for fiscal year 1988 shall not exceed the amount allocated to such Senate office for such period by the Committee on Rules and Administration in accordance with this resolution.

(b) As soon as practicable after this resolution is agreed to, the Committee on Rules and Administration shall determine:

(1) The total amount to be allocated for official mail costs for the Senate, which shall be one-half of the total amount appropriated for official mail costs for the Senate and the House of Representatives for fiscal year 1988.

(2) The total amount necessary for official mail costs for fiscal year 1988 for Senate offices other than Senators.

(3) The total amount necessary to be reserved for contingencies, which shall not exceed 10 per centum of the amount determined pursuant to paragraph 1.

(4) The total amount available for allocation to Senators, which shall be the amount determined pursuant to paragraph (1) minus the sum of the amounts determined pursuant to paragraphs (2) through (3).

(5) The allocation to a Senate office (other than a Senator) for fiscal year 1988, which shall be an amount equal to the product of the amount determined pursuant to paragraph (2) multiplied by the ratio that the official funds provided to such office bears to the sum of the official funds provided to all such offices, except that for purposes of this paragraph the funds provided to the Sergeant at Arms shall be considered to be equal to one-half of the funds provided to the Secretary of the Senate: *Provided,* That the official mail costs of the Joint Committee on the Library shall be charged to the amount allocated to the Committee on Rules and Administration.

(6)(A) Subject to the exception in subparagraph (B) of this paragraph, the allocation of a Senator for official mail costs for fiscal year 1988, which shall be an amount equal to the product of the total amount determined pursuant to paragraph (4), multiplied by the ratio that the population of the State represented by such Senator bears to the total population of the States.

(B) Any Senator whose allocation pursuant to subparagraph (A) of this paragraph is less than $100,000 shall be granted such sums from the contingent fund provided for in section 2(b)(3) to bring such Senator's total allocation up to but not to exceed $100,000 upon request of such Senator to the Committee on Rules and Administration. Funds shall be withheld in the contingent fund during each fiscal year for the use of Senators referred to in this paragraph until each such Senator has indicated the total additional sums, if any, that will be needed by such Senator.

(c) In determining official mail costs, and in making the allocations of Senate offices under this resolution, the Committee on Rules and Administration shall consult with the Postmaster General of the United States.

SEC. 3. The Senate urges the House of Representatives to limit the amounts which may be expended by Members of the House of Representatives, Delegates, Resident Commissioners, and committees, officers, and offices of the House of Representatives in a manner which is similar to the limitations on the expenditure of such amounts which are applicable to Senators during fiscal year 1988.

SEC. 4. The Committee on Rules and Administration shall prescribe a record keeping system to be used by Senate offices to ensure that the amounts allocated to such offices are not exceeded.

SEC. 5. The Committee on Rules and Administration shall prescribe a procedure whereby portions of an allocation made to a Senate office may be transferred to another Senate office: *Provided,* That each such transfer shall be approved by the Committee on Rules and Administration and that no Senate office shall acquire a total amount in excess of the amount that the office could use with the paper officially allotted to such office. The amount of each transfer together with the name of the transferring office, the name of the receiving office, and the date of the transfer shall be set forth in the semiannual report of the Secretary of the Senate, immediately following the tabulation of Senators' quarterly mass-mail costs.

SENATE RESOLUTION 258—ORIGINAL RESOLUTION REPORTED TO REQUIRE DOCUMENTATION FOR PAYMENTS AND DISBURSEMENTS FROM THE CONTINGENT FUND OF THE SENATE

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 258

Resolved, That (a) no payments or reimbursements for expenses shall be made from the contingent fund of the Senate, unless the vouchers presented for such expenses are accompanied by supporting documentation.

(b) The Committee on Rules and Administration is authorized to promulgate regulations to carry out the purpose of this resolution and to except specific vouchers from the requirements of subsection (a) of this resolution.

(c) This resolution shall apply with respect to vouchers submitted for payment or reimbursements on and after October 1, 1987, or upon the adoption of this resolution if such adoption occurs at a later date.

(d) Senate Resolution 170, 96th Congress (agreed to August 2, 1979), is repealed as of October 1, 1987, or upon adoption of this resolution if such adoption occurs at a later date. Any regulations adopted by the Committee on Rules and Administration to implement Senate Resolution 170 shall remain in effect, after the repeal of Senate Resolution 170, until modified or repealed by such committee, and shall be held and considered to be regulations adopted to implement this resolution.

SENATE RESOLUTION 259—ORIGINAL RESOLUTION REPORTED RELATING TO REIMBURSEMENT OF EXPENSES PAID TO WITNESSES APPEARING BEFORE THE SENATE

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 259

Resolved, That witnesses appearing before the Senate or any of its committees may be authorized reimbursement for per diem expenses incurred for each day while traveling to and from the place of examination and for each day in attendance. Such reimbursement shall be made on an actual expense basis which shall not exceed the daily rate prescribed by the Committee on Rules and Administration, unless such limitation is specifically waived by such committee. A witness may also be authorized reimbursement of the actual and necessary transportation expenses incurred by the witness in traveling to and from the place of examination.

SEC. 2. (a) The provisions of this resolution shall be effective with respect to all witness expenses incurred on or after October 1, 1987.

(b) Senate Resolution 538, agreed to December 8, 1980, is repealed effective on October 1, 1987.

AMENDMENTS SUBMITTED

PROCEDURAL AND APPEAL RIGHTS OF CERTAIN POSTAL SERVICE EMPLOYEES

HELMS (AND THURMOND) AMENDMENT NO. 637

Mr. HELMS (for himself and Mr. THURMOND) proposed an amendment

to the bill (H.R. 348) to amend title 39, United States Code, to extend to certain officers and employees of the U.S. Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded under title 5, United States Code, to Federal employees in the competitive service, as follows:

In lieu of the language proposed to be substituted, insert the following:

That (a) section 1005(a) of title 39, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(4) Notwithstanding paragraph (1)(B) of this subsection, and subject to paragraph (2) of this subsection regarding preference eligibles, subchapter II of chapter 75 of title 5 shall apply to all officers and employees of the Postal Service who have completed 1 year of current continuous service in the same or similar positions, other than those persons excluded under either paragraph (1)(A) of this section (regarding collective bargaining agreements) or paragraph (3) of this subsection (regarding certain executive positions).

"(5) In the administration of this subsection, the Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if—

"(A) the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive; or

"(B) the Postal Service determines, in its discretion, that the Board erred in interpreting a law, rule, or regulation affecting postal personnel management and that the Board's decision will have a substantial impact on a postal law, rule, regulation, or policy directive.

In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.".

(b)(1) The amendments made by subsection (a) shall be effective after the expiration of the thirty-day period beginning on the date of the enactment of this Act.

(2) An action which is commenced under section 1005(a)(1)(B) of title 39, United States Code, before the effective date of the amendments made by subsection (a) shall not abate by reason of the enactment of this Act. Determinations with respect to any such action shall be made as if this Act had not been enacted.

STATUTORY INCREASE IN PUBLIC DEBT LIMIT

HELMS AMENDMENT NOS. 638 THROUGH 640

(Ordered to lie on the table.)

Mr. HELMS submitted three amendments intended to be proposed by him to the joint resolution (H.J. Res. 324) increasing the statutory limit on the public debt, as follows:

AMENDMENT No. 638

Add at the end of the bill the following new section:

"SEC. . (a) Notwithstanding any other provision of law or this Act, ninety days after the enactment of this Section, no person shall be employed by the Government of the United States in handling or preparing food for consumption by others at any Federal installation or facility or in connection with any Federal activity unless such person during a preceeding period of twelve months has been HIV tested and such test has been found negative.

(b) Upon the certification by the President to Congress that there is conclusive evidence that HIV infection cannot be transmitted by food, Subsection (a) of this Section shall be void".

AMENDMENT No. 639

Add at the end of House Joint Resolution 324 the following new section:

"SEC. . It is the Sense of the Senate that the Committee on Foreign Relations should conduct comprehensive hearings on the present and future effects of the global HIV plague on international commerce, finance, population movements and trends, and stability, including particularly the national security interests of the U.S.".

AMENDMENT No. 640

Add at the end of House Joint Resolution 324 the following new section:

"SEC. . Notwithstanding any other provision of law or of this Act, the President is directed to insure that the Department of the Air Force resumes the retrofitting of Minuteman III missiles into Minuteman II silos; provided, however, that such retrofitting shall not exceed the use of 50 Minuteman III missiles from the stockpile of such missiles or the expenditure of 50 million dollars for such purposes, whichever first occurs.".

Mr. HELMS. Mr. President, I have filed with the desk three amendments to the debt ceiling legislation. The amendments are as follows:

First. An amendment regarding HIV infection and food handlers at Federal installations;

Second. An amendment urging the Committee on Foreign Relations to conduct comprehensive hearings on the global HIV plague; and

Third. An amendment directing the resumption of the Minuteman III Retrofit Program.

Mr. President, I may call up some, none, or all of these amendments depending on circumstances. In that connection, I would out that several of them do relate to the debt ceiling.

In particular, if we do not begin to deal seriously with the HIV plague in order to curtail its spread, then we are going to face catastrophic fiscal problems in addition to the human tragedy of this dreaded disease. Additionally, the Minuteman III amendment would permit roughly a 5- to 10-percent increase in our strategic military capability at very low cost in relation to the enormous expenses of other strategic programs.

Mr. President, when I introduced S. 1437 regarding the removal of diplomatic immunity for certain family and support staff of foreign diplomats I emphasized the necessity for prompt action. That was a month ago and nothing has happened.

The distinguished chairman on the Committee on Foreign Relations, acting through his staff, indicated that a hearing on S. 1437 would be held on July 30, 1987. Then that hearing was postponed, tentatively—and I emphasis tentatively—to August 5, 1987. Moreover, I have recent word that witnesses who are representative of the many American citizens, who have been victimized by diplomatic crime and who have asked to be heard, may not be permitted to testify.

Mr. President, August 5 is 2 days before the scheduled recess. One way or another I intend to see that these victims get the opportunity they deserve as American citizens to describe how they have been treated by our legal system and the State Department.

I might consider forgoing action on this proposal until after the August recess if these victims can present their case now to allow us the benefit of their views while we shape the legislation: otherwise, Mr. President, I feel that we must go ahead and act without delay since obviously there would be no reason for putting off a Senate decision.

Mr. President, I ask that all three amendments be made available to the Senate in connection with our deliberations on House Joint Resolution 324.

HELMS AMENDMENT NO. 641

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the joint resolution House Joint Resolution 324, supra; as follows:

Add at the end of the bill the following new section:

"SEC. . (a) Notwithstanding any other provision of law and, particularly, the Vienna Convention on Diplomatic Relations, done on April 18, 1961, and the Vienna Convention on Consular Relations, done on April 24, 1963, members of a foreign diplomatic mission (other than diplomatic agents) and members of a foreign consular post (other than consular officers) shall not be entitled to immunity from the criminal jurisdiction of the United States (or of any State) for any crime of violence, as defined in section 16 of title 18, United States Code, for drug trafficking, or for reckless driving or driving while intoxicated or under the influence of alcohol or drugs.

(b) For purposes of this Act—

(1) the term "consular officer" has the same meaning as is given to such term in Article 1(1)(d) of the Vienna Convention on Consular Relations;

(2) the term "diplomatic agent" has the same meaning as is given to such term in Article 1(e) of the Vienna Convention on Diplomatic Relations;

(3) the term "members of a foreign consular post" is used within the meaning of

Article 1(1)(g) of the Vienna Convention on Consular Relations; and

(4) the term "members of a foreign diplomatic mission" is used within the meaning of Article 1(b) of the Vienna Convention on Diplomatic Relations."

Mr. HELMS. Mr. President, I have filed at the desk an amendment to the debt unit legislation which incorporates legislation I introduced on June 26, 1987, which was referred to the Committee on Foreign Relations. That legislation is S. 1437, and it is designed to limit the diplomatic immunity enjoyed—or should I say often abused—by the family and support staff of foreign diplomats.

Mr. President, at the time I introduced S. 1437, I stated that the legislation was—and I quote—overdue and, in my judgment made more necessary each day that passes—close quote.

Mr. President, I meant what I said, and now that more than a month has come and gone with no action, I have decided that I cannot in good conscience permit further delay. There has been discussion of a hearing on the proposal but we have all been down that road before.

The proposal is simple and, if called up, ought not require all that much debate or deliberation.

What it boils down to is this: do we want to protect ordinary American citizens from the rampages and rapaciousness of certain elements in our society whom the State Department has seen fit to protect from the consequences of their criminal activity?

We will either want to offer that protection to our citizens or we won't. We will either be clear headed and resolve a serious problem, or we will seek to hide behind vague arguments about international relations and the rest of the normal pablum served up by the lawyers at the State Department.

I believe that our colleague, the distinguished senior Senator from West Virginia, Senator BYRD, stated it most succinctly when, in reference to the shooting of Kenneth Skeen, he said it seemed: "Inconceivable to me that the relative of a diplomat can carry a gun in this country and shoot an American citizen and cannot be arrested; cannot be brought to trial; can just be turned loose on the street."

The amendment I have filed will end the outrages to which the distinguished minority leader referred. The amendment would restore to innocent American citizens the rights, privileges and freedoms which were guaranteed to them 200 years ago in the Constitution.

I bring to the attention of the Senate, Mr. President, the fact that in the United States today, there reside over 37,000 individuals in this country who are free to commit any crime, no matter how serious, how violent, how heinous, and remain free from prosecution.

In their book entitled "Diplomatic Crime" Chuck Ashman and Pamela Trescott detail in 350 pages the horrors suffered by innocent Americans at the hands of foreign residents who have no regard or remorse for their victims—our citizens.

Two hundred years ago, Thomas Jefferson wrote in the Preamble to the Constitution:

> We hold these truths to be self-evident; that all men are created equal; that they are endowed by their creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.

Unfortunately, for hundreds of Americans, their unalienable rights have been alienated, and continue to be alienated by foreign criminals who hide behind the cloak of diplomatic immunity.

For innocent Americans like Carol Holmes who was brutally raped in her own home, or "Holly" a young Washington DC teenager who was gang raped—there is no personal liberty.

For residents like Dr. Halla Brown, professor of medicine and chief of the allergy clinic at George Washington University, there is no such thing as freedom. Her professional career, her contribution to our community, her financial independence and her personal life were all destroyed by a Panamanian diplomat who, through his callous arrogance and disregard for simple traffic regulations, has left Dr. Brown a prisoner in her own quadriplegic body.

And for a young man like Kenneth Skeen, who had honorably served our country in military service, his guarantee of a right to life was all but extinguished by the son of a South American diplomat who shot him three times and left him to fight for his life in an intensive care unit.

In each of these cases, our citizens, these victims of international arrogance have not only been denied their constitutional rights of life, liberty, and the pursuit of happiness, they have also been denied the right of redress of grievances, the right of equal protection under law, and the right, Mr. President, to expect what every American is taught to expect and believe when they recite the Pledge of Allegiance—the right of liberty and justice for all.

Like my distinguished colleague from West Virginia, Senator BYRD, I too think it inconceivable that such an outrageous lack of regard for our system of justice, our due process of law, and the rights of our citizens has been allowed to continue in this country. I think it is time that we, the representatives of the people of this Nation, put an end to the legal loophole that has allowed the family and support staff members of foreign diplomats to deny to our citizens the freedoms and protections which are rightfully theirs.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the hearing scheduled for Tuesday, July 28, 1987, by the Small Business Committee's Subcommittee on Government Contracting and Paperwork Reduction, has been rescheduled for Wednesday, August 5, 1987. The purpose of the hearing is to receive testimony concerning the expected impact of a series of amendments to the Small Business Act contained in Public Law 99-661, the fiscal year 1987 Department of Defense authorization. The hearing will commence at 9:30 a.m. and will be held in room 428A of the Russell Senate Office Building. For further information, please call William B. Montalto, procurement policy counsel for the committee at 224-5175, or Christine Lundregan of Senator DIXON's staff at 224-5334.

Mr. President, I would like to announce that the Small Business Committee's hearing on the impact of section 1706 of the Tax Reform Act on technical service workers as independent businesses scheduled for Wednesday, August 5, 1987, has been postponed and will be rescheduled sometime in the fall.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON THE CONSTITUTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary be authorized to meet during the session of the Senate on July 28, 1987, to hold a hearing on S. 465, undetectable firearms.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, July 28, 1987, to mark up the nominations of Alan Greenspan to the Federal Reserve Board, David Ruder to the Securities and Exchange Commission, Charles Cobb to be Assistant Secretary of Commerce, Roger Martin to the Federal Home Loan Bank Board, and Arnold Steinberg to the National Institute of Building Sciences.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 28, 1987, to consider legislation in re-

sponse to reconciliation instructions under the budget resolution.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 28, 1987, to consider pending committee business.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 28, 1987, to conduct a business meeting.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 28, 1987, at 4 p.m. to receive a closed briefing by U.N. Ambassador Vernon Walters on his recent trip to Moscow and Beijing regarding U.N. Security Council resolutions on the Persian Gulf.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 28, 1987, to hold a hearing on ambassadorial nominations.

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

ADDITIONAL STATEMENTS

HOME IN THE SUN DOWN FLORIDA WAY

● Mr. CHILES. Mr. President, a short while ago I had the distinct pleasure of hearing from a very unique constituent of mine. As a 94-year-young resident of St. Petersburg, one of the only things that Roscoe Gardner enjoys as much as golfing is his hobby of song writing. He was kind enough to forward to my office a copy of a song he recently wrote, in which he very graciously extolls the benefits of Florida living which are shared by all of my State's residents, especially its retired community. I would therefore like to take this opportunity to submit for the RECORD the lyrics of this song, which he has entitled, "Home in the Sun, Down Florida Way".

The lyrics follow:

HOME IN THE SUN, DOWN FLORIDA WAY

We left the old home and started to roam,
Then drifted down Florida way.
Where old people find a life giving clime,
And shufflers just shuffle all day.

Home, home in the sun,
Where our dreams at last have come true.
Where new friends are made as we rest in the shade,
And life blossoms out all anew.

The toil and the tears of all the past years,
The battle for prestige and wealth,
Are soon laid aside while here we abide,
Buoyed up with new vigor and health.

Home, home in the sun,
Where our dreams at last have come true.
Where new friends are made as we rest in the shade,
And life blossoms out all anew.

Through Florida's gates a paradise waits
For all who seek peaceful repose.
The shuffleboard lures while good fishing cures
Most all of our griefs and our woes.

Home, home in the sun,
Where our dreams at last have come true.
Where new friends are made as we rest in the shade,
And life blossoms out all anew.

The lakes and streams give vent to our dreams,
While golfing builds vigor and vim.
Good beaches abound and are used the year round,
Where the old and the young love to swim.

Home, home in the sun,
Where our dreams at last have come true.
Where new friends are made as we rest in the shade,
And life blossoms out all anew.●

INFORMED CONSENT: CONNECTICUT

● Mr. HUMPHREY. Mr. President, today I would like to insert into the RECORD a letter sent to my office in support of my informed consent legislation, S. 272 and S. 273. Today's letter comes from the State of Connecticut.

I ask that the letter from a woman in Connecticut be inserted in the RECORD.

The letter follows:

MAY 29, 1987.

DEAR SENATOR HUMPHREY: I must congratulate you on your decision to introduce an informed consent bill. It is certainly long overdo.

As a woman who had an abortion at age 19 and lived to regret it beyond words, I am a living testimony to this need. I was not provided with the factual information concerning the life inside me or the abortion procedure which ended that precious little life. Had I known then what I know now, my irreplaceable baby would now be 5 years old and very much alive.

I support your bill wholeheartedly.

Most Sincerely,

ALLISON ASHLEY KEUHNER,
CONNECTICUT.[1]●

IMMIGRATION REFORM—LEGALIZATION PROGRAM'S "SECOND STEP"

● Mr. CRANSTON. Mr. President, I would like to draw the attention of my colleagues to an article written by Harry P. Pachon, Kenan professor of politics at Pitzer College, Claremont, CA, and executive director of the National Association of Latino Elected and Appointed Officials, that appeared in the Chicago Tribune on May 30, 1987, concerning a little-publicized aspect of the Immigration Reform and Control Act's legalization program. The article, entitled "Amnesty's Difficult Second Step," addresses the issues raised by the act's requirement that legalization applicants pass a citizenship and English competency exam or be enrolled in English and citizenship classes in order to qualify for permanent resident status. Under the act, once an applicant obtains temporary residence status—for which an applicant must apply during the 1-year period beginning on May 5, 1987—she or he has 18 months in which to meet the permanent residency requirements. Thus, Mr. President, this article is timely, and we should begin to consider the necessary course of action to assure that the legalization program does not ultimately fail because applicants are unable to comply with the requirements for permanent residency status. I ask that the full text of this article be printed in the RECORD.

Mr. President, there are a number of complex issues raised by the requirements for permanent residency status which, if unresolved, will prevent applicants from completing the legalization process. First, it is clear that there is an insufficient number of citizenship and English courses for applicants who must enroll in classes to meet the act's requirements. As pointed out by Mr. Pachon, "Classes in English and citizenship are at a premium * * *. In Los Angeles, for example, more than 40,000 people have been turned away from adult education classes in English during the last year." Also, Mr. Pachon appropriately notes that something must be done soon to address this issue because only five school semesters remain between the legalization program's first step—obtaining temporary residency status—and the program's second step—applying for permanent residency status. Mr. President, I recently met with business leaders and educators in Los Angeles regarding the implementation of the legalization program, and they confirmed that there is a serious shortage of English and citizenship classes in light of the number of people who've asked to enroll in them.

While it is clear that the State impact aid authorized by the Immigration Reform and Control Act will provide some funds to States to provide needed educational programs for legalization applicants, these funds alone cannot solve the problem. Therefore, I would like to draw the attention of my colleagues to legislation, S. 629 entitled the English Proficiency Act of 1987, introduced by Senator BINGAMAN and for which I am a cosponsor, which will help alleviate the problem. Mr.

President, S. 629 will provide grants through the Office of Adult Education to establish literacy programs for those who are limited-English proficient. A grant recipient may be a community based organization, local educational agency, tribally controlled school, 2-year or 4-year institution, public library, or prison. The bill also establishes a clearinghouse to facilitate the gathering and dissemination of literacy training and educational materials to the limited-English population. I urge my colleagues to support this legislation which will make more English classes available for those who must enroll in them to meet the act's requirements.

Mr. Pachon also points out, Mr. President, that the requirement that legalization applicants pass the citizenship exam in order to obtain permanent residency status may constitute yet another stumbling block for applicants because of the exam's high failure rate. He notes that "* * * of the 500,000 legal immigrants who apply for U.S. citizenship each year, approximately one-third do not complete the process because of their inability to pass the citizenship exam or for other reasons." He explains that the high failure rate may be attributed to the fact that there is no standardized citizenship exam and, consequently, the questions asked during the exam are chosen in a very arbitrary fashion.

Mr. President, we should take a hard look at the probable reasons for the high failure rate of those who take the citizenship exam and consider the proposals advanced by Mr. Pachon. For example, Mr. Pachon recommends that the Immigration and Naturalization Service [INS] standardize the citizenship exam such that a list of 50 to 100 relevant questions would be available to applicants for study, and during the actual test the examiner could ask 5 to 10 of these questions. He also suggests that INS allow applicants who initially fail the test the opportunity to retake the test. Finally, Mr. President, Mr. Pachon points out that INS could assure the success of the legalization program by publicizing the requirements for permanent residency status so that applicants can make arrangements to enroll in classes now.

In conclusion, Mr. President, I believe that the problems Mr. Pachon has noted in connection with the requirements for permanent residency status merit our consideration. As I have said before, the legalization program was intended to be a generous, humane response to the problems of vulnerable individuals. We should do all we can to assure that individuals successfully complete both the first and the second step of the legalization process.

The text follows:

AMNESTY'S DIFFICULT SECOND STEP

(By Harry P. Pachon)

If living in the United States depended on it, could you answer the following questions? "How many Pilgrims landed at Plymouth Rock? Name the order in which the original 13 states entered the Union? Who was the sixth U.S. President?"

Let's face it, even a college graduate with a degree in American history would have trouble passing this exam. Yet callers to a U.S. citizenship hotline have complained that these and even more outrageous questions have been asked by Immigration and Naturalization Service officials during naturalization proceedings.

The outrageous, however, may become more common as the INS grapples with the new amnesty program. The first of two steps in the amnesty process requires immigrants to prove their residency in this country since Jan. 1, 1982. Under the program's little-publicized second step, amnesty applicants must pass a citizenship and English competency exam or be enrolled in English and citizenship classes.

Despite the expected flood of applicants (which has already begun), the INS has failed to acknowledge the ramifications of this second step. Yet if the way the INS runs the naturalization program for legal immigrants is an indication, serious problems for the amnesty program loom.

For example, of the 500,000 legal immigrants who apply for U.S. citizenship each year, approximately one-third do not complete the process because of their inability to pass the citizenship exam or for other reasons. Amnesty applicants will have to face this same citizenship exam.

If the failure and withdrawal rate for people seeking amnesty is similar to the citizenship rate, than close to 800,000 of the 4 million expected to apply may not pass amnesty's second step.

Part of the reason for the high failure rate is the arbitrary nature of the present citizenship exam. The test takes place in the context of a private meeting between the INS examiner and the applicant. There are no standardized questions in the oral exam. No outside witnesses are present. No transcript is made of the questions asked or the answers given.

An immediate reform the INS could institute would be to standardize the exam for both citizenship and amnesty applicants. A list of 50 to 100 relevant questions that might be asked should be developed and distributed to all amnesty applicants. During the test, the examiner could ask five to 10 of these questions.

In addition, thought should be given to what will happen to amnesty applications who fail the test. Draconian visions come to mind of INS vans waiting outside federal buildings for those who fail. The INS should have procedures in place to allow applicants the opportunity to retake the test.

Equally important and in need of attention are the citizenship and English courses for applicants who opt to meet the new law's requirements by enrolling in classes. There are certain logistical problems that neither the INS nor Congress has considered.

Classes in English and citizenship are at a premium. In many areas, long waiting lists or the lack of classes are the norm. In Los Angeles, for example, more than 40,000 people have been turned away from adult education classes in English during the last year.

Compounding the problem is that only five school semesters remain between the amnesty's first step (which can be taken until next May) and the final time an applicant must demonstrate proof of enrollment in English/citizenship classes (within 18 months of step one).

The amnesty program provides us with a unique opportunity to promote the values of U.S. citizenship to millions of people who will truly appreciate the chance to become fully integrated into American life. Unfortunately, little is being done to fulfill this pledge—and time is already running out.●

FORMAL NOTIFICATION—PROPOSED ARMS SALE

● Mr. PELL. Mr. President, section 36(b)(1) of the Arms Export Control Act requires that Congress receive formal notification of proposed arms sales under the act in excess of $50 million, or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications I have received. The classified annexes referred to in the notifications is available to Senators at the Foreign Relations Committee.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 24, 1987.

In reply refer to: I-04115/87 ct.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 87-33 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter(s) of Offer to Canada for defense articles and services estimated to cost $19 million. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

[Transmittal No. 87-33]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b)(1) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Canada.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$17
Other	2
Total	19

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Twenty-two SM-2 Standard missiles, spares, container sets, training, test equipment, engineering and technical services.

(iv) Military department: Navy (AKT).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending March 31, 1987.

(viii) Date report delivered to Congress: July 24, 1987.

POLICY JUSTIFICATION

CANADA—SM-2 STANDARD MISSILES

The Government of Canada has requested the purchase of 22 SM-2 STANDARD missiles, spares, container sets, training, test equipment, engineering and technical services. The estimated cost is $19 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Canada; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

Canada needs these missiles for its Tribal Class Update and Modernization Program. The purpose of this program is to upgrade 1960-vintage destroyers. Canada will have no difficulty absorbing these missiles into its armed forces.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be General Dynamics of Pomona, California.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives in Canada.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 24, 1987.

In reply refer to: I-04257/87ct.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 87-34 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter(s) of Offer to The Netherlands for defense articles and services estimated to cost $58 million. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

[Transmittal No. 87-34]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b)(1) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: The Netherlands.

(ii) Total estimated value:

	Million
Major defense equipment [1]	$49
Other	9
Total	58

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Forty ALQ-131 electronic countermeasures (ECM) pods, support equipment, spares, and contractor engineering technical support.

(iv) Military department: Air Force (YEU).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid:

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: July 24, 1987.

POLICY JUSTIFICATION

NETHERLANDS—ALQ-131 ELECTRONIC COUNTERMEASURES PODS

The Government of The Netherlands has requested the purchase of 40 ALQ-131 Electronic Countermeasures (ECM) Pods, support equipment, spares, and contractor engineering technical support. The estimated cost is $58 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of the Netherlands; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

The Netherlands needs the pods for the additional F-16 aircraft in its inventory. The Netherlands will have no difficulty absorbing this equipment into its armed forces since it already has the pods in its inventory.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Westinghouse Electric Corporation of Baltimore, Maryland.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to the Netherlands.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

CONFIRMATION OF DR. JAMES BILLINGTON AS LIBRARIAN OF CONGRESS

● Mr. MOYNIHAN. Mr. President, on Friday, July 24, 1987, the Senate confirmed Dr. James H. Billington as our Nation's 13th Librarian of Congress. I was pleased to support Dr. Billington's nomination during our Rules Committee hearings on his nomination and am delighted that the Senate has acted so expeditiously in confirming him. I could not think of a better and more appropriate choice.

I have known Dr. Billington for years. He and I have many a thing in common but what we are probably most proud of is our mutual association with the Woodrow Wilson International Center for Scholars. As Special Assistant to President Nixon, I sat on the first Board of Trustees of the Center when it was in its infancy in 1969.

Thanks to Jim Billington, it is an infant no more. Since 1973, in his capacity as Director, he has worked to make this institution one of the foremost of its kind. The Center promotes advanced study of current international issues as well as those problems which we might encounter well into the 21st century. It does so by providing scholars from many countries the opportunity to study each other's work. Dr. Billington himself embodies this type of scholar. He has spent his life mastering the culture and history of the Soviet Union and worked hard at the Wilson Center to establish the Kennan Institute for Advanced Russian Studies. We have here a man clearly dedicated to the advancement of knowledge and communication between nations, surely my colleagues on this committee and in the Senate recognize how such skills can benefit the Library of Congress.

Just as the Wilson Center has enabled individuals to study different governments and cultures, the Library of Congress serves much the same purpose. It gives thousands of individuals the opportunity to study the numerous volumes housed within its walls.

Dr. Billington understands the needs of scholars and the needs of libraries. From his time as an undergraduate at Princeton University to his work as a Rhodes Scholar to his return to Princeton as a professor of history, he has displayed great dedication to his scholarly work.

Both the Wilson Center and the Library of Congress exist for the purpose of educating; granting individuals with the desire to learn the opportunity to do so. James Billington has been doing just this for over a quarter of a century. I have no doubt that he will put to use his skills as a professor, as an educator and as an administrator to continue the tradition of excellence in the office of the Librarian of Congress.●

JAMES BILLINGTON: UNIQUELY QUALIFIED TO BE LIBRARIAN OF CONGRESS

● Mr. SARBANES. Mr. President, no institution more eloquently reflects the Nation's finest accomplishments, traditions and ideals than the Library of Congress, and I can think of no one better suited to serve as Librarian of Congress than James H. Billington, whose appointment we were fortunate to confirm last week.

By temperament and experience, Jim Billington—who I am pleased and honored to consider a friend of many years' standing—is uniquely qualified to be Librarian. A distinguished schol-

ar and teacher, a renowned authority on Russian history and culture, he received his B.A. from Princeton University and his Ph.D from Oxford University, where he was a Rhodes Scholar at Balliol College. He entered the U.S. Army after leaving Oxford and served for 3 years before beginning his teaching career at Harvard University in 1957. In 1961 he returned to Princeton and remained there, as professor of history, until assuming the directorship of the Smithsonian Institution's Woodrow Wilson International Center for Scholars in 1973. An inspiration to several generations of Princeton undergraduates, widely respected as a scholar and as an observer of Soviet cultural and political affairs, he published his highly regarded treatise, "The Icon and the Axe: An Interpretive History of Russian Culture" during this period.

For the past 14 years, Jim Billington has been the Director of the Woodrow Wilson Center at the Smithsonian. Established by Congress in 1970 as an international institute for advanced study that would bring together "the world of learning and the world of public affiars," the Center, under Jim Billington's leadership, has brilliantly accomplished its purpose. It has drawn to Washington scholars and public figures from all parts of the world and brought them together with their American counterparts, marshalling the extraordinary resources available to scholars in the Nation's Capital and in the process becoming an indispensable new resource. The Woodrow Wilson Center today includes a series of distinguished regional programs, among them the Kennan Institute for Advanced Russian Studies, and publishes the widely respected Wilson Quarterly. In all the many and varied activities of the Center, Jim Billington has always avoided the trivial and focused instead on fundamental issues. He has consistently sought out sage minds, insisted on the highest standards of scholarship and encouraged thoughtful public dialog and debate.

While the Woodrow Wilson Center is a very young institution, the Library of Congress is almost as old as the Nation. In 1800 President John Adams signed legislation authorizing "the purchase of such books as may be necessary for the use of Congress;" and 2 years later the Library of Congress was officially established. Destroyed in 1812 when British forces burned down the Capitol, where it was then housed, the Library was "recommenced" in 1815 with the purchase of Thomas Jefferson's private library. Today its vast collections extend beyond the 18 million books in its catalogs to include maps, charts, engravings, musical scores, films, and photographs.

The Library of Congress has been described as "an intellectual banquet," and "a great El Dorado of information." It is a scholar's paradise and a citizen's haven. It is Congress' library and, in the broader sense, the Nation's library, the people's library. Jim Billington will bring to the Library the same principles that have distinguished his leadership of the Woodrow Wilson Center; further, he will have the respect and friendship of the many Members of the Congress who have had occasion to work with him and seek his counsel during his years at the Woodrow Wilson Center. Congress and the Nation are fortunate to have him as Librarian.●

THE CHILD CARE CRISIS: WHY REGULATION IS IMPORTANT

● Mr. CRANSTON. Mr. President, Helen Blank, director of the Child Care Division of the Children's Defense Fund recently took the time to take exception to a Washington Post editorial that supported Representative NANCY JOHNSON's proposed Child Care Act of 1987.

Ms. Blank's reservations about the approach proposed in the Johnson bill focus upon important issues relating to the quality of child care.

In Helen Blank's words:

> The bill starts off in the right direction by providing desperately needed federal funds to help low-income families pay for child care. But it takes a wrong turn when it allows providers of day care in their homes to participate in this program for as many as three years without meeting any of the state standards that protect children's health and safety.

As the author of legislation in both the last and current Congresses designed to stimulate State efforts to review and upgrade child care licensing and regulation systems, I strongly believe in the need to make sure America's children are cared for in safe and secure environments.

Again in Helen Blank's words:

> When child care is left unregulated, tragedy can result. Last December, in Brooklyn, a fire broke out in an unlicensed family day-care home. The family day-care provider was looking after too many infants and toddlers—more than state standards would have permitted—to get all the children to safety. Two children, ages 4 and 2, were killed.

Child care licensing and regulation exist for a reason: to protect children. Child-to-staff ratios, one of the primary elements of child care regulations, can—and do—protect children by helping prevent tragedies like this from occurring more often.

But child-to-staff ratios are far from the only regulations that protect children. Also critical to the well-being of children in child care are staff qualifications and training, parental participation and access, and health and safety standards.

Providing assistance to low-income families who need child care is an excellent idea, and one I have been trying to achieve for a number of years. But saying to these parents, in effect, we don't care who cares for your children or under what conditions is not a good idea. In fact, it's a bad idea.

When the Federal Government funds child care, it ought to be safe and adequate care. In 1980, Edward Zigler, the first director of the Federal Office of Child Development and former chief of the Children's Bureau, observed that without Federal minimum health and safety standards for federally funded child care programs, "we run the risk of scandals like those in the nursing home field that have periodically shocked the country * * * and the outlook for quality care will be bleak."

As we make strides in addressing the many elements of the child care crisis—and I believe we are making progress—this is no time to back away from the health and safety needs of our children. Instead, it's time—past time—to make sure that we improve every facet of child care in America.

I ask that the entire text of Helen Blank's response be included in the RECORD.

The text follows:

DON'T PUT OFF SAFER CHILD CARE

In seeking better access to child care for more low-income families, we cannot trade off their children's safety. But that is exactly what Rep. Nancy Johnson's Child Care Act of 1987—endorsed by the Post in an editorial [June 20]—would do.

The bill starts off in the right direction by providing desperately needed federal funds to help low-income families pay for child care. But it takes a wrong turn when it allows providers of day care in their homes to participate in this program for as many as three years without meeting any of the state standards that protect children's health and safety. The Post goes along with this approach, recommending that meeting minimum safety requirements be separated from the issue of providing new federal funds for child care.

But the issue of regulation is too urgent to be left for another day. It needs to be addressed now, while the subject is on the table. When child care is left unregulated, tragedy can result. Last December, in Brooklyn, a fire broke out in an unlicensed family day-care home. The family day-care provider was looking after too many infants and toddlers—more than state standards would have permitted—to get all the children to safety. Two children, ages 4 and 2, were killed.

We know that standards make a difference to children's safety. A recent study of child abuse and neglect in North Carolina day-care programs found that complaints against unregistered family day-care providers were three times as likely to be severe as those in registered homes. Futhermore, child-care centers subject to lower standards and less monitoring were five times as likely to be the subject of serious complaints as programs that met higher standards and received more frequent monitoring. Setting and ensuring compliance with basic standards is a widely accepted public responsibility for many public services and health-related jobs; restaurants, doctors, auto me-

chanics, and bus drivers. Small children deserve no less.

We also know that ensuring quality child care contributes to a more productive work force. Parents lose valuable time on the job when they are worried about their children's care arrangements. A Fortune magazine study of 400 working mothers and fathers with children under 12 found that dissatisfaction with child care was the most reliable indicator of absenteeism and unproductive work time.

Second, decent child care is critical to the healthy development of a growing proportion of our future work force. A number of business and government leaders agree that high-quality early childhood development programs play a key role in getting children off to a good start. Such programs are equally crucial for low-income children; improving their ability to gain basic academic skills, addressing their health and nutritional needs, and helping to ensure that they begin school on a more equal footing with their more advantaged peers.

As the portion of the American population that is young shrinks, we will need every one of our youths to have developed the basic skills to be productive and to help our nation remain competitive. Despite the compelling social and economic case for good child care for all children when their parents are working, children from less well-off families remain only half as likely to get a quality preschool experience as their more affluent peers.

There is a growing consensus that this country cannot afford to continue denying decent child care to millions of young children from working families. Yet the passage of any significant new initiative will demand a groundswell of support from all sectors of our society.

We hope to find common ground with Rep. Johnson and all concerned Americans to develop new solutions that address the child care needs of our families and children.●

S. 1346, THE PERFORMING ARTS LABOR RELATIONS AMENDMENTS

● Mr. METZENBAUM. Mr. President, for too long, the musicians of this country have been denied fundamental rights and protections that millions of working Americans have long enjoyed. Because of an unjust decision by the National Labor Relations Board over 10 years ago, performing musicians in this country have no control over their working conditions. The Board has repeatedly refused to allow these hard-working men and women to bargain collectively with their employers over their wages, hours, and terms and conditions of employment. These talented Americans deserve better. We cannot legitimately justify denying performing artists access to the collective bargaining process that Congress established and made available to others more than 50 years ago. The performing arts labor relations amendments, S. 1346, of which I am proud to be an original cosponsor, would allow musicians to negotiate the terms of their contracts and the terms for their employment. Allowing performing artists these simple rights is fair, it is much-needed, and it is long overdue. I salute my colleague from Hawaii for introducing this important bill, and I pledge to do all that I can in support of his efforts.●

IN MEMORY OF HERB HAYES

● Mr. McCONNELL. Mr. President, I am saddened today to rise in memory of one of Kentucky's truly outstanding men, Herb Hayes, who generously served the people of the Commonwealth with his leadership abilities, good manner, upbeat spirit, and dedication to Kentucky and to the Republican Party. Herb Hayes will be remembered by his many friends throughout the Commonwealth of Kentucky for his service and achievements, and those of us who knew him will deeply miss him.

As a father, a businessman, and mayor, he was a man of achievement. His political career was one of distinction, as well. Herb was the first candidate in the history of Hopkinsville, KY to defeat an incumbant mayor. That election also marked the first time a Republican had been elected to the city's top post. He was inducted into the mayor's office on January 1 of last year, and before that served as Hopkinsville's first Republican member of the city council. Herb was a delegate at the 1984 National Convention of the Republican Party, served as chairman of the Reagan-Bush Campaign in western Kentucky, chairman of Kentucky's 1st Congressional District Republican Party and chairman of the Christian County Republican Party.

Herb's unselfish service to the community gives further testimony to his special and abundant capacity to give. In Hopkinsville he was chairman of the board of the Salvation Army, president of the Rotary Club, president of the Chamber of Commerce, and president of the Association of the United States Army.

Last September he underwent cancer surgery, yet continued to serve the city of Hopkinsville graciously and unselfishly, until his death on June 18.

Mr. President, I ask that my colleagues share my sentiments of tribute to Herb Hayes and remember his vision, generosity, and dedication to Kentucky and its people. I join Herb's wife, Marilyn, and his three children, in mourning his death. Herb Hayes will be sadly and profoundly missed.●

DEREGULATING AIRLINES

● Mr. HUMPHREY. Mr. President, recent editorials in the New York Times and the Washington Times—hardly ideological cousins—illustrate the increasing public furor over our Nation's Air Transportation System. Both suggest worthwhile solutions to the ailments which plague the system and both are welcome additions to a debate too often characterized by cries for reregulation of the airline industry, a nonsolution that would drastically reverse the massive benefits reaped by the American consumer since deregulation in 1978.

Contrary to the opinion of a growing number of deregulation-bashers, the problems associated with our Air Travel System are not the product of the deregulation of the airline industry, but of the continuing overregulation of the system's other components, namely the airports and the air traffic control [ATC] network. Clearly, in the words of the Washington Times, "* * * the Government-managed two-thirds of the Air Traffic System—the Government-regulated airports and the ATC system—simply have not been able to keep pace with swiftly changing market forces."

At the heart of rising public concern for consumer safety and satisfaction is the problem of congestion at many of the Nation's airport "hubs". As the New York Times says, "today, runway space is rationed in Denver the same way vodka is rationed in Leningrad: with lines. If, instead, scarce 'slots' were auctioned to the airlines, passengers most eager to fly at 6 p.m. could buy the privilege." Market forces in the allocation of landing slots would provide incentives for airlines to space their flights more evenly over the course of a day, while awarding peak-hour slots to those carriers most willing to pay the price for their use. Congestion would lessen, and with it, delays and the startling number of "near-misses" and "runway incursions" we hear so much about.

The operation of the free market could and should also be applied to the ATC System, whose capacity is limited by a Federal Aviation Administration [FAA] held hostage by politics. The Washington Times points out that, "rather than focusing on improving the ATC Systems and personnel cohorts at the country's busiest airports like Atlanta and Newark, the politically controlled FAA must consider equitably distributing its resources on a regional basis—Congress, remember, is elected that way."

Mr. President, I submit that the storm of reregulation currently threatening the airline industry is not the answer to our air traffic woes. Rather, the other elements of the system must be similarly freed from restraints imposed by regulation. I will be working in the coming weeks and months on proposals to allow the airports and the ATC System to catch up with the benefits produced by airline deregulation.

I ask that "Airport 1987" from the Washington Times of July 23 and "More Than Band-Aids for Air Delays" from the New York Times of

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July 22 be printed in the RECORD. Thank you.

The editorials follow:

[From the N.Y. Times, July 22, 1987]

MORE THAN BAND-AIDS FOR AIR DELAYS

The Senate Commerce Committee is mad as hell about inaccurate airline schedules and won't take it anymore. The committee would require airlines to publish detailed performance information, including the frequency of delayed arrivals, canceled flights and lost-baggage claims.

Who but the airlines and the unsophisticated opponents of regulation within the Reagan Administration would oppose truthful schedules, or resist financial incentives for carriers to schedule fewer flights when the air lanes are most congested? These are fine ideas, but they are Band-Aids. Air travel rests at the very heart of American business and life style. And the air travel system has become horribly inadequate, congested and less safe. Like so many problems the answer is simple—money. But unlike most such problems, the money can be made readily available.

Veteran air travelers have learned not to take schedules literally. They know the 5:55 from Atlanta rarely leaves the ground before 6:45, and that the wait for a gate at O'Hare often exceeds the flying time from Detroit or St. Louis.

Of course, the airlines know it too. But they're also aware that passengers reserve the shortest available flights leaving at convenient hours. And the carriers would much prefer to publish unrealistic schedules than lose passengers to more "optimistic" competitors. If travel agents' reservation computers showed, say, the number of times the flight was more than 15 minutes late in the last month, travelers would be able to make smarter choices.

More important, it would give the airlines an incentive to provide accurate flight times and spread flights into less crowded hours. Truth in packaging would be helpful. So would better management of existing capacity. Today, runway space is rationed in Denver the same way vodka is rationed in Leningrad: with lines. If, instead, scarce "slots" were auctioned to the airlines, passengers most eager to fly at 6 P.M. could buy the privilege. Revenues from such auctions might be used to waive regular airport fees at non-peak hours, giving airlines an additional financial incentive to reschedule flights when they could be most easily accommodated.

There is a limit to the performance that can be squeezed from existing runways, terminals and traffic control computers. That's why in 1982 Congress authorized both a dramatic expansion of the air traffic system and a source of revenue to fund it. Travelers pay an 8 percent user tax on airline tickets, enough to fund the needed concrete, machines and people.

Unfortunately, the airline ticket tax has since become a pawn in the battle to reduce the Federal deficit. Ticket tax revenues count as part of the Federal budget. And once the cash disappears into the general revenue pot, the managers of the aviation infrastructure have no special claim on the funds.

Both the House and Senate now appear ready to scrape together more cash for airport construction and air traffic control. The better, permanent fix, proposed by Senator Kassebaum of Kansas, would clearly label the ticket tax as a user fee and remove both revenues and expenditures for air travel improvements from the regular budget. Travelers would end up with precisely the air traffic system they paid for—which is what legislators might contemplate in their current outrage.

AIRPORT 1987

Like the 99-cent cheeseburger, the $99 coast-to-coast air ticket represents a triumph in American culture. Cheap air fares have made transcontinental travel a staple, not a luxury; and they are an indisputable product of government deregulation. But a new and gruesome popular fiction—that such problems as flight delays and near-misses are a result of deregulation—could inspire Congress to write new regulations, and put an end to the airline boomlet.

When Congress passed the Airline Deregulation Act in 1978, it helped liberate one-third of the nation's air travel system, the commercial air carriers themselves. The other two-thirds of the system, the airports and the air traffic control network, remained in government bondage.

When fare and routing restrictions vanished in 1983 the airline industry experienced a business boom. Between 1969 and 1983 commercial air flights had averaged 5.04 million annually. By 1986 there were a record 6.4 million. In a Brookings Institute study, "The Economic Effects of Airline Deregulation," economists Steven Morrison and Clifford Winston estimate that the increasing social welfare benefits of deregulation have been equally enormous. By their calculations, air travel consumers have realized $6 billion (1977 dollars) annually in deregulation-generated added welfare while the air carriers themselves have realized $2.5 billion.

But the government-managed two-thirds of the air traffic system—the government-regulated airports and the ATC system—simply haven't been able to keep pace with swiftly changing market forces. In the interest of maximizing fuel and airfleet use, airlines have shifted to a hub-and-spoke routing system, which funnels a disproportionate share of the air traffic burden into a few centrally located major airports. Because more passengers want to fly in morning and evening peak slots, and because the CAB and later the Transportation Department have not allowed "biased" listings on the computer reservation systems used by travel agents, all airlines have a double interest in listing flights at certain "premium" times, even if they don't expect to fly at that time.

Suppose an airline has a slot to take off from Washington National Airport anytime between 8:00 and 9:00 p.m., but most people would prefer to leave at the earliest moment in this slot. The DOT anti-bias regulation for computer reservations says that the flights scheduled at 8:00 get listed on the travel agent's computer screen before the flights leaving at 8:15—even if the 8:15 flight is cheaper and shows a movie and is on the air carrier that owns and operates the reservation system. In this situation it makes better marketing sense for the airline to list its flight for an 8:00 takeoff even though it knows the flight is more likely to leave about 8:20. Hence, flight delays.

Since federal laws still don't allow local airports to follow rational economic criteria in charging airlines for takeoff and landing slots there is no pricing mechanism to help ration the use of landing strips. Airports must charge the same landing fees to fully loaded 747s as to empty commuter jets landing at the same time.

The air traffic control system, as a subset of the FAA which in turn is a subset of DOT, is even more prone to bureaucratic inefficiency. Rather than focusing on improving the ATC systems and personnel cohorts at the country's busiest airports like Atlanta and Newark, the politically controlled FAA must consider equitably distributing its resources on a regional basis—Congress, remember, is elected that way.

Great Britain has begun privatizing its air traffic control system by putting local airports in charge of air towers, runways, and other facilities. Local airport proprietors interested in making money take care to maintain and upgrade these facilities. Not surprisingly, local airport services have improved measurably.

Congress should begin working toward privatizing the air traffic control system and letting market forces meet the personnel and service needs of the industry. Political solutions like re-regulation simply allow government to ration services (and increase prices) in ways that please special interest groups. Privatization, on the other hand, lets consumer-responsive entrepreneurs provide better services at a lower price. ●

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair will observe the time for morning business has now expired.

MINIMUM ALTITUDE FOR AIRCRAFT FLYING OVER NATIONAL PARK SYSTEM UNITS

The PRESIDING OFFICER. The clerk will report Calendar No. 259.

The legislative clerk read as follows:

A bill (H.R. 921) to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over National Park System units, reported with an amendment.

The Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. STUDY OF PARK OVERFLIGHTS.

(a) STUDY BY PARK SERVICE.—The Secretary of the Interior (hereinafter referred to as the "Secretary"), acting through the Director of the National Park Service, shall conduct a study to determine the proper minimum altitude which should be maintained by aircraft when flying over units of the National Park System. The Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration (hereinafter referred to as the "Administrator"), shall provide technical assistance to the Secretary in carrying out the study.

(b) GENERAL REQUIREMENTS OF STUDY.—The study shall identify any problems associated with overflight by aircraft of units of the National Park System and shall provide information regarding the types of overflight which may be impacting on park unit resources. The study shall distinguish between the impacts caused by sightseeing aircraft, military aircraft, commercial aviation, general aviation, and other forms of aircraft which affect such units. The study shall identify those park system units, and por-

tions thereof, in which the most serious adverse impacts from aircraft overflights exist.

(c) SPECIFIC REQUIREMENTS.—The study under this section shall include research at the following units of the National Park System: Cumberland Island National Seashore, Yosemite National Park, Hawaii Volcanoes National Park, Haleakala National Park, Glacier National Park, and Mount Rushmore National Memorial, and at no less than four additional units of the National Park System, excluding all National Park System units in the State of Alaska. The research at each such unit shall provide information and an evaluation regarding each of the following:

(1) the impacts of aircraft noise on the safety of the park system users, including hikers, rock-climbers, and boaters;

(2) the impairment of visitor enjoyment associated with flights over such units of the National Park System;

(3) other injurious effects of overflights on the natural, historical, and cultural resources for which such units were established; and

(4) the values associated with aircraft flights over such units of the National Park System in terms of visitor enjoyment, the protection of persons or property, search and rescue operations and firefighting.

Such research shall evaluate the impact of overflights by both fixed-wing aircraft and helicopters. The research shall include an evaluation of the differences in noise levels within such units of the National Park System which are associated with flight by commonly used aircraft at different altitudes. The research shall apply only to overflights and shall not apply to landing fields within, or adjacent to, such units.

(d) REPORT TO CONGRESS.—The Secretary shall submit a report to the Congress within 3 years after the enactment of this Act containing the results of the study carried out under this section. Such report shall also contain recommendations for legislative and regulatory action which could be taken regarding the information gathered pursuant to paragraphs (1) through (4) of subsection (c). Before submission to the Congress, the Secretary shall provide a draft of the report and recommendations to the Administrator for review. The Administrator shall review such report and recommendations and notify the Secretary of any adverse effects which the implementation of such recommendations would have on the safety of aircraft operations. The Administrator shall consult with the Secretary to resolve issues relating to such adverse effects. The final report shall include a finding by the Administrator that implementation of the recommendations of the Secretary will not have adverse effects on the safety of aircraft operations, or if the Administrator is unable to make such finding, a statement by the Administrator of the reasons he believes the Secretary's recommendations will have an adverse effect on the safety of aircraft operations.

(e) FAA REVIEW OF RULES.—The Administrator shall review current rules and regulations pertaining to flights of aircraft over units of the National Park System at which research is conducted under subsection (c) and over any other such units at which such a review is determined necessary by the Administrator or is requested by the Secretary. In the review under this subsection, the Administrator shall determine whether changes are needed in such rules and regulations on the basis of aviation safety. Not later than 180 days after the identification of the units of the National Park System for which research is to be conducted under subsection (c), the Administrator shall submit a report to Congress containing the results of the review along with recommendations for legislative and regulatory action which are needed to implement any such changes.

(f) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out the studies and review under this section.

SEC. 2. FLIGHTS OVER YOSEMITE AND HALEAKALA DURING STUDY AND REVIEW.

(a) YOSEMITE NATIONAL PARK.—During the study and review periods provided in subsection (c), it shall be unlawful for any fixed wing aircraft or helicopter flying under visual flight rules to fly at an altitude of less than 2,000 feet over the surface of Yosemite National Park. For purposes of this subsection, the term "surface" refers to the highest terrain within the park which is within 2,000 feet laterally of the route of flight and with respect to Yosemite Valley such term refers to the upper-most rim of the valley.

(b) HALEAKALA NATIONAL PARK.—During the study and review periods provided in subsection (c), it shall be unlawful for any fixed wing aircraft or helicopter flying under visual flight rules to fly at an altitude below 9,500 feet above mean sea level over the surface of any of the following areas in Haleakala National Park: Haleakala Crater, Crater Cabins, the Scientific Research Reserve, Halemauu Trail, Kaupo Gap Trail, or any designated tourist viewpoint.

(c) STUDY AND REVIEW PERIODS.—For purposes of subsections (a) and (b), the study period shall be the period of the time after the date of enactment of this Act and prior to the submission of the report under section 1. The review period shall comprise a 2-year period for Congressional review after the submission of the report to Congress.

(d) EXCEPTIONS.—The prohibitions contained in subsections (a) and (b) shall not apply to any of the following:

(1) emergency situations involving the protection of persons or property, including aircraft;

(2) search and rescue operations;

(3) flights for purposes of firefighting or for required administrative purposes; and

(4) compliance with instructions of an air traffic controller.

(e) ENFORCEMENT.—For purposes of enforcement, the prohibitions contained in subsection (a) and (b) shall be treated as requirements established pursuant to section 307 of the Federal Aviation Act of 1958. To provide information to pilots regarding the restrictions established under this Act, the Administrator shall provide public notice of such restrictions in appropriate Federal Aviation Administration publications as soon as practicable after the enactment of this Act.

SEC. 3. GRAND CANYON NATIONAL PARK.

(a) Noise associated with aircraft overflights at the Grand Canyon National Park is causing a significant adverse effect on the natural quiet and experience of the park and current aircraft operations at the Grand Canyon National Park have raised serious concerns regarding public safety, including concerns regarding the safety of park users.

(b) RECOMMENDATIONS.—

(1) SUBMISSION.—Within 30 days after the enactment of this Act, the Secretary shall submit to the Administrator recommendations regarding actions necessary for the protection of resources in the Grand Canyon from adverse impacts associated with aircraft overflights. The recommendations shall provide for substantial restoration of the natural quiet and experience of the park and protection of public health and safety from adverse effects associated with aircraft overflight. Except as provided in subsection (c), the recommendations shall contain provisions prohibiting the flight of aircraft below the rim of the Canyon, and shall designate flight free zones. Such zones shall be flight free except for purposes of administration and for emergency operations, including those required for the transportation of persons and supplies to and from Supai Village and the lands of the Havasupai Indian Tribe of Arizona. The Administrator, after consultation with the Secretary, shall define the rim of the Canyon in a manner consistent with the purposes of this paragraph.

(2) IMPLEMENTATION.—Not later than 90 days after receipt of the recommendations under paragraph (1) and after notice and opportunity for hearing, the Administrator shall prepare and issue a final plan for the management of air traffic in the air space above the Grand Canyon. The plan shall, by appropriate regulation, implement the recommendations of the Secretary without change unless the Administrator determines that implementing the recommendations would adversely affect aviation safety. If the Administrator determines that implementing the recommendations would adversely affect aviation safety, he shall, not later than 60 days after making such determination, in consultation with the Secretary and after notice and opportunity for hearing, review the recommendations consistent with the requirements of paragraph (1) to eliminate the adverse effects on aviation safety and issue regulations implementing the revised recommendations in the plan. In addition to the Administrator's authority to implement such regulations under the Federal Aviation Act of 1958, the Secretary may enforce the appropriate requirements of the plan under such rules and regulations applicable to the units of the National Park System as he deems appropriate.

(3) REPORT.—Within 2 years after the effective date of the plan required by subsection (b)(2), the Secretary shall submit to the Congress a report discussing—

(A) whether the plan has succeeded in substantially restoring the natural quiet in the park; and

(B) such other matters, including possible revisions in the plan, as may be of interest.

The report shall include comments by the Administrator regarding the effect of the plan's implementation on aircraft safety.

(c) HELICOPTER FLIGHTS OF RIVER RUNNERS.—Subsection (b) shall not prohibit the flight of helicopters

(1) which fly a direct route between a point on the north rim outside of the Grand Canyon National Park and locations on the Hualapai Indian Reservation (as designated by the Tribe); and

(2) whose sole purpose is transporting individuals to or from boat trips on the Colorado River and any guide of such a trip.

SEC. 4. The Administrator shall conduct surveillance of aircraft flights over the Boundary Waters Canoe Area Wilderness as authorized by the Act of October 21, 1978 (92 Stat. 1649-1659) for a period of not less than 180 days beginning within 60 days of enactment of this Act. In addition to any actions the Administrator may take as a result of such surveillance, he shall provide a report to the Committee on Interior and Insular

Affairs and the Committee on Public Works and Transportation of the United States House of Representatives and to the Committee on Energy and Natural Resources and the Committee on Commerce, Science, and Transportation of the United States Senate. Such report is to be submitted within 30 days of completion of the surveillance activities. Such report shall include but not necessarily be limited to information on the type and frequency of aircraft using the airspace over the Boundary Waters Canoe Area Wilderness.

SEC. 5. ASSESSMENT OF NATIONAL FOREST SYSTEM WILDERNESS OVERFLIGHTS.

(a) ASSESSMENT BY FOREST SERVICE.—The Chief of the Forest Service (hereinafter referred to as the "Chief") shall conduct an assessment to determine what, if any, adverse impacts to wilderness resources are associated with overflights of National Forest System wilderness areas. The Administrator of the Federal Aviation Administration shall provide technical assistance to the Chief in carrying out the assessment. Such assessment shall apply only to overflight of wilderness areas and shall not apply to aircraft flights or landings adjacent to National Forest System wilderness units. The assessment shall not apply to any National Forest System wilderness units in the State of Alaska.

(b) REPORT TO CONGRESS.—The Chief shall submit a report to Congress within 2 years after enactment of this Act containing the results of the assessments carried out under this section.

(c) AUTHORIZATION.—Effective October 1, 1987, there are authorized to be appropriated under sums as may be necessary to carry out the assessment under this section.

SEC. 6. CONSULTATION WITH FEDERAL AGENCIES.

In conducting the study and the assessment required by this Act, the Secretary of the Interior and the Chief of the Forest Service shall consult with other Federal agencies that are engaged in an analysis of the impacts of aircraft overflights over federally-owned land.

Mr. HOLLINGS. Mr. President, H.R. 921, the national parks overflight bill, is important legislation. It responds to the numerous complaints made each year by visitors and users of our National Park System about the intrusion and dangers posed by low flying aircraft.

Rather than reiterate the description of the bill and its purposes, I would like to concentrate on the legislation from an aviation perspective. The Commerce Committee initially became involved in H.R. 921 because of a concern that the FAA is and must remain the primary agency for regulating our Nation's civil airspace.

We also became involved to ensure that any such regulation of flight over the Grand Canyon and other national parks does not ignore the fact that safety is—and must remain—our highest aviation priority.

Our committee report makes abundantly clear that any regulations that are developed out of the studies proposed in this bill would be regulations of the FAA, not the National Park Service. While the Park Service may propose changes in how the airspace at certain parks is used, it is the FAA which must determine whether those regulations can be put into effect without adversely affecting safety.

In supporting this bill, I want to thank the chairman of the Energy Committee, Senator JOHNSTON, as well as the ranking Republican, Senator MCCLURE, for assisting us in our request for sequential referral to the Commerce Committee. Our two committees have always worked together in a spirit of cooperation concerning matters of dual jurisdiction, and this has certainly been the case with H.R. 921.

Mr. FORD. Mr. President, I rise in support of H.R. 921. The provisions therein will go a long way toward striking a balance between the rights of individuals to view the beauty of our national park lands from the air while at the same time preserving the quiet and solitude for those who elect to enjoy these precious resources from ground level. I challenge the agencies responsible for implementing the provisions of this legislation to work together on the 3-year study for park overflights and on the air traffic management plan for the airspace above the Grand Canyon.

Mr. President, I want to emphasize the language in the committee's report which reflects that the Department of the Interior should keep in mind when developing its recommendations for overflight of the Grand Canyon that the final regulatory authority for the Nation's airspace rests with the FAA and that this authority is not intended to be diminished or diffused by this legislation.

Mr. MCCAIN. Mr. President, I rise in strong support of H.R. 921, and I especially thank the sponsor of the bill, Senator MATSUNAGA; Senator BUMPERS, the distinguished chairman of the Lands subcommittee, and Senators WALLOP, FORD, EVANS, FOWLER, and others who have done so much to make this bill become a reality.

Quite often, Mr. President, we are accused in this body of reacting to situations rather than showing an adequate amount of foresight to prevent crises before they arise. In fact, Teddy Roosevelt said:

> The time has come to inqure seriously what will happen when our forests are gone * * * when the soils shall have been still further impoverished * * * These questions do not relate only to the next century or the next generation. One distinguishing characteristic of really civilized men is foresight * * * and if we do not exercicse that foresight, dark will be the future.

Mr. President, this measure is about foresight. It represents a rare opportunity for us in this body to create a policy to handle an issue before it reaches crisis proportions.

This legislation directs the Department of the Interior, together with the cooperation of the FAA, to study overflights of our National Park System and report back recommendations on how to deal with whatever problems are uncovered.

Mr. President, there was a lot of bloodshed on this bill. For about 3 years I have been involved in it, and I can assure my colleagues that there are people who are dissatisfied with this legislation, either in the belief that it does not go far enough or in the belief it may cause damage to some important industries across the country.

I believe this is a sign of a good piece of legislation and one that is crucial to the continued preservation and great natural beauty of the crown jewels of America, our national park system.

Section 3 of this legislation deals specifically with the Grand Canyon. If parks are the crown jewels of America, I suggest that the Grand Canyon is the brightest of those jewels. Unfortunately, this bill was not soon enough to prevent a problem from developing in that beautiful part of this Nation.

Thirteen months ago, a tragic crash occurred between a helicopter and an air-tour aircraft, causing 26 deaths. This riveted the attention of many of us on an issue I had been addressing for a long time—the need to control flights over the Grand Canyon.

Unfortunately, we failed to heed earlier warning signs. In 1984, the National Transportation Safety Board, reporting on a crash that killed 10 people, called on the FAA to control sightseeing flights over the Grand Canyon. In 1985, National Park Service planners at the Grand Canyon National Park issued the following statement: "The mixture over Grand Canyon of numerous scheduled air-tour operator flights with randomly flying recreational pilots creates a high possibility of midair collisions." Their words, unfortunately, proved to be tragically true.

Recently, the FAA has started taking some action. It imposed a Federal air regulation, which is a good start. I am also pleased to see that recently we are getting the kind of cooperation from the agencies involved that I feel is necessary to prevent a recurrence of tragic accident midair collisions.

This bill makes clear that, along with ensuring visitor safety, we must restore the natural quiet at the Grand Canyon. Current aircraft operations are impairing the natural quiet of many parks, particularly the Grand Canyon. This bill seeks to correct that and to ensure visitor safety by prohibiting flights below the canyon's rim, as well as setting up large flight-free zones over the park.

The purpose of flight-free areas is to provide a location where visitors can experience the park essentially free from aircraft-sound intrusions. The boundaries of these flight-free zones are meant to be drawn to maximize

protection to the back-country users and other sensitive park resources. The extent of these areas should be adequate to ensure that sound from aircraft traveling adjacent to these zones is not detectable from most locations within the zones. It is within these zones that we expect to achieve the substantial restoration of the natural quiet.

Mr. President, we regulate everything in our parks. We regulate dogs, campfires, trail use, and river use. Whatever it is, we regulate it, because that is the only way we are going to preserve what we have. I see no reason why overflights should be any exception to that rule.

Section 3 is carefully crafted to best utilize the expertise of the FAA and the National Park Service. The National Park Service, through the Secretary's office, submits recommendations to the administrator of the FAA on what resources are threatened and need protection from aircraft intrusion. They are the governmental agency best qualified to make this judgment. The FAA then uses their expertise in the aviation safety arena to promulgate a rule controlling overflights at the Grand Canyon National Park. By making the best use of the expertise of the National Parks Service and the FAA, we should achieve the substantial restoration of the natural quiet at the park while improving visitor safety.

I might add that the dedicated effort of Mr. Richard Marks, the Director of the Grand Canyon National Park, has been an integral reason why we succeeded with this legislation. He deserves great credit for his outstanding stewardship of the park itself, as well as the role he played in crafting this legislation.

This measure also resists the widespread impulse to micromanage, by setting out a framework and leaving the real decisions up to the agencies with the expertise to make them.

I do not expect the plan envisioned by this bill to be the final word on how to deal with the aircraft problem at this park or any other. So we have set up a review process in the bill to evaluate the effectiveness of the regulation arising from the measure. We should be flexible enough to recognize that changing conditions, such as quieter aircraft, technology, and other reasons, may change the appropriate response to this problem.

Mr. President, I am fully aware of a $50 million air tour industry that has grown up around the Grand Canyon National Park, and I have no objection to it. In fact, I encourage it. We are pleased by the employment and the economic benefits arising from those industries. However, it is important for us to again recognize that the Grand Canyon does not exist for anyone's financial benefit. No one has a right to make money off our Nation's national treasures without, at the same time, fulfilling the obligation of protecting those national treasures. When it comes to a choice between the interests of our park system and those who profit from it, without a doubt, the interests of the land must come first.

I am pleased by the cooperation we have received from many of the air tour operators and the environmental groups in trying to resolve this issue. I believe this bill will enable the air tour industry to continue to thrive and at the same time will preserve the great natural beauty of the Grand Canyon.

Mr. President, the Grand Canyon is not only an Arizona treasure. It is the world's treasure. Over 2.5 million people each year visit the Grand Canyon and view it from one perspective or another.

I believe that the legislation we are enacting today will not only preserve this great natural treasure for our present generation but also for future generations so they can have the incredible pleasure of enjoying one of the great natural wonders of the world.

Mr. MATSUNAGA. Mr. President, I rise in strong support of H.R. 921. I introduced a similar measure earlier this year as S. 451 with the cosponsorship of Senators McCAIN, INOUYE, BAUCUS, CHAFEE, CRANSTON, WILSON, BURDICK, METZENBAUM, MELCHER, BRADLEY, WIRTH, and EVANS.

Mr. President, H.R. 921 responds to growing concerns over the adverse environmental and safety impact of low flying aircraft over our national parks. The sight and sound of helicopters and light planes flying at low altitude over our national parks often sully or destroy the experience of many of the millions of visitors to our national parks. Of greater importance, these aircraft pose a very real safety hazard to both ground visitors and aircraft occupants. The recent collision between a plane and helicopter in the Grand Canyon is a tragic example. In my own state of Hawaii, the fatal 1985 commercial tour helicopter crash near the summit of Haleakala, only 200 yards outside the national park and only a third of a mile from two heavily used visitor centers, is another. Unfortunately, despite the growth in air tour traffic and the growth in the number of visitors to our national parks, neither the esthetic nor the safety aspects of low-altitude aerial incursions over our national parks have resulted in appropriate action by the two agencies with jurisdiction in the matter, the Department of the Interior and the Federal Aviation Administration [FAA].

H.R. 921 addresses the administration's reluctance or inability to act by providing for three things: First, a 3-year study to be conducted by the Interior Department, with FAA involvement, to determine appropriate criteria and procedures for allowing aircraft to fly over national parks; second, a separate FAA study of current FAA rules and regulations, including recommendations for regulatory and legislative actions necessary to improve aviation safety over our national parks; and, third, establishment of interim minimum flight levels for aircraft at two national parks, Yosemite and Haleakala, and permanent flight free zones and minimum flight levels at Grand Canyon National Park.

Mr. President, the original intent of this legislation was twofold: In the short term, to give relief to parks which have experienced particularly serious problems with low-flying aircraft; and in the long term, to give the agencies with greatest responsibility for the safety and environmental aspects of aircraft flights over national parks—the National Park Service and the FAA—the opportunity to pool their resources in resolving the overflights problem. I believe that both purposes are fulfilled by H.R. 921, as amended and reported by the Senate Energy and Natural Resources Committee and the Commerce Committee, and hope that an agreement with the House can be reached on a final version of the bill without delay.

In closing, Mr. President, I would like to express my thanks to my colleagues on both sides of the aisle who worked hard to make this bill acceptable to all interested parties. I particularly wish to thank the chairmen and ranking minority members of the Public Lands Subcommittee [Mr. BUMPERS and Mr. WALLOP], and of the Aviation Subcommittee [Mr. FORD and Mrs. KASSEBAUM], the chairmen of the Energy and Commerce Committees [Mr. JOHNSTON and Mr. HOLLINGS], the senior and junior Senators from Arizona [Mr. DECONCINI and Mr. McCAIN], my senior colleague from Hawaii [Mr. INOUYE], the senior Senator from Washington [Mr. EVANS], the senior Senator from Nevada [Mr. HECHT], and the junior Senator from Colorado [Mr. WIRTH] for their constructive suggestions, support, and expeditious treatment of this legislation. Special note should be made of the contribution made by the junior Senator from Arizona [Mr. McCAIN], who has the unique perspective of having worked in both Houses of Congress on this issue, having been one of the leaders, along with Congressmen COELHO, UDALL, VENTO, and my Hawaii colleague, Congressman AKAKA, in developing the initial House effort to mitigate the impact of aerial incursions in our national parks. Mr. President, without their help, this necessary first step toward resolving the serious but hitherto unaddressed problem of park overflights would not have been possible.

Mr. McCAIN. Mr. President, as an original cosponsor, I would like to engage the sponsor of the Senate bill, the Senator from Hawaii, in a brief colloquy. I would like to clarify our intent, in drafting this legislation, regarding the appropriateness of commercial sightseeing flights over the various units of our National Park System.

Mr. MATSUNAGA. I would be pleased to join the junior Senator from Arizona to clarify the matter.

Mr. McCAIN. Does the Senator from Hawaii agree that in drafting this legislation it was not our intent to eliminate the so-called air tour industry?

Mr. MATSUNAGA. I agree fully with that statement.

Mr. McCAIN. Does the Senator further agree that, in fact, air tours are a legitimate and, indeed, necessary way to enjoy our Nation's natural treasures?

Mr. MATSUNAGA. I concur with that as well. Let me add that in many instances, such as those individuals who are handicapped, aged, injured, or otherwise infirm, this is the only way they can enjoy our park system. And our national parks should be available to all who seek to enjoy them.

Mr. McCAIN. The Senator's point is well taken. I believe we both agree that, when the essential values for which the park was created can accommodate such use, air tours are perfectly appropriate.

Mr. MATSUNAGA. I agree with the distinguished Senator from Arizona, who is a principal original cosponsor of S. 451, the companion measure of H.R. 921, and therefore conversant with its provisions and intent.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 921) was read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

CHANGE OF DATE FOR SUBMITTING RECOMMENDATIONS TO THE SENATE COMMITTEE ON THE BUDGET

Mr. BYRD. Mr. President, this request has been cleared with the Republican leader.

I ask unanimous consent that the date for submitting recommendations to the Senate Committee on the Budget in accordance with the reconciliation instructions included in the concurrent resolution on the budget, House Concurrent Resolution 93, be changed to September 29, 1987.

Mr. McCAIN. Mr. President, reserving the right to object—and I will not object—I inform the distinguished majority leader and this body that this has been cleared with the Republican leader and the ranking Republican members of the Budget and Finance Committees.

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

AUTHORITY FOR H.R. 2855 TO BE PLACED ON THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate receives H.R. 2855 from the House of Representatives, it be placed on the calendar.

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

AUTHORITY FOR H.R. 2971 TO BE PLACED ON THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that H.R. 2971, a bill dealing with the recovery of costs associated with cotton classing services, be placed on the calendar when it is received from the House of Representatives.

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

ORDERS FOR WEDNESDAY

RECESS UNTIL 11:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11:30 a.m. tomorrow.

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

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, there be a period for the transaction of morning business not to extend beyond 12 o'clock noon and that Senators be permitted to speak therein for not to exceed 5 minutes each.

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

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, does the distinguished acting Republican leader, Mr. McCAIN, have any further statement or any business he would wish to transact?

Mr. McCAIN. No; the Senator from Arizona does not except to again express his appreciation to the majority leader for allowing the expeditious consideration of the resolution concerning General Vessey's trip to North Vietnam, and I am deeply appreciative of the courtesy extended to me.

Mr. BYRD. Mr. President, I thank the distinguished Senator who is always very thoughful and considerate of others. It is characteristic of him and I think it may be well for others to emulate him in that respect.

RECESS UNTIL 11:30 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business, and I understand that the Republican leader has no further business also, I therefore move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 11:30 a.m. tomorrow.

The motion was agreed to; and at 6 p.m., the Senate recessed until tomorrow, Wednesday, July 29, 1987, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate July 27, 1987, under authority of the order of the Senate of February 3, 1987:

THE JUDICIARY

Michael B. Mukasey, of New York, to be U.S. district judge for the southern district of New York, vice Abraham D. Sofaer.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Dean Burch, of Maryland, to be a member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term of 6 years, new position.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Jerald Conway Newman, of New York, to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1992, reappointment.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Aram Bakshian, Jr., of the District of Columbia, to be a member of the National Council on the Humanities for a term expiring January 26, 1992, vice George Alexander Kennedy, term expired.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Mitchell E. Daniels, Jr., of Indiana, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1989, vice Paul J. Manafort, Jr., resigned.

FOREIGN SERVICE

The following-named persons of the agencies indicated for appointment as Foreign Service officers of the classes stated, and also for other appointments indicated herewith:

For appointment as Foreign Service officers of class 1, Consular officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Richard Benson, of Louisiana.
Vicky Eicher, of Florida.
William Kelly Joyce, of Michigan.

AGENCY FOR INTERNATIONAL DEVELOPMENT

W.B. Rogers Beasley, of Tennessee.
John P. Competello, of Florida.
Byrant George, of New Jersey.
Howard B. Helman, of the District of Columbia.
Malcolm J. Purvis, of Florida.
Thomas L. Rishoi, of Florida.
Frank S. Skowronski, of Virginia.
Barry D. Smith, of Indiana.

U.S. INFORMATION AGENCY

Benjamin Goodman Whitten, of California.

For appointment as Foreign Service officers of class 2, Consular officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Carlos F. Poza, of Florida.
Ned Quistorff, of Washington.
Gregory D. Stoloff, of California.
Stephan Wasylko, of Maryland.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Jeffory G. Boyer, of Florida.
Michael M. Calavan, of the District of Columbia.
Jonathan M. Conly, of Pennsylvania.
Philippe L. Darcy, of California.
D. Thomas Diedrich, of California.
Geraldine M. Donnelly, of the District of Columbia.
Timm A. Harris, of California.
William H. Jansen II, of Alabama.
John W. Lee, of Virginia.
Josette L. Maxwell, of Florida.
Aubrey F. Mills, of Arizona.
N. Keith Romwall, of Nevada.
Priscilla Schouten, of California.
Peter H. Thormann, of the District of Columbia.

For reappointment in the Foreign Service as a Foreign Service officer of class 3, a Consular officer, and a Secretary in the Diplomatic Service of the United States of America:

U.S. INFORMATION AGENCY

Charla Saylor-Hatton, of Ohio.

For appointment as Foreign Service officers of class 3, Consular officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Luis Enrique Acosta, of Florida.
LaMoyne Mason Matthews, of Maryland.
Olin Winston Morrow, of New Mexico.
Mary Mitchell Tracy, of Virginia.

DEPARTMENT OF AGRICULTURE

Charles T. Alexander, of Missouri.

DEPARTMENT OF COMMERCE

Gene R. Harris, of Texas.
Dorothy Lutter, of Massachusetts.
Richard J. Newquist, of California.
Miguel Pardo de Zela, of the Virgin Islands.
Todd Thurwachter, of Kentucky.
Mary Shields-Van Heuven, of Virginia.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Beth E. Cypser, of New York.
Molly M. Gingerich, of California.
David A. Himelfarb, of California.
David L. Jessee, of Texas.
Michael P. Keaveny, of California.
James P. Politte, of Missouri.
Patricia Ramsey, of Washington.
Denny F. Robertson, of Michigan.
John C. Starnes, of Texas.
Donna R. Stauffer, of Connecticut.
Tham V. Truong, of Virginia.
Fred W. Witthans, of New York.

U.S. INFORMATION AGENCY

Marguerite Rose Dove, of Connecticut.
Elizabeth Ann Welden, of New York.

For appointment as Foreign Service officers of class 4, Consular officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Richard J. Adams, of Georgia.
Lois Armine Aroian, of Virginia.
Paul S. Berg, of New York.
Timothy Alan Betts, of California.
Lee Anthony Brudvig, of California.
Elizabeth Ferre Carroll, of Maryland.
Leigh G. Carter, of Florida.
Ronald James Deutch, of Texas.
Donald Jeffrey Gatto, of Virginia.
Steven G. Ghitelman, of New York.
Brian L. Goldbeck, of Wisconsin.
Sheila S. Gwaltney, of California.
Jeanette Anne Keewaydinodin Hantke, of California.
Kevin J. Harris, of Indiana.
Clifford Awtrey Hart, Jr., of Virginia.
Christopher J. Hoh, of Pennsylvania.
Jeffrey C. Irwin, of Washington.
Eric Grant John, of the District of Columbia.
Siria Rosana Lopez, of Florida.
Kenneth J. Lyons, of New York.
Gray McCalley, Jr., of South Carolina.
Robert Barry Murphy, of New Hampshire.
Stanley Arnold Otto, of Iowa.
Donald Joseph Palke, of Illinois.
Joseph Mark Pomper, of Connecticut.
Gary D. Robbins, of Washington.
Wayne Steven Salisbury, of Washington.
Tim Allan Sears, of Florida.
Thomas Alfred Shannon, Jr., of Florida.
Ronald A. Trigg, of Indiana.
Mary Burce Warlick, of California.
Sheree Welch Willis, of Kansas.

U.S. INFORMATION AGENCY

Peter Meier Brennan, of Oregon.
Melissa Jean Cooper, of Virginia.
Romona Harper, of Florida.
Ian Crawford Kelly, of New Jersey.
Jacqueline Lee Mok, of Texas.
James Robert Moore, of Connecticut.
Honora Mary Feenan Rankine-Galloway, of New York.
Marguerite Hovey Squire, of New Hampshire.
Sonja G. Sweek, of Alabama.
Beverly Ann Thacker-Morgan, of Oregon.
Donna Ann Welton, of the District of Columbia.

The following-named members of the Foreign Service of the Departments of State, Agriculture and Commerce, and the U.S. Information Agency, to be Consular officers and/or secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular officers and secretaries in the Diplomatic Service of the United States of America:

David Wayne Abell, of Arkansas.
Wendell I.C. Albright, of Ohio.
Darlene S. Audibert, of Wisconsin.
Raymond R. Baca, of Maryland.
Charles Carroll Barry, of California.
Jeffrey K. Beatty, of Massachusetts.
Michael J. Bennington, of Texas.
Paul Douglas Birdsall, of Virginia.
Lawrence E. Boring, of Virginia.
Willem Hendrik Brakel, of the District of Columbia.
Edwin Prugh Brown, Jr., of Pennsylvania.
Santiago Busa, Jr., of California.
Floyd Steven Cable, of New York.
Kathryn Ann Cabral, of Massachusetts.
John Leslie Carwile, of the District of Columbia.
Robert I. Cheng, of Virginia.
Kathleen I. Ching, of Maryland.
Casey H. Christensen, of Utah.
Thomas J. Cody, of Massachusetts.
Irene Posner Cohn, of California.
Jennifer Ann Collins, of Maryland.
Jerome Colton, of Maryland.
George Wood Colvin, Jr., of California.
Richard Harlan Cooper, of California.
Stephen Alan Cristina, of Louisiana.
Rowena Rachael Cross-Najafi, of Maryland.
Nora B. Dempsey, of Georgia.
Jeanne Elizabeth DesJardins, of Minnesota.
Theresa Katharina Dirndorfer, of Maryland.
Balaji Dorasiswamy, of Texas.
Paula A. Doyle, of Virginia.
Sarah F. Drew, of California.
Cynthia B. Edwards, of Maryland.
Lemuel F. Eldridge, of Virginia.
Kenneth J. Fairfax, of California.
Daria Fane, of New York.
David R. Farrar, of Connecticut.
John William Finn, of Massachusetts.
Ray Burton Fitzgerald, Jr., of Virginia.
Kenneth Lee Foster, of Virginia.
Lawrence J. Fuchsberg, of New Jersey.
Thomas Henry Goldberger, of the District of Columbia.
Jane Gray, of Arizona.
James L. Griggs, of Maryland.
Kenneth E. Gross, Jr., of Georgia.
Dean Josef Haas, of California.
Scott Reginald Hancock, of Pennsylvania.
Kimberly G. Hargan, of Illinois.
Caldwell Harrop, of Massachusetts.
Leo J. Hession, Jr., of California.
Robin L. Hill, of Washington.
Brian J. Hohlfender, of Pennsylvania.
Patrick S. Hotze, of Kansas.
Arlette D. Johnston, of Texas.
Paul Wayne Jones, of New York.
Stuart E. Jones, of Pennsylvania.
Cynthia Kamp, of the District of Columbia.
Gary P. Keith, of Ohio.
Diane Elizabeth Kelly, of New York.
Paul Richard Kepp, of Virginia.
Elizabeth A. Kimber, of Virginia.
Stephen C. Kimmel, of New York.
James T. King, of Virginia.
Thomas M. King, of New Mexico.
Elise H. Kleinwaks, of New York.
Neil R. Klopfenstein, of Iowa.
Douglas Robert Kramer, of Minnesota.
Theodore Mark Lienhart, of Maryland.
Kent D. Logsdon, of Virginia.
Tamara Sue Lovell, of Virginia.
J. Austin, Lybrand IV, of North Carolina.
Lori Godec Magnusson, of Virginia.
Kathleen H. B. Manalo, of Virginia.
Mark S. Manning, of Virginia.
Paul Jerome Martin, of Texas.
Elizabeth Noel Matthews, of Maryland.
Lynn Sue McAdams, of Indiana.
Doris Ruth McBryde, of South Carolina.
Scott Michael McGehee, of Virginia.
George Kenneth McGhee, of California.

Michael R. Mecham, of the District of Columbia.
Jeffrey Adam Meer, of the District of Columbia.
David Mees, of Masssachusetts.
Richard Mei, Jr., of New York.
Michael F. Melcher, of California.
Larry Lamong Memmott, of Utah.
William J. Millman III of California.
Raphael Angel Mirabal, of New York.
Matthias John, Post Mitman, of Indiana.
Patricia Newton Moller, of Colorado.
William F. Mooney, of Maryland.
Adam Edward Namm, of New York.
Richard Walter Nelson, of California.
Larry E. Nikula, of Florida.
Robert William Ogburn, of Maryland.
Dennis Freestone Olsen, of California.
Aaron M. Panner, of New York.
Charles D. Parker, of Massachusetts.
Christopher J. Parker, of Maryland.
Gail Lynn Parsons, of Ohio.
Peter A. Prahar, of California.
Pamela G. Quanrud, of Massachusetts.
Jeffrey Butler Rock, of California.
George William Rodenberg, Jr., of Texas.
Paul Egon Rohrlich, of New Mexico.
Shirley Eloise Ruedy, of Virginia.
Karen Hideko Sasahara, of Massachusetts.
Denise E. Savino, of California.
Michael Hubert Scanlon, of Connecticut.
Donald V. Schuler, of Virginia.
Elisabeth Schuler, of California.
Todd Paisley Schwartz, of Ohio.
Jennifer Lyn Scott, of Florida.
John R. Seeger, of New Mexico.
David K. Shollenbarger, of Ohio.
Marcella Simon, of Arizona.
Robert J. Sise, Jr., of New York.
Lynne P. Skeirik, of Massachusetts.
Carol Jean Smetana, of New Mexico.
William Hwa Yu Soong, of California.
Bruce John Stewart, of Virginia.
Kevin K. Sullivan, of Ohio.
R. Stuart Swanson, of Arizona.
Peter Jonathan Swavely, of Pennsylvania.
June Sworobuk, of Virginia.
Patricia A. Taylor, of Tennessee.
Paula Sue Thiede, of Texas.
James Cary Thompson, Sr., of Florida.
Laurence Edward Tobey, of New Jersey.
John Michael Underriner, of Illinois.
Pamela F. Underwood, of Virginia.
Patricia Anne Wagner, of Ohio.
Kathleen Lenore Walz, of the District of Columbia.
Andrew Charles Weber, of the District of Columbia.
Joy E. White, of Virginia.
Margaret M. Willingham, of Virginia.
Christopher S. Wilson, of Maryland.
John H. Winant, of California.
Julie Bastian Winn, of Florida.
John D. Woodward, of Pennsylvania.
Zachary M. Wyatt, of Pennsylvania.
Jeffrey M. Zaiser, of the District of Columbia.
Barbara A. Zigli, of Virginia.
Timothy Patrick De San Rafael Zuniga-Brown, of Nevada.

Consular officers of the United States of America:
John Edgar Peters, of Florida.
Marcus E. Lower, of Ohio.
Robert A. Taft, of Connecticut.

Secretaries in the Diplomatic Service of the United States of America:
Jerome J. Bosken, of Ohio.
Margaret A. Keshishian, of the District of Columbia.
Pierre M. Perrolle, of Maryland.
Linda Swartz Taglialatela, of Virginia.
Robert J. Wicks, of Virginia.

Executive nominations received by the Senate July 28, 1987:

THE JUDICIARY

William L. Dwyer, of Washington, to be U.S. district judge for the western dsitrict of Washington vice Donald S. Voorhees, retired.

DEPARTMENT OF STATE

Max L. Friedersdorf, of Florida, for the rank of Ambassador in his capacity as U.S. Representative to the Conference on Disarmament.