

SENATE—Thursday, October 15, 1987

The Senate met at 8:45 a.m., and was called to order by the Honorable JOHN BREAU, a Senator from the State of Louisiana.

PRAYER

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

Let us pray.

*Every kingdom divided against itself is brought to desolation; and every city or house divided against itself shall not stand. * * *—(Matthew 12:25.)*

"Divide and conquer!" Eternal God Whose love heals alienation and inspires reconciliation and unity with diversity, be present in power and in grace in this Chamber. We know, Father, that to divide and conquer is Satanic strategy which immobilizes and destroys. As the Senate struggles for righteous decisions, save it from emotions and rhetoric that are divisive. Infuse the hearts of the Senators with love for God and each other. Strengthen them in their convictions—deepen their respect for those who disagree. Lead them in the path of peace and righteousness in His name Who is love incarnate. 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, D.C., Oct. 15, 1987

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN B. BREAU, a Senator from the State of Louisiana, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

THE JOURNAL

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

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

RESERVATION OF THE MAJORITY LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that my time may be reserved.

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

RECOGNITION OF THE ACTING REPUBLICAN LEADER

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

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

RESERVATION OF REPUBLICAN LEADER'S TIME

Mr. TRIBLE. Mr. President, I reserve with unanimous consent the balance of the leader's time.

The ACTING PRESIDENT pro tempore. Without objection, the balance of the time is reserved.

Mr. BYRD. Mr. President, I yield 5 minutes of my time to Mr. PROXMIER.

RECOGNITION OF MR. PROXMIER

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized for 5 minutes.

Mr. PROXMIER. Mr. President, I thank my good friend, the majority leader, for his generosity.

NO ONE KNOWS WHEN THE CRASH WILL COME

Mr. PROXMIER. Mr. President, what will be the future of this perplexing, puzzling, unpredictable, gigantic, and marvelous economy of ours? Recently a best seller book carried the title: "The Great Crash of 1990." That's one view. On the other hand a new team of "conservative" economists and politicians contends that all the old rules of economic recession and recovery are wrong. All we have to do is keep cutting taxes, proceed with SDI and other big money Federal extravaganzas, give the economy its head and the recovery will never stop. With each passing month these optimists seem to gather more

credibility. After all we are now on the verge of the longest peacetime economic recovery in more than a half century. In spite of our big bad Federal deficit and our skyrocketing national debt, inflation is down. So are interest rates. So is unemployment. Productivity continues to grow. The stock market is riding along near its all-time peak. So the keep-following-our-present-policies crowd ask, "what's the problem?"

Still others point to the huge all-time record Federal debt, now nearing \$2½ trillion. They tell us the household debt is even higher and growing at a runaway clip. And business debt is highest of all. Every form of this debt is higher in relation to income than it has ever been in our peacetime history. Meanwhile, and here's the most dangerous development, savings, both business and household, have plunged in an unprecedented free fall. These critics claim the American economy is on one all-out, go-for-broke, credit card binge. A collapse, say these critics, may not come in 1990. It may come earlier or later. But come it will.

So who is right? Put this Senator in the "come-it-will" camp. If this Senator has learned one thing about our economy it is that no one can predict how long a recovery or a recession will last or how severe a shift from recovery to recession and vice versa will be. Of course, with all the prognosticators predicting every possible time for an economic turn, someone, somewhere, sometime will claim that his prediction has been vindicated. It will happen the same way that someone, somewhere, sometime wins a million dollars with a single \$1 lottery ticket.

So how about it? How do we know the joy boys—the keep-cutting-taxes-and-we'll-stay-on-top-of-the-world conservatives aren't right? Does not every happy month with its great news about lower unemployment, lower inflation, low interest rates and those beautiful stock prices tell us something? Why cannot this great party go on forever? The answer is the size and growing burden of our debt in relation to the steady depletion of our savings.

In and especially after World War II, this Nation enjoyed the classic economic benefits of a wartime economy and its delightful aftermath. Our National Government ran up a huge debt to fight World War II with vast Federal Government deficits. Unemployment diminished from 17 percent in the closing years of the 1930's to less than 2 percent in 1944. Personal income went right through the roof. Many gloom-and-doom seers predicted

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

that after the war the economy would go into another 1930's style nosedive. It did not. For two happy economic decades the American economy rocketed along and carried the economy of the free world right along with it. How come? Why did not our country have to pay the price of that mammoth World War II debt? Answer: The World War II national debt was accompanied by a parallel huge increase in household and business savings. Wartime restrictions on home building and on auto building sharply diminished personal debt and pushed the huge increase in personal income into savings. Result: After World War II the huge pent-up demand for housing and autos accompanied by a massive buildup of personal savings gave this country a private postwar boom that carried on and on. Savings did it. But where are savings today? They have shrunk dramatically—shrunk so that millions of American households and businesses are more vulnerable than they have ever been. There is no pent-up demand for housing, autos, and other goods. There is no saving to make that pent-up demand effective.

So consider this scenario. Come the next recession many American householders with diminished savings will be unable to meet their mortgage payments or their other debt. Result: Frequent foreclosures. Hundreds of thousands of American businesses will find their huge debt too tough to handle and with savings gone will suffer bankruptcy. The business failures will throw more out of work. This in turn will cut business sales, wipe out profits, and push more firms to the wall. As in every past recession, Americans and their Representatives here in the Congress will call for the Federal Government to ride to the rescue. To considerable extent the ride will be automatic. Without any congressional action taxes will diminish. Federal Government income will fall. After all, the unemployed taxpayer and business firms losing money pay no Federal income taxes. But Federal Government spending will rise, unemployment compensation payments will climb. So will welfare payments. Congress will push hard for job programs. Federal bailouts of farms, big financial institutions, and large U.S.-owned international conglomerates will have to follow. And then what happens to the Federal deficit and the Federal debt? Three hundred and four hundred billion deficits, we're on our way. Three and a half or four trillion dollars national debt here we come. And in a hurry.

When will this disaster happen? No one, including the author of the "Great Crash of 1990," knows. But happen it will. And what can we do about it? That is the subject of another speech that will come later.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin yields the floor.

The acting Republican leader has 1 minute and 49 seconds left.

Mr. TRIBLE. Mr. President, I ask unanimous consent that time be reserved for the leader's use.

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 9 a.m.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The hour of 9 o'clock having arrived, morning business is now concluded.

CONGRATULATING COSTA RICAN PRESIDENT OSCAR ARIAS SANCHEZ ON BEING AWARDED THE 1987 NOBEL PEACE PRIZE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of Senate Concurrent Resolution 83, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 83) to congratulate Costa Rican President Oscar Arias Sanchez on being awarded the 1987 Nobel Peace Prize.

Mr. BYRD. Mr. President, I ask that the clerk read the entire resolution.

The PRESIDING OFFICER (Mr. SHELBY). The clerk will read the resolution.

The legislative clerk read as follows:

S. CON. RES. 83

Whereas the President of Costa Rica, Oscar Arias Sanchez has been awarded the 1987 Nobel Peace Prize in recognition of "his outstanding contribution to the possible return of stability and peace to a region long torn by civil war."

Whereas President Arias has called for "a commitment to the struggle for peace and putting an end to war and ensure that dialogue prevails over violence and reason over rancor";

Whereas President Oscar Arias Sanchez has stated that in an "atmosphere of democracy and freedom, we can return to the path of development that will enable a lasting peace" and has asked for the people of the United States with the people of Costa Rica to bring to bear the power of the principles and democratic values that they share to end the conflict in Central America;

Whereas on March 12, 1987 the United States Senate voted 97 to 1 "supporting the initiative of the Central American heads of state . . . in formulating a regional proposal by President Arias to end the armed conflict in Central America;

Whereas through the leadership of President Arias the Presidents of El Salvador, Guatemala, Honduras and Nicaragua met August 6-7 in Guatemala City and signed an agreement based on the Arias plan, setting forth a framework aimed at the establishment of a lasting peace in Central America;

Whereas the United States Senate endorses the goals of peace, democratization and development in Central America; Now therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States of America—

(1) Congratulates President Oscar Arias Sanchez as the recipient of the 1987 Nobel Peace Prize and commends the Norwegian Nobel Committee on this outstanding choice;

(2) Recognizes the signing of the August 7 Guatemala peace accord is an historic achievement and important opportunity for the Presidents of Central America to work together to restore peace and stability to their region;

(3) Urges the parties to the peace accord to implement all of its provisions in good faith; and

(4) pledges its firm support and full cooperation with respect to such good faith implementation of the August 7, 1987, Central America peace agreement.

The PRESIDING OFFICER. Time for debate on this resolution is limited to the time intervening between now and 9:20 a.m., which will be equally divided between the Senator from Connecticut [Mr. DODD] and the Senator from Kansas [Mr. DOLE] or his designee.

Mr. DODD. Mr. President, first, I thank the majority leader for the timely fashion in which he has made it possible for this resolution to be brought before the Senate.

My firm hope is that this resolution will enjoy the unanimous support of our colleagues on both sides of the aisle. It is something which all of us, regardless of our specific or individual opinions about particulars of this peace plan, can support. I think all of us take great pride in the fact that a leading Democrat, one of the leading Democrats, one of the leading advocates of democracy in the Americas, has been awarded the most prestigious of prizes given by the Nobel Committee. Of course, I speak of our friend, our ally in this hemisphere, Oscar Arias Sanchez.

So, Mr. President, this morning I rise to express my expression of support and congratulations for this decision and to urge the adoption of this resolution offered by the majority leader, recognizing the contributions that President Arias has made already to peace in the Central American region.

The awarding of the prize to President Arias is as timely as it is well deserved. Oscar Arias is, without question, a man of peace, a man of principle, a man who is as determined as he is dedicated to the cause of democracy and to the betterment of mankind.

This is a great moment, not only for him and his family, but also for the people of Costa Rica, the people of Central America, and for those in this country who have given their support and encouragement to not only President Arias but also to President Duarte, President Cerezo, and President Azcona—the Presidents of El Salvador, Guatemala, and Honduras, respectively—and even to the people of Nicaragua, who are also a participant in the Central American peace effort.

Oscar Arias is a Costa Rican, and he eats, sleeps, and breathes democracy, and he does it without reservation or qualification.

"I know no safe depository of the ultimate powers of the society but the people themselves." Thomas Jefferson penned those words in September 1820. Oscar Arias could have written them yesterday.

President Arias is a true representative of the democratic spirit. He is a true representative of his people, and he is a political beacon for the Central American region.

He has worked endlessly and tirelessly to help bring the blessings of liberty and democracy to his neighbors in that troubled area of the world, and they have listened. They have listened carefully—President Duarte in El Salvador, who is visiting this country as we speak this morning and momentarily will address a joint meeting of the House and Senate; President Cerezo in Guatemala, President Azcona in Honduras, President Ortega in Nicaragua.

On August 7, President Arias brought them together—these four other Presidents—at the National Palace in Guatemala City, where the Central American peace accord was signed on that afternoon.

It was an historic moment for all of us, Mr. President, but especially for the 25 million people who call Central America their home.

In recognition of that event and the political significance that it carries, President Arias has been awarded the prestigious Nobel Peace Prize. It is only right and proper that he should be so honored. In a very real sense, however, the prize is a tribute to all five Central American Presidents, as President Arias himself has said. Of this I am absolutely sure, Oscar Arias, of course, would be the first to recognize that.

Mr. President, these next few weeks will be extremely important. We have all heard the good news, of course, of the Nobel Peace Prize, but I can say with all certainty to my colleagues here this morning that peace in Central America is far more important to Oscar Arias than the Nobel Peace Prize.

So my hope would be that the governments, particularly of Nicaragua and El Salvador, would not take for granted that President Arias or others

will automatically declare that peace has been achieved without the clear indication that the provisions of the Guatemala II accord have been met.

If they assume that President Arias is going to call anything they do a commitment, a fulfillment of those agreements without actually fulfilling them, then they truly misunderstand this man. They underestimate his determination to see true and actual peace, not only in Nicaragua and El Salvador but throughout the region.

So in these next few weeks as an observer group, of which I have been honored to chair along with my colleague from Arizona, we will be watching carefully and we will report to our colleagues as to whether or not in fact Nicaragua, El Salvador, Guatemala, and Honduras, particularly, but also Costa Rica, have had not only the letter but the spirit of Guatemala II fulfilled.

So today we honor not only the man and the prize, but those who are working so desperately and so hard to bring about, once and for all, we would hope, a lasting and permanent peace in Central America.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Republican leader has 7½ minutes and the Senator from Connecticut has 1 minute.

Mr. BYRD. Mr. President, I understand that the Republican leadership would need 5 minutes.

I wonder if there would be an objection to yielding the remaining 2 minutes of Mr. DOLE's time and 1 minute out of Mr. DODD's time to Mr. KERRY?

Mr. DODD. I am glad to yield my time to my colleague.

Mr. BYRD. Mr. President, I have been authorized to ask that the 2 minutes of the Republican leader's time and Mr. DODD's remaining time go to Mr. KERRY.

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

The Senator from Massachusetts.

Mr. KERRY. Thank you, Mr. President.

PRESIDENT OSCAR ARIAS SANCHEZ AND THE NOBEL PEACE PRIZE

Mr. KERRY. I wish to rise, Mr. President, to join the majority leader and my colleague, the distinguished Senator from Connecticut, who is also the chairman of the Subcommittee on Western Hemisphere Affairs, to extend the congratulations of the

Senate and the warm good feelings of the people of our country to President Oscar Arias on the occasion of his winning the Nobel Peace Prize.

Mr. President, this is a proud moment for all who share a deep commitment to democracy, to democratic ideals, and a belief in democratic solutions to problems. Costa Rican President, Oscar Arias Sanchez, has been named as this year's recipient of the Nobel Peace Prize.

There really is not a more deserving recipient of this award than President Arias. No other individual has demonstrated such an admirable and relentless pursuit of a peaceful resolution to the crisis and agony of Central America than has President Arias.

It is a privilege for me to join with the distinguished majority leader in offering this resolution which extends our appreciation and congratulations to President Arias for his remarkable accomplishments. I commend the majority leader for this initiative.

President Arias received the news of his award with characteristic modesty. He reminded us that this award is as much a tribute to his country and to the four other Presidents of Central American nations who have joined him in the quest for peace as it is to him. For the people of Costa Rica, this is a particularly appropriate honor. As the New York Times noted yesterday in an editorial:

The prize goes to the elected leader of an exemplary democracy whose citizens decided four decades ago to abolish their armed forces. Costa Ricans as a people have long since earned this prize. . . .

All Americans, be they North, Central, or South, should feel a sense of pride in the fact that a leader from our hemisphere has been so honored. It is all the more noteworthy that this award should be accorded the leader of a country with one of the longest traditions of democracy in our hemisphere.

There is a tremendous and well-deserved pride among Costa Ricans over the role their President has played in bringing together the leaders of the countries in the region in the pursuit of peace. To understand the basis for this pride, one has to understand the foundation upon which Costa Rican democracy has been built. There are few countries in the world where the practice of political pluralism, of social justice, and of finding solutions to internal conflicts through dialog and negotiations are such constant elements of national life as in Costa Rica.

What Costa Rica practices and preaches at home, it practices and preaches abroad as well. As Beth Hawkins, writing in the August 14 edition of the Tico Times, pointed out:

The stubborn Tico tradition of doing what the rest of the world believes is impossible appears to be alive and well—and has been

handed down to the next generation for safekeeping.

Far from abandoning democratic values in the conduct of his nation's foreign policy, President Arias has proudly and resolutely pursued these values in the search for peace in Central America. The framework of the Arias plan, adopted in Esquipulas, Guatemala, on August 7, is built upon political, economic, and social pluralism for the five countries of the region.

Tremendous obstacles faced President Arias when he assumed this task. Significant obstacles remain. As an editorial appearing in the same edition of the Tico Times noted, the wounds President Arias is seeking to heal—

... are old and deep and still fiercely painful; the mentality of violence and vengeance, brutality and barbarism, continues to bubble beneath the surface. Like all peacemakers, Arias knows how delicately and precariously balanced the structure of trust is, constructed as it is from such breakable and perishable materials as egos, ambitions, timing and goodwill.

The Guatemala agreement, signed by the five Central American Presidents, is a most remarkable achievement. It is remarkable in that the leaders of Central America rejected outside control over their own affairs. Weary of war, the enormous suffering of their people, and the prospects for endless violence, these five Presidents took it upon themselves to direct the destinies of their own people.

The Guatemala agreement represents the accountability of five Presidents to their own people. As President Arias has repeatedly emphasized, 25 million people deserve peace; 25 million people deserve and end to war and deprivation; 25 million people deserve a better life.

Whatever shortcomings there might be in the Guatemala agreement, our Government does not have any right to interfere in, or impose conditions upon, the process which these five Presidents have undertaken. We do not have any right to ask Central Americans to continue killing Central Americans in order to satisfy what this administration perceives to be in our national interests. Five Presidents, four of whom represent democratic governments, determined it was in their national interests to pursue the Arias framework for peace in Central America. We should respect and honor that decision. We should trust the judgment of the democracies in the region as to whether or not the obligations contained in the Guatemala agreement are being carried out in an honorable and meaningful fashion. That is the democratic way to deal with one's allies.

There have been some who have criticized the awarding of the Nobel Peace Prize to President Arias. This criticism demonstrates a disrespect for

a democratic people, and for a close ally which more than any other nation in the region shares our democratic traditions and values. It demonstrates an abandonment of our own democratic beliefs.

President Arias and his colleagues in the region have demonstrated they are not to be deterred in exhausting every conceivable avenue for a peaceful resolution of the Central American crisis. They owe it to their people to risk pursuing peace. We owe it to ourselves and our democratic traditions to be supportive and encouraging of this process.

This should be a time for celebration, not sour grapes. We should take pride in the recognition accorded a small, democratic Central American nation of 2.5 million people. President Arias deserves our respect as a democratic leader. The people of Costa Rica deserve our administration as democratic equals who have the courage to pursue these ideals at home and abroad.

In commenting on the Guatemala agreement, the Tico Times editorial writer observed:

It could all fall apart tomorrow. But it could just as easily have fallen apart yesterday, or last week. Though its mere existence is no guarantee of its survival, the signed peace pact is certainly proof that odds can be overcome, doomsayers can be wrong, and dreams—even "impossible" ones—can come true. When you consider how much had to be overcome just to get this far, what lies ahead doesn't seem nearly so daunting.

Mr. President, I ask unanimous consent that the articles to which I referred in my remarks be printed in the RECORD.

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

THE IMPOSSIBLE DREAM

With all the double-dealing that has unfortunately come to characterize "diplomacy" in Central America, it's hardly surprising that even apparently gracious and gentlemanly gestures tend to be viewed with cynicism and suspicion—especially if they originate in Managua or Washington.

When the U.S. came huffing into the Central American summit meeting last week with a hastily-devised peace plan of its own, not even the most devout Gringophile hereabouts believed it was anything but another anti-Sandinista trick of some sort, and a pathetically transparent one, at that. Uncle Sam has so squandered his stock of credibility in this part of the world that even the True Believers now have trouble believing him.

And when a communications gaffe made it appear that the Sandinistas had reneged on their promise to drop their World Court lawsuit against Costa Rica, the Ticos were prepared to believe the worst—that their trust had been betrayed yet again by their forked-tongued commie neighbors.

As it turned out, Nicaragua did, in fact, withdraw its suit. And although the verdict is not yet in on the precise motives behind the U.S. peace plan, there's good chance that at least a few of them were, if not altruistic, at least pragmatic—reflecting a

long-overdue realization by some of the more alert and award members of the U.S. government that if peace really is on the verge of breaking out in Central America, the U.S. had better hurry up and secure a spot on the bandwagon.

That such misunderstanding and mistrust should flare up again, just as the five Central American countries were coming closer than ever to agreeing on not only peace but democracy, shows just how fragile the accord signed last week really is—and what a triumph its signing represents for its parent and prime promoter, President Oscar Arias.

The wounds he is seeking to heal are old and deep and still fiercely painful; the mentality of violence and vengeance, brutality and barbarism, continues to bubble beneath the surface. Like all peacemakers, Arias knows how delicately and precariously balanced the structure of trust is, constructed as it is from such breakable and perishable materials as egos, ambitions, timing and goodwill.

It could all fall apart tomorrow. But it could just as easily have fallen apart yesterday, or last week. Though its mere existence is no guarantee of its survival, the signed peace pact is certainly proof that odds can be overcome, doomsayers can be wrong, and dreams—even "impossible" ones—can come true. When you consider how much had to be overcome just to get this far, what lies ahead doesn't seem nearly so daunting.

"It didn't hurt anything to dream," a radiant Arias said after the signing.

It never does.

COSTA RICA PULLS IT OFF—AGAIN

(By Beth Hawkins)

Mexicana Airlines flight 111 last Saturday filled up quickly. Dozens of Costa Rican and foreign journalists, officials and anti-Sandinista leaders filtered into the airplane and crammed their tote bags into overhead bins. It was just like any other commercial flight from Guatemala to San Jose.

But as the final boarding call went out, Costa Rican President Oscar Arias stepped on board, accompanied by a retinue of a dozen advisers, ministers, and support staff, and was greeted by a round of applause—which even the bewildered tourists eventually joined in.

Costa Rican Ambassador to Washington Guido Fernandez, Presidential press secretary Lidiette Brenes, Arias friend and adviser John Biehl, Presidency Minister Rodrigo Arias, Foreign Minister Rodrigo Madrigal, Foreign Ministry Chief of Staff Guillermo Solis, and Chief of Protocol Ana Ross were flushed with the barely day-old success of Arias' regional peace initiative—signed by Central America's five presidents in Guatemala City last Friday after months of work.

"Look at the group around Arias," one veteran correspondent remarked as the band of triumphant Ticos took their seats. "So different from the people in the (previous Luis Alberto) Monge Administration. They're so bright."

Arias and his surprisingly young and boisterous crew spent the rest of the flight smiling at the tourists with Kodak Instamatic cameras who had figured out who the VIP's were, sipping complimentary wine, and chatting with friends and reporters, as the plane sped them home to San Jose and a joyous welcome.

Nicaraguan contra leader Alfonso Robelo, by contrast, sat toward the rear of the airplane (which bore, fittingly, the name *La*

Paz), flashing his ever-present smile, but entertaining few questions from journalists.

"Lidiette Brenes, you have a call on line three," one of the practical jokers in a back row hollered, laughing along with the crowd after Brenes stood up and looked around.

It was easy to see how the members of the Arias inner circle had pushed the area peace plan—albeit slowly—so success with their breezy, folksy style. The giggling upper echelon of Costa Rica's current administration didn't look anything like diplomats and politicians seeking to calm the upheavals in a troubled part of the world. Instead, the atmosphere was suggestive of a small-town basketball team returning victorious from a state championship.

After months of being called "naive" by international and domestic critics, Oscar Arias' fresh ensemble had pulled it off, and Costa Rica's neutral armor was beginning to shine again. After eight months of covering their bold diplomatic offensive, I wouldn't have missed the chance to fly back with the delegation and enjoy the airport welcome, replete with flowers and balloons and neat lines of schoolchildren. And through it all, there was this nagging itch at the back of my throat.

"I wonder if it will really work, or if the whole peace process will just break down again," cynical foreign journalists buckling up for the landing said over and over again.

"Peace might break out in Central America," they cackled.

The longer the speculation went on, the more I felt my idealism jabbed at by the big, tough, press corps that chose to remain aloof from the pageantry and symbolism of last week's summit meeting.

As the plane touched down and taxied toward the gate, I realized I was not particularly concerned about the durability of the Arias plan, nor was I alertly seeking the first signs that someone might be trying to subvert the commitments made by the five presidents in Guatemala City. Instead, I was simply enjoying a moment of deep pride in the funny little backwater country I had adopted somewhere along the line—or which had adopted me, without my ever making a conscious decision about it.

If the presidents worked long into the night to hammer out a plan all would promise to uphold, they will sit down together again, if and when the progress toward peace in Central America is stymied by rogue elements. The important thing, I believe, is to recognize the precedent set—and to have faith that the Ticos and their neighbors will continue to smile and nod politely at foreign opinion and policymakers . . . while tenaciously maintaining that peace is possible.

After the delegation descended from the plane and Arias began answering questions in the airport's desperately-overcrowded VIP lounge, three-time President Jose (Pepe) Figueres—the man who abolished Costa Rica's army 39 years ago—wended his way to the front of the room, leaning precariously on two aides, as officials and reporters alike broke into cheers.

The stubborn Tico tradition of doing what the rest of the world believes is impossible appears to be alive and well—and has been handed down to the next generation for safekeeping.

[From the New York Times, Oct. 14, 1987]

PRIZING PEACE, AND PROMOTING IT

Bernard Shaw once lamented that Nobel Prizes were like life preservers thrown long after the recipients had escaped drowning.

That reproach surely does not apply to this year's Peace Prize. The award honors, and furthers, the cause of peace in Central America.

It's perfectly true, as nettled American conservatives complain, that Oslo is a long way from Central America. Doubtless the Nobel Committee of the Norwegian Parliament knew it was taking a chance in bestowing the prize on President Oscar Arias of Costa Rica. After all, the regional peace plan he put forward doesn't even go into effect until Nov. 7. Still, the committee's timing makes this award especially important.

The prize goes to the elected leader of an exemplary democracy whose citizens decided four decades ago to abolish their armed forces. Costa Ricans as a people have long since earned this prize. How much better if President Reagan had said as much, instead of his grudging three words for Mr. Arias, "I congratulate him."

As those cold words suggest, the new pact needs all the outside help it can muster. It calls for cease-fires, an end to all foreign support for insurgent forces, restoration of freedoms and democratic elections in five republics. But in Nicaragua, democrats charge that the Sandinistas are already evading promises to restore full civil rights. And in Washington, Mr. Reagan vows to press for continued aid to the contra rebels, which would give the Sandinistas a pretext for dishonoring, if that is their aim, promises to democratize their Government.

Still, neither Managua nor the White House can ignore the plan's popularity in a region that so yearns for an end to civil wars and an economic rebirth. Acclaim for the plan, now enhanced by the Nobel Prize, exerts pressure on Nicaragua and blunts the campaign for renewed American funding to the contras. Now Mr. Arias will have that splendid pulpit in Oslo to make his case—especially to European democracies, whose weight increasingly counts in Central America.

There remains the objection that the prize is premature or constitutes meddling by the Norwegian Parliament. In 1973, the Vietnam War bled on despite the Nobel awards to Henry Kissinger and Le Duc Tho. In 1971, there were cries of foul in West Germany when Oslo bestowed its laurels on Chancellor Willy Brandt as his Government was heading into election.

Does this year's award fall into the same category? The reproach might have weight if the Norwegian Parliament had tilted consistently eastward or leftward. That's not the case. Nobody in Washington carried on about timing or meddling when the prize went, over Soviet protests, to Andrei Sakharov in 1975, or to Lech Walesa of Poland, the leader of Solidarity, in 1983.

In those instances, too, the prize committee stuck its neck out, and in both cases advanced the cause of peace and freedom. Mr. Arias, his country and his peace plan deserve this prize.

Mr. KERRY. I thank the leader and the distinguished chairman for the time.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that the word "democracy" be inserted in the fourth line of the paragraph numbered 2 on page 2 right after the word "peace,"—"peace, democracy, and stability to their region."

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

Mr. BYRD. This word was inadvertently omitted in the typing of the concurrent resolution.

Mr. President, how much time remains?

The PRESIDING OFFICER. Four minutes and thirty seconds remain to the Republican leader.

Mr. BYRD. Mr. President, the President of Costa Rica, Oscar Arias Sanchez has been awarded the 1987 Nobel Peace Prize in recognition of "his outstanding contribution to the possible return of stability and peace to a region long torn by civil war." The Nobel Committee stated that the peace plan proposed by President Arias and signed by the Presidents of the five Central American countries in Guatemala on August 7, "laid solid foundations for the further development of democracy and for open cooperation between peoples and states."

As my colleagues are all very much aware, it was the personal initiative of President Arias, in bringing all five Central American countries together in Guatemala City in early August, which changed the current political landscape of that region. His vision of a framework for peace, including the need for all five countries to make political commitments and take political risks for peace was embodied in the agreement signed in that city on August 7. None can say it will work, or it will not work, or how it will finally be realized. But without political will and good faith efforts to make his plan work, there will be little progress and there is little prospect that the pattern of suspicion and bloodshed in the region will be broken. Mr. President, this concurrent resolution commends President Arias and the initiative taken by him and his fellow Central American Presidents, and encourages the good faith implementation of the plan which was decided upon. It is my hope that the full force of United States influence and diplomatic efforts will be used to help realize the plan in its entirety, and that the democratization process will not only be revitalized in Nicaragua, but deepened in Nicaragua's neighbors as well. El Salvador and Honduras and Guatemala are now democracies, but they have not always been so, and they are fragile democracies indeed. So President Arias' plan is a plan for the region as a whole, even though our particular focus is on the pattern of events as they unfold in Nicaragua. Mr. President, the remarks by President Arias in the Chamber of the House on September 22 struck a vigorous positive theme. It was a good theme, in the American tradition. He said:

As we stand at the crossroads of peace and development or war and poverty, we must not make the wrong choice. For neither you

nor we can undertake this struggle separately. The struggle for peace in Central America is the historic struggle of democracies. Now as never before, a time has come in history for the people of the United States and of Costa Rica to bring to bear the full power of the principles and values they share.

I commend the President of Costa Rica on his vision and his courage, on his eloquence in behalf of peace—he is the able and proud leader of a sister democracy. I commend him on his award of the 1987 Nobel Peace Prize.

Mr. HELMS. Mr. President, the concurrent resolution under consideration is a harmless one. It is also, in the modest judgment of the Senator from North Carolina, a useless one. Of course, the aspirations of President Arias are aspirations which we all share; but the implementation of those aspirations, as put forth in the Guatemala peace plan, fall far short of reasonable and practical expectations.

It certainly is premature to imagine that the Arias plan will bring peace. But is it possible that some of my colleagues wish that those fighting for freedom would just lay down their arms and accept the Marxist-Sandinista rule? Are they hoping that the Communists will change their spots, at least long enough so that there is a "decent interval" before any cosmetic changes in Nicaragua are thrown off and total Communist domination is reimposed?

Mr. President, I hope that is not the case. But we should not delude ourselves that a peace plan can bring peace when it does not contain either the elements of balance or of hope for freedom. Of course, the record of Nobel Peace Prize winners does not inspire confidence either. If you go over the list of Nobel Peace Prizes awarded since 1901, you find, by and large, a group of losers. The Eli Wiesels and the Mother Therasas on the list are few and far between. By and large the names represent the aspirations of the international left; and by and large they represent an historical list of failed hopes for peace.

The Nobel Peace Prize Committee of the Norwegian Parliament, down through the ages, apparently has been composed of visionaries whose vision has been unimpaired by reality or by hopes for freedom. The addition of President Arias' name to the Nobel Peace Prize list should give pause to all those who desire real peace.

Mr. President, I ask unanimous consent that the list of Nobel Peace Prize winners be printed in the RECORD at the conclusion of my remarks.

Mr. President, articles in the Washington Times yesterday morning and one in the Washington Post this morning further put into perspective the failure of past peace efforts awarded the Nobel Peace Prize, and I ask unanimous consent that they be printed in

the RECORD at the conclusion of my remarks.

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

AWARDS—NOBEL, PULITZER PRIZES

PEACE

- 1986, Elie Wiesel, U.S.
- 1985, Intl. Physicians for the Prevention of Nuclear War, U.S.
- 1984, Bishop Desmond Tutu, So. African.
- 1983, Lech Walesa, Polish.
- 1982, Alva Myrdal, Swedish; Alfonso Garcia Robles, Mexican.
- 1981, Office of U.N. High Commissioner for Refugees.
- 1980, Adolfo Perez Esquivel, Argentine.
- 1979, Mother Teresa of Calcutta, Albanian-Indian.
- 1978, Anwar Sadat, Egyptian; Menachem Begin, Israeli.
- 1977, Amnesty International.
- 1976, Mairead Corrigan, Betty Williams, N. Irish.
- 1975, Andrei Sakharov, USSR.
- 1974, Eisaku Sato, Japanese; Sean MacBride, Irish.
- 1973, Henry Kissinger, U.S.; Le Duc Tho, N. Vietnamese (Tho declined).
- 1971, Willy Brandt, W. German.
- 1970, Norman E. Borlaug, U.S.
- 1969, Intl. Labor Organization.
- 1968, Rene Cassin, French.
- 1965, U.N. Children's Fund (UNICEF).
- 1964, Martin Luther King, Jr., U.S.
- 1963, International Red Cross, League of Red Cross Societies.
- 1962, Linus C. Pauling, U.S.
- 1961, Dag Hammarskjold, Swedish.
- 1960, Albert J. Luthuli, South African.
- 1959, Philip J. Noel-Baker, British.
- 1958, Georges Pire, Belgian.
- 1957, Lester B. Pearson, Canadian.
- 1954, Office of the U.N. High Commissioner for Refugees.
- 1953, George C. Marshall, U.S.
- 1952, Albert Schweitzer, French.
- 1951, Leon Jouhaux, French.
- 1950, Ralph J. Bunche, U.S.
- 1949, Lord John Boyd Orr of Brechin Meams, British.
- 1947, Friends Service Council, Brit. Amer. Friends Service Com.
- 1946, Emily G. Balch, John R. Mott, both U.S.
- 1945, Cordell Hull, U.S.
- 1944, International Red Cross.
- 1938, Nansen International Office for Refugees.
- 1937, Viscount Cecil of Chetwood, Brit.
- 1936, Carlos de Saavedra Lamas, Arg.
- 1935, Carl von Ossietzky, German.
- 1934, Arthur Henderson, British.
- 1933, Sir Norman Angell, British.
- 1931, Jane Addams, U.S.; Nicholas Murray Butler, U.S.
- 1930, Nathan Soderblom, Swedish.
- 1929, Frank B. Kellogg, U.S.
- 1927, Ferdinand E. Buisson, French; Ludwvig Quidde, German.
- 1926, Aristide Briand, French; Gustav Stresemann, German.
- 1925, Sir J. Austen Chamberlain, Brit.; Charles G. Dawes, U.S.
- 1922, Fridtjof Nansen, Norwegian.
- 1921, Karl H. Branting, Swedish; Christian L. Lange, Norwegian.
- 1920, Leon V.A. Bourgeois, French.
- 1919, Woodrow Wilson, U.S.
- 1917, International Red Cross.
- 1913, Henri La Fontaine, Belgian.
- 1912, Elihu Root, U.S.

1911, Tobias M.C. Asser, Dutch; Alfred H. Fried, Austrian.

1910, Permanent Intl. Peace Bureau.

1909, Auguste M.F. Beernaert, Belg.; Paul H.B.B. d'Estoumelies de Constant, French.

1908, Klas P. Arnoldson, Swedish; Fredrik Bajer, Danish.

1907, Ernesto T. Moneta, Italian; Louis Renault, French.

1906, Theodore Roosevelt, U.S.

1905, Baroness Bertha von Suttner, Austrian.

1904, Institute of International Law.

1903, Sir William R. Cremer, British.

1902, Elie Ducommun, Charles A. Gobat, both Swiss.

1901, Jean H. Dunant, Swiss; Frederic Passy, French.

[From the Washington Times, Oct. 14, 1987]
NOT YET, SAY SOME OBSERVERS, ABOUT PEACE PRIZE FOR ARIAS

(By Claude R. Marx)

If history is a guide, giving the Nobel Peace Prize to Oscar Arias Sanchez may be another example of declaring victory over war prematurely.

"The prize is strikingly premature," said Joshua Muravchik, a Latin American specialist at the American Enterprise Institute. "One would think the Nobel Committee would be more inclined to take the long view, having once given its prize to Le Duc Tho."

In 1973, the Nobel Peace Prize was awarded jointly to Secretary of State Henry Kissinger and North Vietnamese Foreign Minister Le Duc Tho for the Paris treaty that was supposed to end the Vietnam War. But South Vietnam was swallowed by the North Vietnamese communists two years later.

Ironically, Le Duc Tho refused to accept the prize because he said peace had not really been established in Vietnam.

Other foreign policy analysts and two prominent House Republicans shared Mr. Muravchik's assessment.

"The Arias award is premature, and I hope this does not result in the same outcome there as the Kissinger-Le Duc Tho award did in Indochina," said L. Francis Bouche, president of the Council for Inter-American Affairs. "The implementation of the plan will depend on [Nicaraguan President] Daniel Ortega more than anyone else."

The award to Arias "reminds me terribly of Nam when Kissinger was given the prize, but Saigon fell shortly thereafter," said Lewis Tams, U.S. ambassador to Costa Rica from 1985 to January 1987. "The plan gives the Marxists-Leninists time to consolidate."

House Minority Leader Robert Michel also characterized the award as "premature" and noted, "There is a very important distinction that has to be made between a peace treaty and a peace which preserves the freedom and democracy of the people affected."

New York Rep. Jack Kemp, a GOP presidential aspirant, said the Nobel committee had made a "mistake . . . to bestow judgment on this plan before the world sees its results."

But the 1973 award wasn't the only over-enthusiastic action of the Nobel committee.

The Royal Swedish Academy of Sciences, which awards the Nobel Prize, gave the award to Secretary of State Frank B. Kellogg in 1928. Mr. Kellogg won it for negotiating the Kellogg-Briand treaty which outlawed war.

"Of course Kellogg hoped for world peace, but he was a fool," said Ernest W. Lefever, president of the Ethics and Public Policy Center. "The Nobel committee would be better served to award a real life achiever. The modest word to describe the Arias and Kellogg awards is premature. . . ."

"You don't give people awards for aspirations but accomplishments," he said. "The [Arias] plan itself is seriously flawed because it required more of the United States and Soviet Union and Cuba. I don't think it will work. I don't think a Marxist-Leninist leopard changes its spots."

The Central American peace plan, whose principal architect was Mr. Arias, was signed by the leaders of the five Central American nations in Guatemala City on Aug. 7. The peace accord calls for, among other things, a cease-fire and moves toward democratization in Nicaragua by Nov. 7.

Mr. Muravchick said the major problem with the Arias plan, like the Kissinger-Le Duc Tho agreement before it, is the assumption that the communists will act in good faith.

"What the plan calls on the Sandinistas to do is essentially what they committed to do before they took power, allow a democratic process and system to unfold there," he said.

"Instead, they went about setting up the machinery of a communist dictatorship. The only way to force them is to give the Contras what they need."

A congressional staff member involved in Central American policy since 1981 who requested anonymity said the Arias plan does not go far enough to effectively guarantee regional security.

"If Latin Americans work harder for the Nobel Peace Prize than for regional security, then someone else has to watch out for the security of the region," the staff member said.

But House Speaker Jim Wright praised Mr. Arias as "a man of vision."

"The world has awarded its highest prize to President Arias," Mr. Wright said. "He has earned the congratulations of the American people and the gratitude of the entire hemisphere."

[From the Washington Post, Oct. 15, 1987]

THE PEACE PLAN IS HEADED TOWARD SANDINISTA VICTORY—GIVE THE RESISTANCE NONLETHAL AID

(By Alfredo Cesar)

In August the four democratic presidents of Central America and dictator Daniel Ortega of Nicaragua signed a peace plan. Its objective is to move the struggle for democracy from the battlefield to the political arena, and in the process achieve peace—peace as a result of democratization and not merely as a result of ending war.

This is how Central Americans understand the plan, and why the Nicaraguan resistance accepted it. But now the United States is moving to stop aid to the resistance, without conditioning that action on Sandinista compliance with the accord. Such a policy will result in military victory for the Soviet-backed Sandinista army and have inescapable consequences for Central America and the United States.

When I left Nicaragua in May 1982, La Prensa was publishing, Archbishop Obando y Bravo was speaking over Radio Catolica, opposition parties were functioning and some 3,000 political prisoners were held in jail. Two months before that, the state of emergency had been reimposed on the country. As Ortega explained to a restricted Cab-

inet meeting: "The worst mistake the Sandinista Directorate has made since July 1979 was the lifting of the state of emergency after Somoza's downfall; we now have an excuse to reinstate it and the military means to enforce it."

Within 60 days the restricted liberties that existed before March 1982 were all but officially scrapped. I made the decision to leave the revolution, convinced that totalitarian rule and Soviet-bloc ties were deeply rooted in the Sandinista group that had betrayed the democratic revolution for which I had struggled six years and endured jail, torture and exile.

I left my country with two haunting memories. One was of military maneuver I witnessed, involving T-55 Soviet tanks, Soviet helicopters and Soviet heavy artillery, all directed by a Cuban general. The other was of the secret party-to-party agreement between the Communist Party of the Soviet Union and the Sandinista National Liberation Front, first signed in 1980 and renewed year after year. But left with faith in the hemispheric democracies, which had been instrumental in bringing down the Somoza regime.

Now I see that to comply with the peace plan, the Sandinistas reopen La Prensa, let Cardinal Obando speak over Radio Catolica, talk to opposition political parties and talk of freeing a few of the by now 8,000 political prisoners and maybe even of lifting the state of emergency. And I cannot help remembering what I lived through back in 1982. The party-to-party agreement has been renewed for the seventh consecutive year, and there has been a breathtaking increase in the Sandinista Soviet-supplied arsenal. Unless Ortega thinks he lacks the military means to enforce it, he will find another excuse to reinstate the state of emergency for a third time.

This peace plan provides for ending war by two stages: first, an effective cease-fire, simultaneous with democratization measures and the halting of military aid to insurgent forces on Nov. 7; second, the laying down of arms by the resistance, once security agreements have been reached by the five governments, according to Point 7 of the peace plan. This implies maintenance of the resistance as a viable military force until the second stage is under way.

It is time to stop the partisan debate and support the peace plan with bipartisan actions before it is too late. The United States should provide the resistance with non-lethal aid for the next 18 months to prevent the Sandinistas from dragging their feet in the security negotiations of the second stage. Lethal aid should be provided if the Sandinistas do not comply with the accord by Nov. 7—including a cease-fire negotiated between them and the resistance, as defined by the president of Costa Rica.

I believe this is a real chance for peace with democracy. The Nicaraguan resistance had made its contribution by forcing the Sandinistas to sign the Central American peace plan. Now it is up to the United States to prevent another betrayal of the Nicaraguan people's aspirations. History will judge who gave peace a real chance.

Mr. DURENBERGER. Mr. President, I rise today as an original sponsor of Senate Concurrent Resolution 83. It is with great pleasure that I extend my congratulations to President Oscar Arias Sanchez of Costa Rica for receipt of the Nobel Peace Prize. I am disappointed, however,

that we find 20 minutes of debate adequate to commemorate an event that means so much. It seems incongruous to me that we spend hours of time and millions of dollars—and others give much more—to deal with the problems of war in Central America yet we spend less than a half hour discussing the awarding of a Nobel Peace Prize.

In the last 5 years, we have witnessed a number of peace plans for Central America—from Manzanillo to Contadora. But the plan outlined by President Arias in February is the first regional effort to resolve regional conflicts.

It is very important for this body to understand what the decision of the Nobel Prize Committee signifies: It is far more than a tribute to President Arias for his tireless efforts in the pursuit of peace. This Nobel Prize honors a deserving and brave Costa Rican but it also honors all those who helped to lay the foundation that President Arias has so deftly built upon this year.

Arias' predecessor, Luis Monge, deserves recognition for his contributions. While many were reluctant to see what Sandinista Nicaragua was becoming, Monge was not afraid to speak out. It would have been easier for him to make his accommodation with the power on his border but he did not.

And President Cerezo deserves a share of credit as well. In Guatemala, a National Reconciliation Commission has been established and it has begun the difficult task of resolving the decades-old civil war that has cost his deeply polarized nation so much. Cerezo has survived multiple attempts on his life but he does not shirk from the challenge of building democracy.

In El Salvador, President Duarte has seized the initiative offered by the peace agreement. Few men have risked more and suffered more in an effort to make a positive contribution to a nation's future. Duarte has been arrested, beaten, threatened, and exiled for the transgression of moderation. His daughter was kidnaped in an act of particular cruelty by the left and he is under almost constant attack from the right. And yet Jose Duarte continues to work for a better future for El Salvador.

As he has done before, Duarte has offered to begin talks with the FMLN insurgents. War weariness, domestic conditions, and international pressure have led to a change on the part of Duarte's opponents of the left. Ruben Zamora, a leader of the guerrilla's political arm, has chosen to return to El Salvador to fight for his ideas through debate and politics rather than armed struggle. Last week, the Government and the guerrillas reached agreement on a cease-fire commission. There is a long way to go but, for the first time, there is room for hope that the FMLN

will lay down their arms and rejoin the political process. And it is President Duarte who deserves the credit for the tremendous progress in El Salvador. Duarte is a true hemisphere hero and I believe that his dedication and courage made this year's Nobel Prize an award for him as well.

In Honduras, President Jose Azcona is also struggling to strengthen democracy in Central America's poorest nation. His election in 1985 was the first transfer of power between democratically elected Presidents in Honduran history. And the problems he faces are, in large part, problems stemming from the fact that Honduras is used as a staging area for our Contra policy. President Azcona recognizes the problems his nation will face if there is not a resolution of the Nicaraguan civil war. That is why he is among the ranks of the supporters of the Guatemala peace accord.

Lest we forget, there is tiny Belize—a nation of 160,000. Independent since 1981, Manuel Esquivel won election as prime minister in 1984. Though not a signatory to the peace agreement, Esquivel recognizes the need for peace. His country has over 10,000 refugees from regional conflicts—a tremendous number for any nation. He knows that his plans for economic growth and diversification cannot be realized without a settlement of the wars in neighboring states.

Unlike previous awards, the 1987 Nobel Peace Prize was awarded on the promise of future achievements. While recognizing the work of Oscar Arias over the past year, it is an honor that recognizes potential rather than actual achievements. A few small, but very firm, steps have been taken to get the regional peace process moving. But far more must be done if lasting stability, peace, and democracy are to prevail in Central America.

I strongly supported President Arias at the time his plan was announced. I argued that the only way the problems of peace in Central America would be addressed is through the cooperation of the five countries in the area. Central America is at a historic crossroad: The world is watching to see if genuine peace can be realized. Genuine peace is far more than the absence of war; it is the establishment of lasting democratic institutions that are the best guarantee of long-term stability and justice. It is in the evolving process that carries the name of President Arias that we find the best hope of enduring democratization in Central America.

Since the five heads of States signed the Arias peace agreement last August, however, this body has heard much about the flaws of the plan. The North American critics continue to point out weaknesses rather than strengths, problems rather than prospects, and fears rather than hope. But

the Central Americans continue to work for a better future, a future where they can address their economic and social problems without the specter of war.

Not without risk. The award of the Nobel Prize carries enormous responsibilities for President Arias—more than his colleagues. The peace plan which bears his name is also his to enforce. November 7 will be a bigger day in his life than his trip up to Stockholm. For on that day he must decide are parties conforming with the plan and determine its future—the world now follows his judgment and his lead.

Instead of emphasizing flaws and potential pitfalls, we should support the efforts of our neighbors to the south as they struggle to make the promise of the 1987 Nobel Peace Prize a reality. Today we will express our congratulations to President Arias but I hope we will recognize that he is only one man who owes much to others, and that his contribution to peace is so far unfinished.

In 1983 the Nobel Peace Prize was awarded to Lech Walesa, the Pole who fought for democratic reforms in his land. He was not allowed to accept the prize himself but he sent his wife. She accepted the award on behalf of not only her husband but of the entire Polish people. She pointed out that Lech Walesa was only a symbol for the hopes and aspirations of millions. Likewise, this year's prize represents the desires, dreams, and goals of millions. I urge my colleagues to reflect on this as we continue to monitor events in Central America.

VOTE

Mr. BYRD. Mr. President, I ask unanimous consent that the vote begin.

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

The question is on agreeing to the concurrent 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 Oklahoma [Mr. BOREN], the Senator from Illinois [Mr. SIMON] and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH] is necessarily absent.

I further announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Kansas [Mrs. KASSEBAUM] would vote "yea."

Mr. BYRD. Regular order, Mr. President.

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

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 327 Leg.]

YEAS—92

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

NAYS—3

Helms	Humphrey	Symms
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NOT VOTING—5

Boren	Kassebaum	Stennis
Hatch	Simon	

So the concurrent resolution (S. Con. Res. 83), as modified was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 83

Whereas the President of Costa Rica, Oscar Arias Sanchez has been awarded the 1987 Nobel Peace Prize in recognition of "his outstanding contribution to the possible return of stability and peace to a region long torn by civil war";

Whereas President Arias has called for "a commitment to the struggle for peace and putting an end to war and ensure that dialogue prevails over violence and reason over rancor";

Whereas President Oscar Arias Sanchez has stated that in an "atmosphere of democracy and freedom, we can return to the path of development that will enable a lasting peace" and has asked for the people of the United States with the people of Costa Rica to bring to bear the power of the principles and democratic values that they share to end the conflict in Central America;

Whereas on March 12, 1987 the United States Senate voted 97 to 1 "supporting the initiative of the Central American heads of state . . . in formulating a regional proposal by President Arias to end the armed conflict in Central America";

Whereas through the leadership of President Arias the Presidents of El Salvador, Guatemala, Honduras and Nicaragua met August 6-7 in Guatemala City and signed an agreement based on the Arias plan, setting forth a framework aimed at the establishment of a lasting peace in Central America;

Whereas the United States Senate endorses the goals of peace, democratization and development in Central America: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring). That the Congress of the United States of America—

(1) Congratulates President Oscar Arias Sanchez as the recipient of the 1987 Nobel Peace Prize and commends the Norwegian Nobel Committee on this outstanding choice;

(2) Recognizes the signing of the August 7 Guatemala peace accord is a historic achievement and important opportunity for the Presidents of Central America to work together to restore peace, democracy, and stability to their region;

(3) Urges the parties to the peace accord to implement all of its provisions in good faith; and

(4) Pledges its firm support and full cooperation with respect to such good faith implementation of the August 7, 1987, Central America peace agreement.

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

Mr. CRANSTON. 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.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that the majority leader at any time after consultation with the minority leader may proceed to the consideration of the HUD appropriation bill. This has the approval of the Republican leader.

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1988

Mr. BYRD. Mr. President, I have consulted with the distinguished Republican leader as to the HUD appropriation bill. I have consulted with the ranking member and the chairman. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the HUD appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 2783) making appropriations for the Department of Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1988, and for other purposes.

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1988, and for other purposes, namely:

TITLE I

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING (INCLUDING RESCISSION)

[For assistance under the United States Housing Act of 1937, as amended (42 U.S.C. 1437), not otherwise provided for, \$7,924,100,000, to remain available until expended: *Provided*, That of the budget authority provided herein, \$130,200,000 shall remain available until expended for assistance in financing the development or acquisition cost of public housing for Indian families; \$1,585,732,500 shall be available as an appropriation of funds, to remain available until expended, for modernization of existing public housing projects pursuant to section 14 of such Act (42 U.S.C. 1437l); \$1,506,500,000 shall be for assistance for projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q); \$848,850,000 shall be for the section 8 existing housing program (42 U.S.C. 1437f); \$595,170,000 shall be for the section 8 moderate rehabilitation program (42 U.S.C. 1437f); \$928,559,500 shall be available for the housing voucher program under section 8(o) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437f), for use, notwithstanding the limitations in section 8(o)(1) of such Act that the Secretary conduct a demonstration, and in section 8(o)(4) of such Act that the Secretary use substantially all authority in connection with certain programs, in connection with the rental rehabilitation program under section 17 of such Act and for any other purposes as determined by the Secretary; \$200,000,000 shall be available until September 30, 1990, only for rental rehabilitation grants pursuant to section 17(a)(1)(A) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437o); and \$99,550,000 shall be available until September 30, 1990, only for development grants pursuant to section 17(a)(1)(B) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437o): *Provided further*, That with respect to grants as authorized by section 17(a)(1)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437o) which are made using funds made available under this paragraph, notwithstanding the rental housing vacancy rate criteria of the third and sixth sentences of section 17(d)(2) of such Act, no unit of general local government shall be eligible for such a grant unless the percentage of rental dwelling units within its jurisdiction which are vacant is less than the national percentage of rental dwelling units that are vacant and a percentage of rental dwelling units within its jurisdiction which are vacant for more than two months is less than the national percentage of dwelling units that are vacant for more than two months, except that the housing vacancy criteria specified in this paragraph shall not apply to grants authorized by the seventh sentence of such section 17(d)(2): *Provided*

Further, That of the \$7,800,000,000 of budget authority provided herein, \$210,923,000 shall be available only for assistance in financing the development or acquisition cost of public housing (other than for Indian families) and for major reconstruction of obsolete public housing projects (other than for Indian families), and an amount equal to the amounts of budget authority which have been reserved or obligated for such purpose in a prior year and which are recaptured during fiscal year 1988 (not including such amounts as may be recaptured from amounts heretofore obligated for such assistance for Indian families, and amounts that become available for rescission pursuant to section 4(c)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437b)) shall also be made available until expended as an appropriation of funds for such purpose: *Provided further*, That any part of the \$210,923,000 and the recaptured amount referred to in the immediately foregoing proviso may, in the discretion of the Secretary, based on applications submitted by public housing authorities, be used for new construction or major reconstruction of obsolete public housing projects (other than for Indian families): *Provided further*, That an amount equal to the amounts of budget authority which have been reserved or obligated for assistance in financing the development or acquisition cost of public housing for Indian families and which have been recaptured (not including amounts that become available for rescission pursuant to section 4(c)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437b)), in addition to other amounts specified for such purpose under this Act, shall be made available until expended as an appropriation of funds for grants for such development or acquisition cost of public housing for Indian families: *Provided further*, That an amount equal to the amounts of budget authority which have been reserved or obligated for assistance for modernization of existing public housing projects pursuant to section 14 of such Act (42 U.S.C. 1437l) and which are recaptured (not including amounts that become available for rescission pursuant to section 4(c)(3) of the Act (42 U.S.C. 1437b)) or which are carried over from a prior year or are otherwise available for obligation, shall be made available as an appropriation of funds, to remain available until expended, for grants for modernization of existing public housing projects: *Provided further*, That all amounts of budget authority (and contract authority) equal to the amounts of budget authority (and contract authority) reserved or obligated for programs under section 8 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437f), which are recaptured during fiscal year 1988 shall be rescinded.]

For assistance under the United States Housing Act of 1937, as amended (42 U.S.C. 1437), not otherwise provided for, \$7,523,250,000, to remain available until expended: Provided, That of the new budget authority provided herein, \$130,200,000 shall be for the development or acquisition of housing for Indian families; \$2,221,080,500 shall be for modernization of existing public housing projects pursuant to section 14 (42 U.S.C. 1437l); \$1,630,600,000 shall be for assistance for projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q); \$200,000,000 shall be for rental rehabilitation grants pursuant to section 17(a)(1)(A) of the United States Housing Act of 1937, as amended (42 U.S.C.

1437o); \$594,195,000 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f); and \$1,118,075,250 shall be available for the housing voucher program under section 8(o) of the United States Housing Act of 1937, as amended (42 U.S.C. 1737f(o)), and shall be used without regard for the limitations in section 8(o)(1) that the Secretary conduct a voucher demonstration, and in section 8(o)(4) that the Secretary use substantially all voucher authority in connection with certain programs: Provided further, That of the amounts of budget authority that have been provided under this head in prior appropriation Acts, reserved or obligated in compliance with an earmark under such Acts, and recaptured during fiscal year 1988 (not including amounts that become available for rescission pursuant to section 4(c)(3) of the United States Housing Act of 1937), an amount equal to such recaptured amount shall be made available for the purpose for which such recaptured amount was reserved or obligated, except that with respect to recaptured amounts which were reserved or obligated for assistance in financing the development or acquisition cost of public housing other than for Indian families, an amount equal to such recaptured amount shall be made available for assistance under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l); and amounts equal to all amounts of budget authority (and contract authority) reserved or obligated for programs under section 8 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437f), which are recaptured during fiscal year 1988 shall be rescinded: Provided further, That new budget authority, amounts which are available for obligation as of October 1, 1987, and amounts made available under the immediately preceding proviso, shall be available until expended, except that for rental rehabilitation grants under section 17(a)(1)(A), new budget authority shall be available until September 30, 1990, and amounts equal to recaptured amounts, and amounts which are available for obligation as of October 1, 1987, shall be available for the respective time periods specified under the source year appropriation Act: Provided further, That amounts of funds for rental development grants as authorized by section 17(a)(1)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437o) that were appropriated under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1985 (Public Law 98-371, 98 Stat. 1213, 1215, amending Public Law 98-45, 97 Stat. 219, 220) to become available in part during fiscal year 1984, and in part on October 1, 1984, shall remain available for obligation until September 30, 1988: Provided further, That any amounts of new budget authority provided herein that are used for the section 8(b)(1) existing housing program (42 U.S.C. 1437f(b)(1)) shall not be obligated for a contract term that exceeds five years, except that such amounts that are used for property disposition may be obligated for contract terms of up to 15 years: Provided further, That 20 percent of the amounts of new budget authority and recaptured amounts that are earmarked specifically for modernization of existing public housing projects pursuant to section 14 of such Act (42 U.S.C. 1437l), shall be used under such section 14 for major reconstruction of obsolete public housing projects: Provided further, That any amounts of new budget authority provided under this head in prior appropriation Acts that are recaptured or carried over from one

fiscal year to another which are available for use in fiscal year 1988 and thereafter shall be available as an appropriation of funds without regard to whether such budget authority has heretofore been available as an appropriation of funds: Provided further, That any amount of contract authority provided prior to fiscal year 1976 for any purpose authorized by the United States Housing Act of 1937, as in effect prior to the effective date for amendments to such 1937 Act prescribed under section 201(b) of the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633, 653) and as in effect thereafter, that is not reserved or obligated on October 1, 1987, or that is recaptured during fiscal year 1988 or thereafter, is rescinded as of October 1, 1987, or upon recapture, as the case may be: Provided further, That none of the amounts under this head that are available for obligation in 1988 shall be subject to the provisions of section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439).

RENTAL HOUSING ASSISTANCE (RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z-1) is reduced in fiscal year 1988 by not more than \$2,000,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts.

HOUSING FOR THE ELDERLY OR HANDICAPPED FUND

In fiscal year 1988, [\$559,900,000] \$602,800,000 of direct loan obligations may be made under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), utilizing the resources of the fund authorized by subsection (a)(4) of such section, in accordance with paragraph (C) of such subsection: Provided, That such commitments shall be available only to qualified nonprofit sponsors for the purpose of providing 100 per centum loans for the development of housing for the elderly or handicapped, with any cash equity or other financial commitments imposed as a condition of loan approval to be returned to the sponsor if sustaining occupancy is achieved in a reasonable period of time: Provided further, That the full amount shall be available for permanent financing (including construction financing) for housing projects for the elderly or handicapped: Provided further, That 25 percent of the direct loan authority provided herein shall be used only for the purpose of providing loans for projects for the handicapped: Provided further, That the Secretary may borrow from the Secretary of the Treasury in such amounts as are necessary to provide the loans authorized herein: Provided further, That, notwithstanding any other provision of law, the receipts and disbursements of the aforesaid fund shall be included in the totals of the Budget of the United States Government: Provided further, That, notwithstanding section 202(a)(3) of the Housing Act of 1959, loans made in fiscal year 1988 shall bear an interest rate which does not exceed 9.25 per centum, including the allowance adequate in the judgment of the Secretary to cover administrative costs and probable losses under the program.

CONGREGATE SERVICES

For contracts with and payments to public housing agencies and nonprofit corporations for congregate services programs in accord-

ance with the provisions of the Congregate Housing Services Act of 1978, [\$4,400,000] \$7,000,000, to remain available until September 30, 1989.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), [\$1,465,000,000] \$1,515,000,000.

[PUBLIC HOUSING DEVELOPMENT GRANT

[Notwithstanding any other provision of law or other requirement, the Secretary of Housing and Urban Development may not require the Bay City Housing Commission in the State of Michigan to pay any amount relating to ineligible costs incurred with respect to the public housing development grant numbered Michigan 24-7, awarded in 1974, under the United States Housing Act of 1937.]

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106(a)(1)(iii) and section 106(a)(2) of the Housing and Urban Development Act of 1968, as amended, \$3,500,000.

TROUBLED PROJECTS OPERATING SUBSIDY

For assistance payments to owners of eligible multifamily housing projects insured, or formerly insured, under the National Housing Act, as amended, in the program of operating subsidies for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, all uncommitted balances of excess rental charges and any collections after September 30, 1987, to remain available until September 30, 1989: Provided, That assistance payments to an owner of a multifamily housing project assisted, but not insured, under the National Housing Act may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development.

FEDERAL HOUSING ADMINISTRATION FUND

For payment to cover losses, not otherwise provided for, sustained by the Special Risk Insurance Fund and General Insurance Fund as authorized by the National Housing Act, as amended (12 U.S.C. 1715z-3(b) and 1735c(f)), \$169,652,000, to remain available until expended.

During fiscal year 1988, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the National Housing Act, as amended.

During fiscal year 1988, additional commitments to guarantee loans to carry out the purposes of the National Housing Act, as amended, shall not exceed a loan principal of \$100,000,000,000.

During fiscal year 1988, gross obligations for direct loans of not to exceed \$82,575,000

are authorized for payments under section 230(a) of the National Housing Act, as amended, from the insurance fund chargeable for benefits on the mortgage covering the property to which the payments made relate, and payments in connection with such obligations are hereby approved.

NONPROFIT SPONSOR ASSISTANCE

During fiscal year 1988, within the resources and authority available, gross obligations for the principal amounts of direct loans shall not exceed \$1,000,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES

During fiscal year 1988, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721g), shall not exceed \$150,000,000,000 of loan principal.

SOLAR ENERGY AND ENERGY CONSERVATION BANK

ASSISTANCE FOR SOLAR AND CONSERVATION IMPROVEMENTS

[For financial assistance and other expenses, not otherwise provided for, to carry out the provisions of the Solar Energy and Energy Conservation Bank Act of 1980 (12 U.S.C. 3601), \$3,000,000, to remain available until September 30, 1989: *Provided*, That all funds recaptured from prior year appropriations under this heading shall be reallocated to eligible financial institutions.]

All funds previously appropriated under this head that are recaptured or that otherwise are or become available for obligation, in fiscal year 1988 or thereafter, including all such amounts affected by an order of the United States District Court, Southern District of New York, in Lorraine Dabney, et al., v. Ronald Reagan, et al., 82 Civ. 2231-CSH, dated March 20, 1985, shall be withdrawn, pursuant to 31 U.S.C. 1551 et seq.

COMMUNITY PLANNING AND DEVELOPMENT COMMUNITY DEVELOPMENT GRANTS

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grant program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), \$3,000,000,000 to remain available until September 30, 1990: *Provided*, That not to exceed 20 per centum of any grant made with funds appropriated herein (other than a grant using funds set aside in the next following proviso) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development: *Provided further*, That \$5,000,000 shall be made available from the foregoing \$3,000,000,000 to carry out a child care demonstration under section 222 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181): *Provided further*, That \$2,000,000 shall be made available from the foregoing \$3,000,000,000 to carry out a neighborhood development demonstration under section 123 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181).

During fiscal year 1988, total commitments to guarantee loans, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), shall not exceed \$150,000,000 of contingent liability for loan principal.

URBAN DEVELOPMENT ACTION GRANTS

For grants to carry out urban development action grant programs authorized in

section 119 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), pursuant to section 103 of that Act, \$225,000,000, to remain available until September 30, 1991: *Provided*, That title 42, United States Code, section 5318(n)(2), is amended as follows: *After the word "reservation" add the words "or on former Indian reservation lands in Oklahoma"*.

REHABILITATION LOAN FUND

During fiscal year 1988, collections, unexpended balances of prior appropriations (including any recoveries of prior reservations) and any other amounts in the revolving fund established pursuant to section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), after September 30, 1987, are available and may be used for commitments for loans and operating costs and the capitalization of delinquent interest on delinquent or defaulted loans notwithstanding section 312(h) of such Act: *Provided*, That none of the funds in this Act may be used to sell any loan asset that the Secretary holds as evidence of indebtedness under such section 312.

URBAN HOMESTEADING

For reimbursement to the Federal Housing Administration Fund or the Rehabilitation Loan Fund for losses incurred under the urban homesteading program (12 U.S.C. 1706e), and for reimbursement to the Administrator of Veterans Affairs and the Secretary of Agriculture for properties conveyed by the Administrator of Veterans Affairs and the Secretary of Agriculture, respectively, for use in connection with an urban homesteading program approved by the Secretary of Housing and Urban Development pursuant to section 810 of the Housing and Community Development Act of 1974, as amended, [\$15,000,000] \$12,000,000, to remain available until expended.

POLICY DEVELOPMENT AND RESEARCH RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$17,000,000, to remain available until September 30, 1989.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended, \$5,000,000, to remain available until September 30, 1989.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed \$4,000 for official reception and representation expenses, [\$698,921,000] \$689,039,000, of which \$358,132,000 shall be provided from the various funds of the Federal Housing Administration: *Provided*, That during fiscal year 1988, notwithstanding any other provision of law, the Department of Housing and Urban Development shall maintain an average employment of at least (1) 6,502 for Housing Programs, (2) 1,370 for Public

and Indian Housing Programs, and (3) 1,163 for Community Planning and Development Programs].

TITLE II

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; \$12,925,000: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it: *Provided further*, That section 409 of the general provisions carried in title IV of this Act shall not apply to the funds provided under this heading: *Provided further*, That travel of the Korean War Veterans Memorial Advisory Board authorized by the Commission may be defrayed from private contributions to the Korean War Memorial Fund, with allowances conforming to those provided by Federal travel regulations.

CONSUMER PRODUCT SAFETY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, and not to exceed \$500 for official reception and representation expenses, [\$34,400,000] \$34,178,000: *Provided*, That no more than \$286,000 of these funds shall be available for personnel compensation and benefits for the Commissioners of the Consumer Product Safety Commission appointed pursuant to 15 U.S.C. 2053: *Provided further*, That none of these funds shall be available for conducting or reviewing cost/benefit analyses on enforcement actions of the Consumer Product Safety Commission.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, and not to exceed \$1,000 for official reception and representation expenses;

\$8,504,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY
SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$25,000 per project; and not to exceed \$3,000 for official reception and representation expenses; [\$803,630,000] \$796,870,000. *Provided*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913).

RESEARCH AND DEVELOPMENT

For research and development activities, [\$199,100,000] \$193,600,000, to remain available until September 30, 1989: *Provided*, That not more than \$2,000,000 of these funds shall be available for replacement of laboratory equipment.

ABATEMENT, CONTROL, AND COMPLIANCE

For abatement, control, and compliance activities, [\$672,085,000] \$672,470,000, of which \$10,000,000 shall be through the grants program established under section 28 of the Toxic Substances Control Act to assist States, local governments, and local emergency planning committees in carrying out subtitles A, B, and C of the Emergency Planning and Community Right to Know Act of 1986 and of which \$50,000,000 shall be available for the purposes of the Asbestos School Hazards Abatement Act of 1984, as amended, including not more than \$15,000,000 to defray the costs of school asbestos reinspections and management plans required by section 2 of the Asbestos Hazard Emergency Response Act of 1986 and not more than \$2,500,000 for administrative expenses, with all of such funds to remain available until September 30, 1989: *Provided*, That school asbestos abatement loan and grant awards shall be made no later than March 1, 1988: *Provided further*, That all grants monies herein provided for section 28 of the Toxic Substances Control Act must be awarded in a manner that assures that States make 75 per centum of all such grant receipts available to local governments or local emergency planning committees for carrying out subtitles A, B, and C of the Emergency Planning and Community Right to Know Act: *Provided further*, That sums previously appropriated by States for fiscal year 1988 or to be appropriated by States for State activities or to finance activities of local governments or local emergency planning committees in carrying out the Emergency Planning and Community Right to Know Act shall be applied to the State share required under section 28 of the Toxic Substances Control Act: *Provided further*, That the Environmental Protection Agency shall accept applications no later than two months following enactment of this Act, and shall make a determination whether to award a grant no later than forty-five days after receipt of an application: *Provided further*, That this appro-

pration shall not preempt the ability of State, local governments, local emergency planning committees, or other governmental units to fund their title III activities by other and additional means: [*Provided further*, That none of the funds appropriated under this heading shall be available to the National Oceanic and Atmospheric Administration pursuant to section 118(h)(3) of the Federal Water Pollution Control Act, as amended:] *Provided further*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913), or for support to State, regional, local and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than section 4008(a)(2) or 4009 (42 U.S.C. 6948, 6949): *Provided further*, That not more than \$2,000,000 of these funds shall be available for replacement of laboratory equipment.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment for facilities of, or use by, the Environmental Protection Agency, [\$7,500,000] \$18,200,000, to remain available until expended, of which \$2,000,000 made available in fiscal year 1987 may remain available for a grant to the University of Nevada, Las Vegas for the construction of a laboratory addition to be owned by the University of Nevada, Las Vegas.

HAZARDOUS SUBSTANCE SUPERFUND

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), [\$1,181,000,000] \$1,179,422,000, of which \$5,600,000 may be used in conjunction with funds hitherto and henceforth to be appropriated for design and construction of a facility at Edison, New Jersey, for hazardous waste and other research applicable to hazardous substance technology, to remain available until expended, to be derived from the Hazardous Substance Superfund, consisting of [\$931,000,000] \$929,422,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and \$250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, with all of such funds to remain available until expended: *Provided*, That funds appropriated under this account may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA, as amended: [*Provided further*, That none of the funds appropriated under this heading shall be available for sections 111(b), (c)(1), or (c)(2) of CERCLA, as amended:] *Provided further*, That, notwithstanding section 111(m) of CERCLA, as amended, or any other provision of law, not to exceed [\$43,000,000] \$50,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), 111(c)(14), and 118(f) of SARA: *Provided further*, That not more than \$190,000,000 of these funds shall be available for administrative expenses.

LEAKING UNDERGROUND STORAGE TANK TRUST
FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Su-

perfund Amendments and Reauthorization Act of 1986, [\$10,000,000] \$15,000,000, to remain available until expended: *Provided*, That not more than \$5,000,000 shall be available for administrative expenses.

CONSTRUCTION GRANTS

For necessary expenses to carry out title II of the Federal Water Pollution Control Act, as amended, other than sections 201(m)(1-3), 201(n)(2), 206, 208, and 209, \$2,400,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

None of the funds in this Act shall be available for any indemnity payment under section 15 of the Federal Insecticide, Fungicide, and Rodenticide Act.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND
OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, including not to exceed \$500 for official reception and representation expenses, and hire of passenger motor vehicles, [\$862,000] \$860,000.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (43 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed \$1,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, [\$1,998,000] \$1,967,000: *Provided*, That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the functions of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 et seq.), \$125,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of government program to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed \$1,500 for official reception and representation expenses, [\$131,544,000] \$126,544,000.

EMERGENCY MANAGEMENT PLANNING AND
ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Disaster Relief Act of 1974, as

amended (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Strategic and Critical Materials Stock Piling Act, as amended (50 U.S.C. 98 et seq.), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), section 103 of the National Security Act (50 U.S.C. 404), and Reorganization Plan No. 3 of 1978, **[\$291,850,000] \$276,850,000.**

**NATIONAL FLOOD INSURANCE FUND
(TRANSFERS OF FUNDS)**

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, \$9,892,000 shall, upon enactment of this Act, be transferred to the "Salaries and expenses" appropriation for administrative costs of the insurance and flood plain management programs and \$45,200,000 shall, upon enactment of this Act, be transferred to the "Emergency management planning and assistance" appropriation for flood plain management activities, including \$4,720,000 for expenses under section 1362 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4103, 4127), which amount shall be available until September 30, 1989. In fiscal year 1988, no funds in excess of (1) \$38,000,000 for operating expenses, (2) \$137,765,000 for agents' commissions and taxes, and (3) \$2,537,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

EMERGENCY FOOD AND SHELTER PROGRAM

There is hereby appropriated **[\$150,000,000] \$125,000,000** to the Federal Emergency Management Agency to carry out an emergency food and shelter program pursuant to title III of Public Law 100-77: *Provided, That total administrative costs shall not exceed three and one-half per centum of the total appropriation.* [Notwithstanding any other provision of this or any other Act, such amount shall be made available under the terms and conditions of the following paragraphs:

[The Director of the Federal Emergency Management Agency shall, as soon as practicable after enactment of this Act, constitute a national board for the purpose of determining how the program funds are to be distributed to individual localities. The United Way of America, the Salvation Army, the National Council of Churches of Christ in the U.S.A., the National Conference of Catholic Charities, the Council of Jewish Federations, Inc., and the American Red Cross shall each nominate a representative to sit on the national board, and the Director of the Federal Emergency Management Agency shall designate a representative from each of these organizations to sit on the national board. The Federal Emergency Management Agency shall also designate a representative to sit on the national board, and the representative of the Federal Emergency Management Agency shall chair the national board.

[Each locality designated by the national board to receive funds shall constitute a local board for the purpose of determining how its funds will be distributed. The local board shall consist, to the extent practicable, of representatives of the same organizations as the national board except that the

mayor or appropriate head of government will replace the Federal Emergency Management Agency member.

[The Director of the Federal Emergency Management Agency shall award a grant for \$150,000,000 to the national board within thirty days after enactment of this Act for the purpose of providing emergency food and shelter to needy individuals through private voluntary organizations and through units of local government.

[Eligible private voluntary organizations should be nonprofit, have a voluntary board, have an accounting system, and practice nondiscrimination.

[Participation in the program should be based upon a private voluntary organization's or unit of local government's ability to deliver emergency food and shelter to needy individuals and such other factors as are determined by the local boards.

[Total administrative costs shall not exceed three and one-half per centum of the total appropriation.

[As authorized by the Charter of the Commodity Credit Corporation, the Corporation shall process and distribute surplus food owned or to be purchased by the Corporation under the food distribution and emergency shelter program in cooperation with the Federal Emergency Management Agency.]

**GENERAL SERVICES ADMINISTRATION
CONSUMER INFORMATION CENTER**

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, **[\$1,339,000] \$1,332,000**, to be deposited into the Consumer Information Center Fund: *Provided, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of [\$5,200,000] \$5,193,000.* Administrative expenses of the Consumer Information Center in fiscal year 1988 shall not exceed \$1,721,000. Appropriations, revenues and collections accruing to this fund during fiscal year 1988 in excess of **[\$5,200,000] \$5,193,000** shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF CONSUMER AFFAIRS**

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, **[\$1,750,000] \$1,740,000.**

**NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION
RESEARCH AND DEVELOPMENT**

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; **[\$3,661,200,000] \$3,478,063,000**, to remain available until September 30, 1989, of which **\$100,000,000** shall be derived by transfer from funds appropriated in section 101(g) of Public Law 99-591 for orbiter production.

**SPACE FLIGHT, CONTROL AND DATA
COMMUNICATIONS**

For necessary expenses, not otherwise provided for; in support of space flight,

spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft; **[\$4,000,300,000] \$3,978,300,000**, to remain available until September 30, 1989, including not to exceed **[\$30,000,000] \$28,000,000** for expendable launch vehicles which shall be available only for the purchase of two Delta II vehicles for the launch of the Roentgen satellite (ROSAT) and the Extreme Ultraviolet Explorer (EUVE).

CONSTRUCTION OF FACILITIES

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, **[\$169,700,000] \$185,700,000**, to remain available until September 30, 1990: *Provided, That, notwithstanding the limitation on the availability of funds appropriated under this heading by this appropriations Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design: Provided further, That no amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriations Act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act: Provided further, That the Administrator may authorize such facility lease or construction, if he determines, in consultation with the Committees on Appropriations, that deferral of such action until the enactment of the next appropriations Act would be inconsistent with the interest of the Nation in aeronautical and space activities.*

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in Government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); awards; lease, hire, maintenance and operation of administrative aircraft; purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of \$100,000 per project for construction of new facilities and additions to existing facilities, repairs, and rehabilitation and modification of facilities; **\$1,558,000,000: Provided, That contracts may be entered into under this appropriation**

tion for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further*, That not to exceed \$35,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

**NATIONAL CREDIT UNION ADMINISTRATION
CENTRAL LIQUIDITY FACILITY**

During fiscal year 1988, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed \$600,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 1988 shall not exceed \$847,000.

**NATIONAL SCIENCE FOUNDATION
RESEARCH AND RELATED ACTIVITIES**

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of one aircraft; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; **[\$1,505,000,000]** \$1,634,487,000, to remain available until September 30, 1989: *Provided*, [That of the funds appropriated in this Act, \$1,500,000 shall be available only for the International Institute for Applied Systems Analysis, and that, notwithstanding any other provision of law, the Director may choose not to obligate these funds for that purpose:] *Provided further*, That of the funds appropriated in this Act, or from funds appropriated previously to the Foundation, not more than \$88,000,000 shall be available for program development and management in fiscal year 1988: *Provided further*, That contracts may be entered into under the program development and management limitation in fiscal year 1988 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

UNITED STATES ANTARCTIC PROGRAM ACTIVITIES

For necessary expenses in carrying out the research and operational support for the United States Antarctic Program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); maintenance and operation of aircraft and purchase of flight services for research and operations support; maintenance and operation of research ships and charter or lease of ships for research and operations sup-

port; hire of passenger motor vehicles; not to exceed \$1,000 for official reception and representation expenses; **[\$143,000,000]** \$117,000,000, to remain available until expended: *Provided*, That receipts for support services and materials provided to individuals for non-Federal activities may be credited to this appropriation: *Provided further*, That no funds in this account shall be used for the purchase of aircraft.

SCIENCE EDUCATION ACTIVITIES

For necessary expenses in carrying out science and engineering education programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including award of graduate fellowships, services as authorized by 5 U.S.C. 3109, and rental of conference rooms in the District of Columbia, **[\$145,000,000]** \$115,000,000, to remain available until September 30, 1989: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

NEIGHBORHOOD REINVESTMENT CORPORATION

**PAYMENT TO THE NEIGHBORHOOD
REINVESTMENT CORPORATION**

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$19,500,000.

**SELECTIVE SERVICE SYSTEM
SALARIES AND EXPENSES**

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101-4118) for civilian employees; and not to exceed \$1,000 for official reception and representation expenses; \$26,520,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

**VETERANS ADMINISTRATION
COMPENSATION AND PENSIONS**

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 412, 777, and 806, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540-548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), \$14,334,287,000, to remain available until expended.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34-36, 39, 51, 53, 55, and 61), \$625,700,000, to remain available until expended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, and service-disabled veterans insurance, as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), \$14,290,000, to remain available until expended.

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans Administration, including care and treatment in facilities not under the jurisdiction of the Veterans Administration, and furnishing recreational facilities, supplies and equipment; funeral, burial and other expenses incidental thereto for beneficiaries receiving care in Veterans Administration facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); aid to State homes as authorized by law (38 U.S.C. 641); and not to exceed \$2,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 5010(a)(5); **[\$10,320,808,000]** \$10,080,000,000, plus reimbursements: *Provided*, That of the sum appropriated, **[\$6,650,000,000]** \$6,475,500,000 is available only for expenses in the personnel compensation and benefits object classifications[: *Provided further*, That, during fiscal year 1988, jurisdictional average employment shall not exceed (1) 37,700 for administrative support and (2) 26,500 for engineering support[: *Provided further*, That the amount transferred to the Veterans Administration medical care account by Public Law 100-6 shall remain available during the fiscal year ending September 30, 1988.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by law, to remain available until September 30, 1989, **[\$208,766,000]** \$200,936,000, plus reimbursements.

**MEDICAL ADMINISTRATION AND MISCELLANEOUS
OPERATING EXPENSES**

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law, **[\$49,848,000]** \$49,613,000, plus reimbursements.

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Veterans Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed \$3,000 for official reception and representation expenses; cemeterial expenses as authorized by law; purchase of six passenger motor vehicles, for use in cemeterial operations, and hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services,

and the Department of Defense for the cost of overseas employee mail: **[\$811,100,000] \$804,829,000**, including \$549,545,000 for the Department of Veterans Benefits, \$49,746,000 for the Department of Memorial Affairs and \$211,809,000 for general administration: *Provided*, That, during fiscal year 1988, jurisdictional average employment shall not be less than (1) 12,915 for the Department of Veterans Benefits and (2) 1,219 for the Department of Memorial Affairs; *Provided further*, *That* none of the funds appropriated by this or any other Act shall be obligated to effect the closing of the St. Paul Insurance Center during the period beginning on the date of the enactment into law of this Act and ending on September 30, 1988: *Provided further*, That \$26,700,000 of the sum appropriated is for contracts in amounts not less than \$1,000,000 for the acquisition of automated data processing equipment and services to support the modernization program in the Department of Veterans Benefits and shall remain available until September 30, 1989.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, or for any of the purposes set forth in sections 1004, 1006, 5002, 5003, 5006, 5008, 5009, and 5010 of title 38, United States Code, including planning, architectural and engineering services, and site acquisition, where the estimated cost of a project is \$2,000,000 or more or where funds for a project were made available in a previous major project appropriation, **[\$406,921,000] \$413,951,000**, to remain available until expended: *Provided*, That, except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in the appropriation "Construction, major projects" for fiscal year 1988, for each approved project shall be obligated (1) by the awarding of a working drawings contract by September 30, 1988, and (2) by the awarding of a construction contract by September 30, 1989: *Provided further*, That the Administrator shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93-344): *Provided further*, That no funds from any other account, except the "Parking garage revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Veterans Administration of the project or any part thereof with respect to that part only: *Provided further*, That prior to the issuance of a bidding document for any construction contract for a project approved under this heading (excluding completion items), the director of the affected Veterans Administration medical facility must certify that the design of such project is acceptable from a patient care standpoint: *Provided further*, That \$2,500,000 of the unobligated balances under this heading shall be avail-

able for the settlement of a contractor's claim arising from the construction of a Replacement Hospital and Research Building at the Veterans Administration Medical Center, Bronx, New York.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, including planning, architectural and engineering services, and site acquisition, or for any of the purposes set forth in sections 1004, 1006, 5002, 5003, 5006, 5008, 5009, and 5010 of title 38, United States Code, where the estimated cost of a project is less than \$2,000,000, **[\$121,038,000] \$120,773,000**, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than \$2,000,000: *Provided*, That not more than **[\$42,738,000] \$42,473,000** shall be available for expenses of the Office of Facilities, including research and development in building construction technology: *Provided further*, That funds in this account shall be available for (1) repairs to any of the non-medical facilities under the jurisdiction or for the use of the Veterans Administration which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING GARAGE REVOLVING FUND

For the parking garage revolving fund as authorized by law (38 U.S.C. 5009), \$4,100,000, together with income from fees collected, to remain available until expended. Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 5009 *except operations and maintenance costs which will be funded from "Medical care."*

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by law (38 U.S.C. 5031-5037), \$42,000,000, to remain available until September 30, 1990.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants, as authorized by law (38 U.S.C. 632), for assisting in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of the Veterans Memorial Medical Center, \$500,000, to remain available until September 30, 1989.

DIRECT LOAN REVOLVING FUND

During 1988, within the resources available, not to exceed \$1,000,000 in gross obligations for direct loans is authorized for specially adapted housing loans (38 U.S.C. chapter 37).

LOAN GUARANTY REVOLVING FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out loan guaranty and insurance operations, as authorized by law (38 U.S.C. chapter 37, except administrative expenses, as authorized by section 1824 of such title), \$389,800,000, to remain available until expended.

During 1988, the resources of the loan guaranty revolving fund shall be available for expenses for property acquisitions, payment of participation sales insufficiencies, and other loan guaranty and insurance operations, as authorized by law (38 U.S.C. chapter 37, except administrative expenses, as authorized by section 1824 of such title): *Provided*, That the unobligated balances, including retained earnings of the direct loan revolving fund, shall be available, during 1988, for transfer to the loan guaranty fund in such amounts as may be necessary to provide for the timely payment of obligations of such fund, and the Administrator of Veterans Affairs shall not be required to pay interest on amounts so transferred after the time of such transfer.

During 1988, with the resources available, gross obligations for direct loans and total commitments to guarantee loans are authorized in such amounts as may be necessary to carry out the purposes of the "Loan guaranty revolving fund".

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Not to exceed 5 per centum of any appropriation for 1988 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations, but not to exceed 10 per centum of the appropriations so augmented.

Appropriations available to the Veterans Administration for 1988 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Veterans Administration (except the appropriations for "Construction, major projects" and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans Affairs.

Appropriations available to the Veterans Administration for fiscal year 1988 for "Compensation and pensions", "Readjustment benefits", "Veterans insurance and indemnities", and the "Loan guaranty revolving fund" shall be available for payment of prior year accrued obligations required to be recorded by law against the aforementioned accounts within the last quarter of fiscal year 1987.

TITLE III

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development and the Federal Home Loan Bank Board which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1988 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for

new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

FEDERAL HOME LOAN BANK BOARD

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL HOME LOAN BANK BOARD

Not to exceed a total of [\$30,486,000] \$30,313,000 shall be available for administrative expenses of the Federal Home Loan Bank Board for procurement of services as authorized by 5 U.S.C. 3109, and contracts for such services with one organization may be renewed annually, and uniforms or allowances therefor in accordance with law (5 U.S.C. 5901-5902), and said amount shall be derived from funds available to the Federal Home Loan Bank Board, including those in the Federal Home Loan Bank Board revolving fund and receipts of the Board for the current fiscal year, of which not to exceed \$800,000 shall be available for purposes of training State examiners and not to exceed \$1,500 shall be available for official reception and representation expenses: *Provided*, That members and alternates of the Federal Savings and Loan Advisory Council may be compensated subject to the provisions of section 7 of the Federal Advisory Committee Act, and shall be entitled to reimbursement from the Board for transportation expenses incurred in attendance at meetings of or concerned with the work of such Council and may be paid in lieu of subsistence per diem not to exceed the dollar amount set forth in 5 U.S.C. 5703: *Provided further*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of the Federal Home Loan Bank Act of 1932, as amended (12 U.S.C. 1421-1449).

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Not to exceed [\$1,619,000] \$1,610,000 shall be available for administrative expenses, which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses in connection with liquidation of insured institutions or activities relating to section 406(c), 407, or 408 of the National Housing Act, liquidation or handling of assets of or derived from insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of insured institutions, legal fees and expenses and payments for expenses of the Federal Home Loan Bank Board determined by said Board to be properly allocable to said Corporation, and said Corporation may utilize and may make payments for services and facilities of the Federal home loan banks, the Federal Reserve banks, the Federal Home Loan Bank Board, the Federal Home Loan Mortgage Corporation, and other agencies of the Government: *Provided*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed, and paid in accordance

with title IV of the Act of June 27, 1934, as amended (12 U.S.C. 1724-1730f).

TITLE IV

GENERAL PROVISIONS

Sec. 401. Where appropriations in titles I and II of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Disaster Relief Act of 1974; to site-related travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; to site-related travel under the Solid Waste Disposal Act, as amended; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I and II exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

Sec. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

Sec. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal home loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

Sec. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

Sec. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretary of the Department of Housing and Urban Development, who, under title 5, United States Code, section 101, is exempted from such limitation.

Sec. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

[Sec. 408. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS-18, unless specifically authorized by law.]

Sec. 408. None of the funds provided in this Act may be used, directly or through grants, contracts, or other award mechanisms, for agreements executed after enactment of this Act, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee), or of the Federal portion of the salary of any individual functioning as a Federal employee at more than the daily equivalent of the maximum rate paid for GS-18, or ES-6 for assignments to Senior Executive Service positions, unless specifically authorized by law.

Sec. 409. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations.

Sec. 410. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

Sec. 411. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

Sec. 412. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract

in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

Sec. 413. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

Sec. 414. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

[Sec. 415. None of the funds appropriated by this Act or any other Act for any fiscal year shall be used for demolishing George Loving Place, at 3320 Rupert Street, Edgar Ward Place, at 3901 Holystone, Elmer Scott Place, at 2600 Morris, in Dallas, Texas, or Allen Parkway Village, 1600 Allen Parkway, in Houston, Texas.]

Mr. PROXMIRE. Mr. President, the bill before us today provides approximately \$57.1 billion in budget authority for programs administered by the Department of Housing and Urban Development, the National Aeronautics and Space Administration, the Veterans Administration, the Environmental Protection Agency, the National Science Foundation, and a host of smaller agencies. We have managed to cut about \$828 million in budget authority from the bill as passed by the House of Representatives, a reduction that we made in order to accommodate a much tougher outlay allocation than the House had to work with under the Budget Act. The bill as reported is compatible with our section 302(b) budget allocation. In fact, the bill you have before you falls below that allocation by \$515.9 million in budget authority and \$36.2 million in outlays. I know there will be a rush to spend those uncommitted outlays, but I would warn my colleagues that we may need these funds to accommodate the type of unanticipated requirements that are traditionally addressed in supplemental appropriations bills.

Let me briefly describe the major changes the committee has proposed in the House-passed bill.

First, we have made a reduction of \$400,850,000 in assisted housing appropriations, providing a total of \$7.3 billion. Although we are well below the House-approved total, the amount the committee is recommending exceeds the President's budget request by \$3.7 billion. The recommendation places a particular emphasis on public housing modernization, providing \$424,425,000 more for this program than the House has recommended. In order to fund

this increase the committee has recommended the deletion of Housing Development Action Grant and moderate rehabilitation funds. The basic rationale behind the committee's decision was that an emphasis should be placed on keeping public housing units from closing down because of decay and neglect. These units are a vital component of our efforts to house poor families.

Second, the committee recommended \$240,808,000 less for veterans medical care programs than the House provided. This cut was an essential part of our effort to meet the restrictive outlay ceiling imposed on the subcommittee under the budget allocation process. Frankly, I would have preferred to take the reduction in the space station program, which I will discuss later, but the committee did not support this approach. I would prefer to have more money in the Veterans' Administration and less in the space station.

Third, the committee also proposed a reduction of \$208,337,000 in funding for the space station, providing a total of \$558,663,000 for space station costs, including a transfer of \$100 million from funds previously appropriated for the production of the fourth shuttle orbiter. I think this was a mistake. In my estimation we simply will not have room in the Federal budget to spend \$25 billion to \$30 billion on a space station over the next 10 years, especially when there are cheaper alternatives. The latest study by a very competent group that was recommended by the administration and by NASA itself has estimated that the cost of the space station will be about \$30 billion. For example, a great deal has been made on the fact that the Russians now have a space station orbiting the Earth every few hours, but very few Americans realize we could duplicate this facility with one shuttle flight, not the 16 flights proposed for the bloated space station the administration is proposing. I say we should start now to build incrementally toward a permanently manned station rather than putting all our chips on an elaborate facility that will not be in place for 8 to 10 years and starving the rest of NASA's programs in the process. The station's supporters should know that next year we will be presented with a budget request of \$1.85 billion for the station—more than three times the appropriation before us today; in other words, an increase of 300 percent in 1 year—and this increase of \$1.2 billion will have to be taken from other programs given the Budget Act strictures we will face. One of the reasons we have this big increase is we are making a commitment this year to a manned space station that will have this enormous cost.

Third, the committee recommended an increase of \$129,487,000 for re-

search funded through the National Science Foundation.

They are at the cutting edge of the technology to make this country competitive. This increase in the total approved by the House would make \$1,634,487,000 available for research and related activities in fiscal year 1988, an increase of roughly 16 percent in the current NSF budget.

So we have an increase of 16 percent—which is a very big increase in a year of economy, a year of trying to vote everything we possibly can down—in the National Science Foundation budget.

Finally, we are recommending an increase of \$50 million in the House appropriation of \$1,465,000,000 for the public housing operating subsidy program. These funds should allow the Department of Housing and Urban Development to pay a substantial portion of a settlement recently reached with over 1,000 local housing authorities regarding the so-called recapture of operating subsidy funds.

The bill as reported from committee also includes a number of other changes in the bill as passed by the House. For example, we have added \$42.9 million to the section 202 housing program to allow an additional 894 units to be built, providing for a total of 11,788 units with 25 percent of the total to be devoted to the handicapped, particularly the deinstitutionalized mentally ill.

As we all know, there has been a great deal of concern about the homeless and a recognition that many of those homeless are deinstitutionalized mentally ill people. On the other hand, we have reduced funding for the NSF's education programs by \$16 million below the House and also reduced support for the Antarctic program by \$26 million below the House.

Both of these cuts, I greatly regret, are cuts that we just had no alternative but to make. We have cut funding for the programs of the Federal Emergency Management Agency by \$45 million with the bulk of the cut—\$25 million—being achieved by maintaining the emergency food and shelter program at current levels.

I would be glad to discuss the details of the bill with my colleagues and address any items of particular interest to them.

Before we get on that bill, I would like to make sure that my distinguished colleague, the former chairman of the committee, a man who is as expert in this field as anybody who has ever served in the Senate, Senator JAKE GARN, has an opportunity to speak. As the ranking member of the HUD-Independent Agencies Subcommittee, he has made a great contribution to the bill we have before us today, particularly with regard to the

NASA programs. It is most unusual to have an astronaut actually in the Senate. To have an astronaut who is in the Senate, who is a leader, and who is the leader on the minority side on the space programs is a great advantage for the Senate, and in having the most effective program.

I want to thank Senator GARN and the subcommittee's able minority staff, and staffer Stephen Kohashi, for their vital work on the bill.

Mr. President, I yield the floor.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I certainly thank the chairman of the subcommittee for his kind remarks. The bill as reported by the committee provides new budget authority of \$57,109,970,000 for the Department of Housing and Urban Development; the Veterans' Administration; National Aeronautics and Space Administration; the Environmental Protection Agency; the National Science Foundation; and 13 other agencies, commissions, boards, corporations, institutes, and offices. This amount is \$5,513,604,687 above the budget request, but \$828,286,000 below the House allowance, and \$472,018,300 more than the appropriations for fiscal year 1987. This is an increase of less than 1 percent.

I would like to take a moment to describe the very difficult and painful process the subcommittee endured to bring this bill before the Senate. In terms of discretionary budget authority, spending under the direct jurisdiction of the committee, this bill is the largest nondefense appropriations measure. The largest civilian employer in the Federal Government, the Veterans' Administration, with more than 20 percent of the total is funded in the bill.

Mr. President, the bill before the Senate is a very large funding measure funding programs which address a very diverse array of needs. Unfortunately, the subcommittee received an extremely constrained budget allocation unfairly and unrealistically constrained at least in this Senator's view. Although we were able to obtain some relief in subsequent reallocation, this measure is still very tight.

I must compliment the very able chairman of the subcommittee, Senator PROXMIRE, and his very capable staff for their extraordinary efforts to craft a bill under these difficult, almost impossible circumstances. However, this measure could not have been reported by the committee, at least not one that I could support nor one that could come close to responsibly addressing the critical program priorities under our jurisdiction but for the help and assistance of Senator CHILES in his capacity as chairman of the Budget Committee, and Senator STEN-

NIS, chairman of our Appropriations Committee.

Finally, I must express my respect and admiration for Senator JOHNSTON, who joined with me in seeking restoration of the funding for the space station basic research and other critical programs to secure a better future for the Nation.

I would like to comment briefly about the difficulties of this subcommittee. Most people do not understand the difference between discretionary and nondiscretionary funding. That is why it was difficult for the chairman to come up with a bill, because almost two-thirds of this entire budget under this subcommittee's jurisdiction is nondiscretionary.

In other words, we as appropriators have no control over it whatsoever. When we are talking about cuts, staying within our 302(b) allocation, we are talking about doing it all out of one-third of the overall budget. That precipitated in the initial subcommittee meetings, in order to meet the 302(b) allocation, a total elimination of the funding for the space station. Obviously, I felt that was not the proper way to go. With Senator JOHNSTON's help, we were able to restore part of it, but I suggest only part of it. The request was over \$700 million, and we are more than \$208 million short in that account. We had to do it in some ways even to get at that point, ways that were not really acceptable to me, such as removing \$100 million from the replacement orbiter for *Challenger*. The space station does not make a great deal of sense unless you have the means to travel to it. So we are robbing Peter to pay Paul.

Yet on the floor today, we will have attempts to remove from the space station account for other areas, particularly for veterans. I do not happen to be against veterans. I am a card-carrying member of the VFW and the American Legion and a 24-year service veteran of the military, both active duty and Reserve. But the veterans account is over the request, and the space station is \$200 million under.

The proportions are rather interesting as well. We are taking more than \$200 million out of a \$700 million budget as the bill is presented to this floor. Yet we are going to be asked to take more of that to add to a \$10.2 or \$10.3 billion veterans health care. I will have to oppose that amendment when it comes up.

This body is normally very good at voting for things that help us in the short run, and not very good at looking to the future. When we cut basic science, whether it is in the National Science Foundation, whether it is in NASA, we do not really find out about it. It does not harm us over the next year or two. We do not really find out about it. Where we pay for it is 10 to 15 years down the road. We are paying

today for shortsightedness of Congress years ago.

I was embarrassed, as a matter of fact, when Halley's Comet was going by that only goes by once every 75 years, and we did not fund a U.S. probe. The Soviet Union did. Other countries did, but we could not afford to send up a rocket to do scientific research on an event that occurs only every 75 years. Total NASA budget for space flight is less than 0.7 of 1 percent of the entire national budget. It is less than half of what we spend on food stamps.

Yet, we have had more than 12,000 medical devices or procedures that have come directly or indirectly from space flight. People are alive because of a pacemaker. I do not know how many people in this country have implanted pacemakers or insulin pumps—all sorts of other devices that save human life.

Yet, this whole effort is less than seven-tenths of 1 percent of the budget, and we are shortchanging it. We are delaying, and we are going to talk about taking more out of it today.

So I put my colleagues on notice that this bill will not pass if that is taken. That amendment must be defeated, or this bill will not be passed. The future is too important to short-change it for the past or the present.

I think a \$208 million cut out of \$700 million is more than sufficient, is more than NASA doing their share, and the National Science Foundation should have more money as well.

Under the circumstances, this is a good bill, and I appreciate working with the distinguished chairman, the Senator from Wisconsin, and his hard work on this bill.

Mr. President, I yield the floor.

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

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

Mr. STENNIS. Mr. President, I did not want to pass up a chance to highly commend the Senator who has done a massive amount of work in putting this bill together. It is far reaching and forward reaching, and staff work was excellent.

Mr. President, I am pleased to help present to the Senate today the Department of Housing and Urban Development-Independent Agencies appropriation bill for fiscal year 1988. This bill, which provides \$57.1 billion in total budget authority for fiscal year 1988, reflects the diligent care and able effort which our entire com-

mittee has rendered. In particular, however, it is evidence of the hard work and excellent leadership of subcommittee Chairman PROXMIER and the ranking minority member, Senator GARN. I also wish to compliment the highly skilled work of the staff of their subcommittee: Mr. Tom van der Voort, Miss Marion Mayer, Miss Carolyn E. Simmons, Mr. Stephen Kohashi and Mrs. Penny German.

I now wish to briefly highlight a few important items regarding this bill.

First and foremost, I am pleased to report that this bill is below the 302(b) allocation for budget authority and outlays. As I have previously indicated, this is essential for all appropriation bills which are to be taken up for consideration on the Senate floor.

Second, the committee's recommended \$57.1 billion in budget authority is above the President's request of \$51.6 billion and below the House-passed level of \$57.9 billion.

Finally, I would ask my colleagues to resist any further amendments adding additional funds which would violate the bill's spending ceiling set by the subcommittee's 302(b) allocation. Let me also mention that the Senate rules do not permit legislative amendments on appropriation bills.

In conclusion, I firmly support this bill and ask that it be adopted so that we can proceed to conference with our House counterparts in a timely manner.

Mr. President, I know that this represents a great deal of money. Over several years, I have been concerned, along with many others, about the expenditure of these large sums. It becomes old, but it is something we just cannot afford to ignore. It is a need that must be met one way or another.

I commend those who did the real floor work year in and year out with regard to this matter, adjusting for the amounts, considering what was available and what was actually needed. They have done high-class, effective work and achieved excellent results. I commend them highly.

AMENDMENT NO. 950

(Purpose: To increase by \$45.2 million the funding in the Veterans' Administration medical care account for AIDS treatment (\$20 million), health-care personnel recruitment and retention bonuses and tuition assistance (\$21.2 million), and start-up costs for six satellite out-patient clinics (\$4 million) by increasing the appropriation by \$43 million and earmarking an additional \$2.2 million for personnel costs)

Mr. CRANSTON. Mr. President, I call up amendment No. 950.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California [Mr. CRANSTON], for himself, Mr. MURKOWSKI, Mr. MATSUNAGA, Mr. DeCONCINI, Mr. GRAHAM, Mr. BINGAMAN, Mr. DANFORTH,

and Mr. DOMENICI proposes an amendment numbered 950.

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

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

The amendment is as follows:

On page 41, line 22, strike out "\$10,080,000,000" and insert in lieu thereof "\$10,123,000,000".

On page 41, line 24, strike out "\$6,475,500,000" and insert in lieu thereof "\$6,506,400,000".

Mr. CRANSTON. Mr. President, I offer this amendment as chairman of the Veterans' Affairs Committee, and I am proposing it on behalf of myself and the distinguished ranking minority member of the committee, Mr. MURKOWSKI; committee members MATSUNAGA, DeCONCINI, GRAHAM, and SIMPSON; BINGAMAN, DANFORTH, and DOMENICI.

This amendment, No. 950, to H.R. 2783, as reported by the Appropriations Committee for fiscal year 1988 HUD-Independent Agencies appropriation bill, would provide an additional \$43 million in funding of the three vitally important areas in the Veterans' Administration medical care account.

First, our amendment would add \$20 million to help in meeting the additional costs which the VA is experiencing in furnishing care to veterans with AIDS.

The Appropriations Committee noted in its report accompanying H.R. 2783 (S. Rept. No. 100-192, page 90) its concern "over reports that VA medical centers treating AIDS patients are being furnished inadequate resources." Thus, the committee noted:

While the Agency's resource allocation methodology [RAM] presently provides funding of approximately \$8,000 per AIDS patient, it cost VA facilities an estimated \$24,000 per year to treat such a patient. This amount does not include the cost—approximately \$9,000 per patient per year of Azidothymidine [AZT], the only drug presently approved for AIDS, which is being used to treat approximately 500 VA AIDS patients. The committee understands that the Agency has treated more than 2,000 persons with AIDS since 1981 and expects to treat an estimated . . . 1,900 in fiscal year 1988.

Our amendment will help to address these pressing needs that the committee believed it was unable to meet within the constraints of its budget allocation for this bill.

Second, our amendment provides \$21.2 million in additional funding for bonus pay and tuition assistance necessary to recruit and retain high-quality health-care personnel. This would make a partial restoration of the total of \$45 million in add-ons that the House-passed bill provided for special pay rates and tuition assistance payments for nurses and others in hard-to-recruit medical specialties. Due to

increasing competitiveness among hospitals and other health-care facilities, the VA is experiencing very serious difficulties in recruiting and retaining the health professionals it needs in order to furnish quality services to our Nation's veterans. I am hopeful that, in the final version of H.R. 2783, Congress will be able to provide the agency with additional necessary funding to maintain a highly qualified cadre of health-care professionals.

Third, our amendment would restore the \$4 million that the House of Representatives provided for startup costs for six VA outpatient clinics—in Albuquerque, NM; Austin, TX; Fort Worth, TX; Lawton, OK; Mount Vernon, MO; and San Jose, CA.

Mr. President, our amendment would provide for these funds through an additional appropriation of \$43 million to the medical care account and the earmarking of \$2.2 million provided in that account in the committee-reported measure but not designated for any specific use.

I want to emphasize one point about this additional appropriation.

I am advised by the Budget Committee that this increase is within the Appropriations Committee's budget allocation to the HUD-Independent Agencies Subcommittee under section 302(b) of the Budget Act. This translates to \$43 million in budget authority given the outlay rate—84.59 percent—in the VA medical care amendment. It has recently come to light that that subcommittee has available to it \$36.2 million more in outlays under that allocation than had been believed it had. In my view, there is no higher priority than veterans' health-care needs for the use of the additional funds.

I emphasize that this fits within the Appropriations Committee's budget allocation to the HUD-Independent Agencies Subcommittee.

For these reasons, I urge all of my colleagues to support this amendment.

Mr. MURKOWSKI. Mr. President, I rise, along with my friend from California, the distinguished chairman of the Committee on Veterans' Affairs, in support of the amendment to H.R. 2783 to increase fiscal year 1988 funding for the Veterans' Administration's [VA] medical account by \$43 million.

Mr. President, I commend Senator CRANSTON for his efforts to find additional funds for the VA's medical care account. In light of the budget deficit and the need to do more with less, that is indeed quite an accomplishment.

Let me be clear, this amendment does not transfer or move money from other very important programs. Rather, we were fortunate that there was a cushion of some \$36 million within the HUD and independent agencies allocation. This provided us

with the unique opportunity to increase the VA's appropriation while not reducing funding in other functions.

This amendment proposes to target funding for extremely important VA health-care initiatives—ones that my colleagues and I have discussed on many occasions throughout this year.

Twenty million would be allocated for the treatment of veteran persons with AIDS. My colleagues are acutely aware of the serious and deadly nature of this disease and we must now take steps to ensure that veterans with AIDS receive quality health care services.

About \$21 million would be provided to improve the VA's ability to recruit and retain certain health care personnel. It is becoming increasingly difficult for the VA to attract and retain certain allied health care professionals—especially registered nurses, occupational therapists, and pharmacists. This additional money would allow the VA to fund additional and innovative mechanisms to correct this situation.

Finally, \$4 million would be provided to fund startup costs for the establishment of six satellite outpatient clinics in specified areas. Certain geographic regions are in need of space and resources to treat, on an outpatient basis, its veteran patients. The House-passed bill also provided funding for these clinics and I believe it is appropriate that the Senate do so as well.

Mr. President, I commend my friend from Missouri, Senator DANFORTH, for his outstanding work on this amendment. His dedicated efforts brought the need for funding for the six outpatient clinics to my attention.

Mr. CHILES. Mr. President, as the Senate is well aware, each appropriations bill is subject to a spending limit known as a 302(b) allocation. As chairman of the Senate Committee on the Budget, I am pleased to report that the Housing and Urban Development, and related agencies appropriations bill for fiscal year 1988, H.R. 2783, is under its 302(b) budget authority ceiling by \$516 million and under its 302(b) outlay ceiling by \$36 million. I commend the distinguished chairman of the subcommittee, Senator PROXMIRE and the ranking minority member, Senator GARN for their success in crafting this measure. The amendment offered by Senator CRANSTON will use up the remaining outlays under the 302(b) allocation.

This subcommittee had to produce a bill under extremely rigorous funding constraints. I want to thank Senators GARN, JOHNSTON, and the chairman of the committee, Senator STENNIS, for their help in finding the funds necessary to maintain this Nation's space program. While my State of Florida has a particular interest in space—and we are proud to be the Nation's

launching pad into space—the whole Nation benefits from these programs.

If we shortchange our science programs, we shortchange our future.

I have a table from the Budget Committee showing the official scoring of this bill before amendment and ask that it be inserted in the RECORD.

The table follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2783—HUD, INDEPENDENT AGENCIES—SPENDING TOTALS

(Senate-reported bill; in billions of dollars)

	Fiscal year 1988	
	Budget authority	Outlays
BILL SCORING		
H.R. 2783, Senate-reported (new budget authority and outlays).....	57.1	33.2
Outlays from prior-year budget authority and permanent appropriations.....		26.3
Bills enacted this session:		
Homeless Supplemental (P.L. 100-6).....		-(¹)
1987 Supplemental (P.L. 100-71).....	+ 1	+ 1
Adjustment for mandatory programs.....	+ 2	- 1
Bill total.....	57.4	59.5
Subcommittee 302(b) allocation.....	57.9	59.6
Difference.....	- 5	-(¹)
COMPARISONS		
Bill total above (+) or below (-):		
President's request.....	+ 5.4	+ 1
House-passed bill.....	- 8	- 4

¹ Less than \$50,000,000.

Note.—Details may not add to totals due to rounding. Prepared by Senate Budget Committee.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER (Mr. REID). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CRANSTON. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I have great admiration and respect for my good friend from California. He is an expert in this area. He is chairman of the Veterans Committee, as we all know, and does an outstanding job in that connection.

All of us favor more funds for the veterans.

I am going to vote "no" on this measure because I just think we are spending too much money. As I pointed out in my opening statement, we need the relatively very, very small amount provided here for supplemental appropriations as the year goes on. And although we are providing a modest increase for veterans and although the particular expenditures involved here will serve a very compassionate purpose, I think we should do everything we possibly can to hold down spending, and I am just going to vote against any increase whatsoever in spending on this bill.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I will vote for the amendment. I would explain to the Senate why we are below the outlay allocation in the 302(b). In the

committee there was an amendment by Senator DOMENICI of New Mexico that removed additional money from the space station and put it in the National Science Foundation account, and that would appear to have been a straight switch, but it was not because the spendout rate of outlays is slower in the National Science Foundation.

Therefore, when that amendment was approved it left us \$36 million of outlays. I frankly would prefer that that had been left in the space station. It was not by committee action.

It seems to me that this is a good place for it to be utilized in veterans health care.

I can somewhat agree with the chairman in not wanting to spend more money, but I will guarantee you that us giving it up in our allocation would not save the money. If it would and it would be applied to reduce the deficit, fine, but I guarantee you somebody else would gobble it up for some other purpose at some point along the line, and I suspect the chairman is going to say that is impossible, but I have been around here for 13 years and I have seen smoke and mirrors used to divert funds with programs that I could not believe would be accomplished under the Budget Act.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. GARN. I am happy to yield.

Mr. PROXMIRE. Mr. President, I think the Senator from Utah is, as usual, practical and realistic. The fact is if you want to hold down spending, you hold down spending by voting "no" on an increase. I do not know what is the alternative. The attitude of some is if this does not work, some other amendment will come along and take the money.

I say we should vote no, no, no, on every proposal to increase spending here.

As pointed out, we have a very modest limited amount to meet supplemental emergencies, and I think we need that.

I have great respect and admiration for my good friend, the ranking member, and he is also very interested in economy. He has demonstrated that repeatedly over the years. But Mr. President, we have to get serious about this. We have to support, it seems to me, the Appropriations Committee. When that great committee that also has a big heart and is compassionate and not adverse to spending money comes out with a recommendation, I think we ought to do our best to hold them down and not increase them.

Mr. GARN. Mr. President, I appreciate the very passionate speech on behalf of no expansion in the budget from my distinguished colleague from Wisconsin.

I would suggest that people could look at my voting record over the last

13 years and no one would dare call me a big spender on the basis of looking at that actual voting record.

But in this instance we disagree honestly, and I do support the amendment of the Senator from California to increase the veterans account, but once again I will not support an additional increase that is going to be submitted by the Senator from Arizona.

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

If not, the question is on agreeing to the amendment of the Senator from California.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. **CRANSTON.** I announce that the Senator from Tennessee [Mr. **GORE**], the Senator from Florida [Mr. **GRAHAM**] and the Senator from Illinois [Mr. **SIMON**] are necessarily absent.

Mr. **SIMPSON.** I announce that the Senator from Utah [Mr. **HATCH**] is necessarily absent.

I further announce that the Senator from Kansas [Mrs. **KASSEBAUM**] is absent due to a death in the family.

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

The result was announced—yeas 93, nays 2, as follows:

[Rollcall Vote No. 328 Leg.]

YEAS—93

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

NAYS—2

Proxmire Rudman

NOT VOTING—5

Gore	Hatch	Simon
Graham	Kassebaum	

So the amendment (No. 950) was agreed to.

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

Mr. **MOYNIHAN.** Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 976

(Purpose: To Direct That Payments by the Federal Government To State Revolving Loans Funds Under the Clean Water Act be made in Cash as Specified Under section 601(b) of the Clean Water Act)

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

The **PRESIDING OFFICER.** The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. **MOYNIHAN**], for himself, Mr. **BURDICK**, Mr. **BREAUX**, Ms. **MIKULSKI**, Mr. **GRAHAM**, Mr. **LAUTENBERG**, Mr. **STAFFORD**, Mr. **CHAFEE**, and Mr. **DURENBERGER**, proposes an amendment numbered 976.

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

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

The amendment is as follows:

On page 26, line 12 following "expended" insert the following: "Provided, That funds allotted to States under section 601(a) of the Federal Water Pollution Control Act, as amended, shall be provided to States in accord with the provisions of section 601(b) of that Act, which subsection provides that the Administrator and a State negotiate a schedule of payments to the State: *Provided further.* That in no case shall any funds allotted to States under section 601(a) of the Federal Water Pollution Control Act, as amended, be provided to States in any form other than cash after September 30, 1988"

Mr. **MOYNIHAN.** Mr. President, this is a straightforward matter of considerable importance to State governments. At stake is \$2 billion over the next 7 years and greater sums in the future. This amendment does not, however, affect the immediate fiscal year ahead for which we are scoring under the budget rules.

Mr. President, the first bill which passed this 100th Congress was the override of the President's veto of the Clean Water Act. That bill originated in our Committee on Environment and Public Works. While much attention was paid to the fact that the clean water program was continued, perhaps too little was paid to the fact that our bill ends the construction grants program.

The grant program continues for 4 years and it is followed by the establishment of revolving funds into which the Federal Government will deposit 80 percent of the moneys and the States will match that with 20 percent. States will make loans from the revolving fund to localities to build and improve sewage treatment plants. The loans will be repaid, and in that manner the program will go forward although the grant program has ended.

Our distinguished chairman, the Senator from North Dakota, reached that agreement in order to see that this important activity would go on in the States. His associate, our chairman emeritus, as we say, the Senator from Vermont, agreed with this approach as did, indeed, the rest of the Senate.

Since then, Mr. President, the Office of Management and Budget has resisted this effort, which is no more than an effort by State and municipal governments to comply with Federal law. The Office of Management and Budget has announced that it will not have the Treasury actually deposit money into the revolving fund as we anticipated. (If Mr. **BURDICK** were here on the floor, he would speak to that and no one would ever question his word in such matters.) Instead the Office of Management and Budget ignoring the intent of Congress indicated that the Federal Government would give letters of credit to the States.

Over the next 7 years, this would cost a minimum of \$2 billion in lost earnings to the States. In the longer term this policy will cost the States even more money—hundreds of millions—in real purchasing power for building sewage treatment plants—over the next 10 to 20 years as the States attempt to convert from a grant program to State revolving funds that are self-sustaining.

The intent of Congress is reiterated in this amendment—that the Federal share of the revolving fund be paid in cash. Section 601(b) of the Clean Water Act establishes State revolving loan funds into which are deposited payments from the Administrator of EPA, along with a 20-percent match by the States. This was the plan for the last phase of the \$18 billion construction grants program.

Moreover, this announced OMB policy if carried out would encourage a proliferation of short term tax exempt paper in the marketplace, increasing issuance and accounting costs for State and local governments, and would jeopardize bond ratings.

Because most States will leverage their funds over time, the amount of lost earnings will be multiplied by a factor of 5 or 6 over, for example, the next 20 years. By illustration, L.F. Rothschild, which acts as bond counsel to the State of New York for the Clean Water Program, has estimated that over the next 20 years, New York State would lose \$1.3 billion in money to build and upgrade sewage treatment plants.

Mr. President, I ask unanimous consent that a chart showing how much each State would lose initially in interest, be printed in the **RECORD** at the end of my statement.

Mr. President, Congress has already taken major steps to reduce this pro-

gram's impact on the deficit. In 1981, Congress reduced funding for the program from \$5 billion a year to \$2.4 billion a year. In fiscal 1985 Congress reduced the Federal share from 75 to 55 percent. Eligibility restrictions were tightened. Auditing procedures were strengthened.

Finally, with the Water Quality Act of 1987, a plan was initiated to phase out the Federal Construction Grants Program by 1994. After that the State funds were to be in place on a self-sustaining basis.

Mr. President, it is irresponsible for Congress to turn this program over to the States without providing for an orderly transition and adequate capital. Our cities, towns and villages are already struggling to meet the July 1, 1988 water quality deadlines. I'm sure that Members have heard from many of their constituents that EPA is moving ahead with fines and consent decrees.

We need to provide States with the start they need to achieve this compliance and to sustain these programs over the long term.

The amendment that I offer today on behalf of myself, Chairman BURDICK, and Senators BREAUX, MIKULSKI, GRAHAM, LAUTENBERG, STAFFORD, CHAFEE, and DURENBERGER of the Environment and Public Works Committee will only correct this problem beginning in fiscal year 1989. Because of improper scoring of this bill, we could not offer amendment to cover fiscal year 1988, although we hope that the conference Committee on Appropriations may remedy all or part of the shortfall for 1988. Since the amounts lost by the States increase dramatically in the outyears, as more and more States convert to the revolving fund, these are the most critical years to address.

In summary our amendment merely restates the original intent of the Clean Water Statute.

It is no more than that, Mr. President.

I believe the merits are such that the distinguished managers are prepared to accept the amendment.

REVOLVING LOAN FUNDS

Mr. BURDICK. Mr. President, I rise in strong support of this amendment, to set the records straight on an aspect of the clean water bill passed earlier this year. There seems to be some confusion in the administration regarding the State Revolving Fund Program. This program provides States with funds to assist communities in construction of sewage treatment works. The program was enacted as part of the Clean Water Act amendments with overwhelming support from Congress and over the objections of the President.

The Administrator announced last month that, in lieu of cash payments for State capitalization grants, letters

of credit will be issued to States. This is a clear misinterpretation of the statute. The effect of this policy is to withhold funds from the States that otherwise would be building interest and adding strength to their programs. I remind my colleagues of the importance of the State Revolving Fund Program. With enactment of the Water Quality Act amendments, Congress began the process of turning total responsibility for the sewage treatment program over to the States. By 1995, States will have to rely on their own funding mechanisms to pay for sewage treatment rather than continued grants from the Federal Government. The Revolving Loan Fund Program was set up to give States the resource they need to carry out that responsibility.

The administration's policy seriously undermines the intent and letter of the law. By one estimate the letter of credit policy could cost lost earnings equal to 20 percent of each State's Federal capitalization. I attempted to redress this problem in report language I offered to the bill during committee consideration. This amendment goes one step further in making it absolutely clear that any payments made after September 30, 1988, shall be in cash. I understand that the manager of the bill is aware of the problem and willing to accept the amendment.

Mr. PROXMIRE. Mr. President, although I do not intend to ask the Senate for a rollcall vote on the amendment, the Senate should know that over the next 10 years this will cost the Federal Government an extra \$3 billion. It is nothing this year, but over the next 10 years, \$3 billion. This is because a quarterly cash payment schedule would require the Federal Government to disburse the funds much earlier than they would under the Federal credit arrangement presently being followed.

There is an enormous amount of money involved here and the interest lost to the Federal Government under our best calculations would be \$3 billion. Nevertheless, I know there is a great sentiment for it.

We just had an amendment which I opposed which went to a rollcall vote. There were exactly two votes against it. I am willing to accept the amendment, Mr. President.

Mr. SASSER. Mr. President, I am pleased to support the amendment offered by my good friend from New York. Like him, I am concerned about the method of payments to State revolving fund programs for pollution control construction grants. While report language in this bill calls for these payments to be made in cash, efforts are being made to change these payments to letters of credit.

My colleagues will recall that the Water Quality Act of 1987 created the State water pollution control revolving

funds. These funds are designed to provide grants for the construction of municipal wastewater treatment facilities and water quality management programs. These grants help to eliminate the discharge of untreated or inadequately treated waste into our waterways. I believe all my colleagues will agree that this program addresses a pressing need.

Mr. President, these grants are made at the State level with funds provided to the State from the Environmental Protection Agency. Payments to the States were intended to be made in cash, allowing States to accrue interest on their revolving funds. This interest could be used to provide additional support for construction grants. However, the Office of Management and Budget has recommended that the EPA provide letters of credit in lieu of cash payments. Mr. President, I adamantly oppose this policy.

The Water Quality Act of 1987 did not intend for the EPA to extend credit to the States for construction grants. I sight section 601(b) of the act which establishes:

The Administrator of the EPA and each State shall jointly establish a schedule of payments under which the Administrator will pay to the State the amount of each grant to be made to the State.

I do not believe, and again I think my colleagues will agree, that this language intends for letters of credit as a payment method. To my home State of Tennessee, this schedule of payments means cash payments.

Tennessee has been one of the first States to apply for these revolving funds. I understand that Connecticut, Texas, and Virginia have also made initial applications for these funds. It seems to me that these States, by being ahead of the curve on implementation of the new guidelines, are being unfairly penalized. They have recognized their pollution sources and have found a means of addressing them. However, they are now being told they may only receive letters of credit. Mr. President, this is not the direction in which we should be moving to address our water quality problems.

In Tennessee, these problems have become increasingly worse over the past several years. Water pollution is affecting the fishing industry, recreation on our lakes and streams, and most importantly our drinking water supplies. The revolving fund makes it possible for Tennessee, as well as all other States, to immediately address these water problems through municipal grants for pollution control.

Mr. President, for the country to adequately address the water quality problems which we face, it is imperative that payments to these revolving funds be made in cash. This is the current recommendation in the bill language, and I feel that we must show

our dedication to improved water quality by maintaining this commitment.

The PRESIDING OFFICER. Is there further debate?

Mr. MOYNIHAN. Mr. President, may I thank the distinguished chairman for his patience with us. We have projected that in the next 10 years New York would lose \$1.3 billion in money to build and upgrade treatment plants under this provision. The result will be fewer sewage treatment plants built. The Clean Water Act wants us to clean up our water. This, as you might say, cleans up the act. I am sorry about that pun sir.

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

INFORMATION SUPPLIED BY L.F. ROTHSCHILD, NEW YORK, ON IMPACT OF LETTERS OF CREDIT POLICY

METHODOLOGY FOR CALCULATING LOC COST

The total Federal appropriation is reduced by 5 percent for administration and set-asides, then multiplied by the state percentage and start year (all 1988 set-aside requests are assumed to be 1988 start years, even if not approved until 1989 or 1990).

The LOC is assumed to pay out according to the following percentages by obligation:

Year:	
1.....	1
2.....	18
3.....	36
4.....	20
5.....	12
6.....	8
7.....	5

And obligations are assumed to be 64 percent/36 percent over two years for each authorization. This pattern is consistent with the history of outlays in the Grants Program, and these assumptions (except for Y5, 6, 7 spendout) came from a CBO analyst who covers this program. CBO got these numbers from EPA. Years 5-7 were assumed by L.F. Rothschild to complete project spending over a 7 year period.

The lost earnings are calculated at a 7.5 percent annual rate times the cumulative delay in receipts. In general, the LOC creates lost earnings equal to 20 percent of each state's federal capitalization. This is not a loss of total federal capital, but a loss in the value of that capital.

The analysis was set up to calculate lost earnings on the total federal capitalization. We recognize that the federal capitalization will arrive at a different rate than displayed. However, this would also be true for the LOC receipts as well, so the net will not change.

IMPACT OF EPA/OMB DECISION ON LOC

State	Start year	National (percent)	Expect Federal	Lost earnings
Alabama ^a	1989	.011309	\$90,246	\$17,192
Alaska ^a	1989	.006053	48,303	9,202
American Samoa ^a	1989	.000908	7,246	1,380
Arizona ^a	1989	.006831	54,511	10,384
Arkansas.....	1988	.006616	79,194	15,086
California.....	1988	.072333	865,826	164,940
Colorado.....	1988	.008090	96,837	184,448
Connecticut.....	1987	.012390	151,839	28,925
Delaware.....	1988	.004965	59,431	11,322
District of Columbia ^a	1989	.004965	39,621	7,548
Florida.....	1989	.034139	330,807	63,019
Georgia.....	1988	.017100	204,687	38,993
Guam ^a	1989	.000657	5,243	999
Hawaii.....	1988	.007833	93,761	17,861

IMPACT OF EPA/OMB DECISION ON LOC—Continued

State	Start year	National (percent)	Expect Federal	Lost earnings
Idaho ^a	1989	.004965	39,621	7,548
Illinois ^a	1989	.045741	365,013	69,535
Indiana.....	1988	.024374	291,757	55,580
Iowa ^a	1989	.013688	109,230	20,808
Kansas ^a	1989	.009129	72,849	13,878
Kentucky.....	1988	.012872	154,078	29,352
Louisiana.....	1988	.011118	133,082	25,352
Maine.....	1989	.007829	75,863	14,452
Maryland.....	1988	.024461	292,798	55,778
Massachusetts ^a	1989	.034338	274,017	52,200
Michigan ^a	1989	.043487	347,026	66,109
Minnesota.....	1989	.018589	180,127	34,314
Mississippi ^a	1989	.009112	72,714	13,852
Missouri ^a	1989	.028037	223,735	42,622
Montana.....	1989	.004965	48,111	9,165
Nebraska ^a	1989	.005173	41,281	7,884
New Hampshire ^a	1989	.010107	80,654	15,365
New Jersey.....	1988	.041329	494,708	94,242
New Mexico.....	1988	.004965	59,431	11,322
New York.....	1988	.111632	1,336,235	254,553
Nevada.....	1989	.004965	48,111	9,165
North Carolina.....	1988	.018253	218,488	41,622
North Dakota.....	1989	.004965	48,111	9,165
Northern Marianas ^a	1989	.000422	3,368	642
Ohio ^a	1989	.056936	454,349	86,554
Oklahoma.....	1988	.008171	97,807	18,632
Oregon.....	1990	.011425	110,708	21,090
Pennsylvania.....	1988	.040062	479,542	91,353
Rhode Island.....	1989	.006791	56,805	12,536
South Carolina ^a	1989	.010361	82,681	15,751
South Dakota.....	1989	.004965	48,111	9,165
Tennessee.....	1988	.014692	175,863	33,502
Texas ^a	1988	.046226	553,325	105,408
Utah.....	1988	.005329	63,788	12,152
Vermont.....	1988	.004965	59,431	11,322
Virginia ^a	1988	.020698	247,755	47,197
Washington ^a	1989	.017588	140,352	26,737
West Virginia.....	1989	.015766	152,773	29,103
Wisconsin ^a	1989	.027342	218,189	41,565
Wyoming ^a	1989	.004965	39,621	7,548
Total.....			10,128,060	2,095,399

¹ VA and Texas announced intention to use SFY 1987 funds to capitalize their SRF. This would increase the lost earnings.
² Because we do not know the intentions of these States regarding the conversion to a loan program, we assumed maximum grants and conversion to a loan program in 1989.
³ Because most States plan to leverage their revolving funds, over a 20 year period, one would multiply the lost earnings by a factor of 5 or 6 to obtain the true loss in money available for construction.

Mr. GARN. Mr. President, we are willing to accept this amendment on a voice vote.

The PRESIDING OFFICER. Is there further discussion?

Mr. MITCHELL. Mr. President, I rise in support of this important amendment concerning the State revolving loan funds established under the Clean Water Act amendments enacted by Congress earlier this year.

As many of my colleagues remember, we debated at length a wide range of issues addressed by the Clean Water Act amendments. One of the most controversial of these issues concerned the level of funding for the municipal sewage treatment plant construction grant program and new State revolving loan funds.

The administration proposed sharply reducing the level of funding for the grant program. And, the administration wanted to cut back funding for the new State revolving loan funds established by the amendments.

These State loan funds, which are to be capitalized by Federal grants, will be a long-term financial resource for States to use in assisting municipalities in financing of sewage treatment and other needed water quality projects. States will draw on these funds to make low-interest loans to communities, thereby sharply reducing project costs.

In addition, these loan funds will allow States to take over the job of assisting in the construction of treatment works and will allow the Federal Government to gradually phase out the current grant program.

The administration attacked the funding for the State loan funds during the debate on the clean water bill last year and we rejected their arguments overwhelmingly. We even overrode the President's veto.

Now the administration is trying to cut back the program through a reinterpretation of the statute. In effect, they are still doing everything they can to reduce funding for municipal sewage treatment projects.

The administration recently announced a policy which states that grants from the Federal Government to State loan funds will be in the form of a letter of credit, rather than in cash. The administration expects that this will stretch out the time the Federal Government can hold the funds.

As a member of the conference committee on the Clean Water Act, and as floor manager of the bill, I want to say that the administration interpretation of the statute is wrong.

The conferees considered the issue of the rate of payment of funds to the State accounts. In an effort to reach accommodation with the administration, we rejected the proposal that all of an annual grant to a State should be paid to a State in the year funds are appropriated. Instead, we provided for the EPA and the State to negotiate a payment schedule over a 3-year period.

All of these discussions were based on the assumption that a payment to a State, under the agreed upon schedule, would be in the form of cash. We even provided in the statute that any interest earned by funds in the loan fund would be added to the balance of the fund. This policy reflects the general concern that States have an incentive to manage the funds effectively over the long term.

In addition, we provided that States make contributions to the new loan funds. We required that States provide a 20-percent match of Federal funds at the time the Federal payment was received. Some States had asked about "in-kind" or "soft" match other than cash. Because we expected the Federal contribution to be in cash, we specifically required the State match to be in cash. The proposed administration policy would put States in the position of providing cash, while the Federal Government provides only the "soft" letter of credit.

Finally, I want to remind my colleagues that this administration proposal is not an insignificant adjustment to the loan fund program. The firm of L.F. Rothschild analyzed the impact of the proposal and has esti-

mated that the letter of credit concept will reduce the value of funds as much as 20 percent and may cause greater losses in States which plan to leverage funds.

The amendment before us today would require that payments to State loan funds must be in cash, as intended in the legislation we enacted earlier this year.

Unfortunately, due to an error in the scoring of the bill, we are not able to correct this situation for the 1988 fiscal year. The amendment, however, specifically prohibits any form of payment other than cash after September 30, 1988.

In conclusion, I hope my colleagues will support this amendment for several reasons.

The amendment will reject an administration proposal which would reduce the value of State loan funds and would directly reduce our ability to improve water quality.

The amendment will reject an administration proposal which would undermine the policy that States are to assume full responsibility for sewage treatment as the Federal Government phases out of the program.

And, the amendment will reject an administration proposal which would rewrite a statute in an effort to establish a policy which was considered and rejected by the Congress.

Mr. President, I believe the case for the amendment is overwhelming and I urge my colleagues to give it their full support.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 976) was agreed to.

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

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, may I express the thanks of future generations for the Senator from Wisconsin and his efforts and achievements.

AMENDMENT NO. 977

(Purpose: To reduce the appropriation for NASA administrative costs by \$1,000)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. GARN] proposes an amendment numbered 977.

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

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

The amendment is as follows:

On page 35, line 21, strike out "\$1,558,000,000" and insert in lieu thereof "\$1,557,999,000".

Mr. GARN. Mr. President, this is a technical amendment that reduces the appropriations for the NASA administrative cost by \$1,000. I realize we have a very difficult time in dealing with those sorts of numbers on this floor. We are used to talking about billions or hundreds of millions. This amendment would strike out \$1,558,000,000 and insert in lieu thereof \$1,557,999,000.

Mr. PROXMIRE. Mr. President, as I understand it, this is an actual reduction of \$1,000.

Mr. GARN. It is \$1,000.

Mr. PROXMIRE. Mr. President, this is the kind of reduction I can understand. I am happy to support the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 977) was agreed to.

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

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 978

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. PROXMIRE] proposes an amendment numbered 978.

On page 20, line 19, strike "\$286,000" and insert "\$303,000"

Mr. PROXMIRE. Mr. President, the purpose of my amendment is very simple. It would allow the three Commissioners of the Consumer Product Safety Commission to continue to receive the benefits of the pay raise that all Federal employees were given at the beginning of calendar year 1987. The amendment is necessary because the bill as passed by the House limits the Commissioners' pay and benefits to \$286,000 which is less than they are entitled to receive and less than they were receiving on the last day of fiscal year 1987. The amendment would increase the limitation to \$303,000.

This amendment is basically technical in nature and I urge that it be accepted.

Mr. GARN. Mr. President, I have no objection.

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

The amendment (No. 978) was agreed to.

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

Mr. GARN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 979

(Purpose: Continue current law by reinstating EPA's authority to collect up to \$5 million per year in fees for quality assurance services and materials)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. PROXMIRE] proposes an amendment numbered 979.

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

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

The amendment is as follows:

On page 26, line 13: change the word "provision" to "provisions" and insert the following paragraph:

Not to exceed \$5,000,000 of the funds collected by the Environmental Protection Agency pursuant to 31 U.S.C. 9701 for quality assurance mandatory services and for quality assurance materials shall hereafter be credited to the appropriation which incurred the costs therefor and shall be available for the purposes of that appropriation.

Mr. PROXMIRE. Mr. President, my amendment simply continues current law by reinstating the Environmental Protection Agency's administrative provision carried in the 1987 HUD-Independent Agencies Appropriations Act. This provision permits the Agency to collect up to \$5 million per year in fees for quality assurance services and materials. This will have no effect on budget authority or outlays and I recommend its acceptance.

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

If not, the question is on agreeing to the amendment.

The amendment (No. 979) was agreed to.

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

Mr. GARN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

AMENDMENT NO. 980

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes an amendment numbered 980:

On page 17, line 24 delete "\$17,000,000" and insert in lieu thereof "\$17,200,000".

On page 18, line 14, delete "\$689,039,000" and insert in lieu thereof "\$688,839,000"

Mr. SARBANES. Madam President, I will be very brief about this amendment, which increases the amount of money in the policy development and research account by \$200,000 and reduces the amount of money in the S&E account by \$200,000 in order to offset it. This bill, H.R. 2783, appropriates \$689,390,000 for the S&E account. The effect of the pending amendment will therefore be to reduce an account of nearly \$689.5 million by \$200,000. The purpose of the amendment is to assure funding for two important statistical surveys in connection with the 1990 decennial census, the survey of residential finance and the components of inventory change in housing [CHICH].

The two surveys merit brief description. The first of the two, the survey of residential finance, has been an integral part of the decennial census activities since 1950. It is the only source of information that ties the source of mortgage money for both owner and renter properties to the characteristics of the properties and the occupants, obtaining data from both the resident and the mortgage holder; and since it is conducted as part of the decennial census, response rate among banks and other lenders as well as among residents are very high. The survey regularly provides information about the changing terms of mortgages—for example, the relative importance of fixed and adjustable rates, the existence of second and junior mortgages and of prepayment penalties. In 1990, it would provide, for the first time, comprehensive information about the trends over the last decade in adjustable rate and balloon mortgages and home equity loans, their impact on borrowers and their broader implications for the economy.

The second of the two surveys, components of inventory change in housing, provides the most comprehensive information available on the flows into and out of the housing stock and serves as a unified source of information about new construction, demolition and conversion of housing. It thereby provides the statistical basis necessary to assess the adequacy of housing for low- and moderate-income families, and to begin to address the problem of homelessness. In 1990, it will provide the basis of assessing the

impact of the 1986 tax revision legislation which significantly altered the incentive for renovation of existing structures.

Both surveys provide a data base which is important not only to the public sector but, perhaps more significantly, to the private sector. The survey of residential finance provides the rental equivalence and interest payment data used by the Bureau of Economic Analysis in developing the national income and product accounts; and the CINCH survey provides the yardstick by which communities can measure housing needs. In the private sector these surveys are considered vitally important by groups which approach housing questions from very different perspectives, from mortgage bankers to homebuilders to labor unions to research and community housing organizations.

Madam President, these surveys also illustrate a broader point with respect to Federal statistical programs that cannot be exaggerated. The fundamental importance of the statistical infrastructure is often overlooked. Access to accurate, comprehensive, and timely data is indispensable to sound decisionmaking. Full and reliable statistical information does not, in itself, constitute sound decisions; nor unfortunately does it inevitably lead to sound decisions. Yet good statistics are part of the framework of decisionmaking in both the private and public sectors that makes sound decisions, and sound policies, more likely.

There has been widespread and growing concern in recent years over the quality of Federal statistics programs, a concern reflected in earlier hearings in the Joint Economic Committee on the statistical infrastructure and, this August, on the unexpected and widely criticized proposal of the Office of Management and Budget to make sweeping reductions in the 1990 Decennial Census. It should be kept in mind that notwithstanding their importance, spending on all U.S. statistics programs amounts to less than two-tenths of 1 percent of the Federal budget. What constitutes very minor savings, in budget terms, can have a crippling effect on existing statistical programs and preclude development of the new programs necessary to keep pace with our rapidly changing economy. In the case of the survey of residential finance and the components of inventory change in housing, the expenditure required is \$200,000. The value of the information produced by these surveys far outweighs the very modest cost of funding them.

The \$200,000 is hereby provided for the planning and testing of these surveys, which are to be conducted as part of the 1990 Census of Population and Housing. Initially included in the Census Bureau's plan for the 1990 census, they were ordered deleted by

the Office of Management and Budget; accordingly, they are being made available in the policy development and research account of the HUD appropriation. Preparation of the two surveys will require close cooperation between the Department of Housing and Urban Development and the Bureau of the Census. The Department of Housing and Urban Development is expected to transfer these funds to the Census Bureau, to assure that the requisite preparatory work for the surveys will begin in 1988. The actual work is to be undertaken by the Census Bureau.

Madam President, these surveys are worth the money involved. Under my amendment their funding will be offset by a \$200,000 shift that will have little effect on the \$689,390 million S&E account, and I hope the amendment will be accepted.

Mr. PROXMIRE. Madam President, this is an excellent amendment. I congratulate the chairman of the Joint Economic Committee in proposing the amendment. It will have no effect on the budget. It will provide very urgently needed data and understanding of the adjustable rate mortgage situation, which has been a dramatic change in recent years. To the best of my knowledge, we have not had this kind of a thorough study of it. Also, of course, the inventory changes in housing as a result of tax reform, as we all know, are quite profound. So again, I congratulate my good friend. The cost of this is very modest, and it also represents no increase whatsoever in overall spending.

Mr. GARN. Madam President, I have no objection to the amendment.

The PRESIDING OFFICER. Is there any further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 980) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 981

(Purpose: To provide funding for HUD transitional housing for the homeless for FY 1988)

Mr. DOMENICI. Madam President, I send an amendment to the desk, on behalf of myself and Senator D'AMATO, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senate from New Mexico [Mr. DOMENICI], for himself and Mr. D'AMATO, proposes an amendment numbered 981.

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

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

The amendment is as follows:

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

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

SEC. . TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM.—For an additional amount for the transitional and supportive housing demonstration program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591 and other applicable authority, \$65,000,000 to remain available until expended. *Provided:* That amounts otherwise made available for necessary administrative expenses of the Department of Housing and Urban Development are hereby reduced by \$1,510,000 for the fiscal year ending September 30, 1988.

Mr. DOMENICI. Madam President, the bill before us does a rather good job with reference to housing in our country. I will cite a few examples.

It would add about 78,000 units to HUD's inventory of assisted housing. It would maintain community development block grants at the fiscal year 1987 level of \$3 billion. It would increase funding to modernize public housing by about 65 percent over this year's level, and provide about three times more than the amount of assistance available in fiscal year 1986.

However, one thing is missing, and it kind of stands out, in my opinion, like a sore thumb. I think it was 6 months ago—surely not more than 6 months ago—winter was winding down, the spectacle of homelessness in America was being seen in the homes of average Americans, who were very worried about the situation. As complex as it is, it certainly seems to this Senator that an awful lot of Americans, regardless of their political beliefs—liberals or conservatives—looked out there and said that homelessness is something we do not think America ought to let go, either unnoticed or unattended.

I, for one, do not have a total answer to homelessness, to those people we have seen on the streets of America during the last couple of years with increasing frequency. What we did, with

a great deal of fanfare, in a supplemental appropriation bill, was to tell the American people that we were going to do something about it. Nobody had any illusions. Homelessness is a complex and difficult problem. But we began to focus on it.

We talked about the fact that maybe 35 percent, maybe 40 percent, and in some cities over 50 percent, of those we were viewing daily—because of the coverage by the American media and because some of us went out in our own cities and looked—are seriously mentally ill Americans who truly need some kind of comprehensive assistance. We noted that some States had come up with some exciting pilot programs.

We were very clear: We said that we need to do something in the area of housing assistance on a transitional basis that would go along with the kind of professional help particularly for the seriously mentally ill, where we would also provide medical assistance and more permanent housing.

If you look through the litany of things we are going to do in the area of housing in this bill, I started my remarks—and I assure the managers and all Senators that I will be brief—with the comment that we were moving ahead in some areas but that something was missing. What is missing is that there is no new appropriation for transitional housing assistance for the homeless.

I assume that one of the justifications for having no new funding in this bill is that we passed the supplemental with a given amount in it to get things started; and if you ask the Department of Housing and Urban Development of the United States right now, they will tell you that they have not obligated all the money. But I can tell you that to date, the applications for transitional housing under the homeless bill are getting funded very rapidly—and I use "very rapidly" in a guarded manner. For the HUD transitional housing program, perhaps only 11 projects totaling \$5 million have already been selected, but at least 90 applications are pending. I think we are going to run out of money before the year ends.

I do not think we should let the one piece of legislation before the U.S. Senate that reaffirms our commitment in this area get by without our providing for that end-of-the-year certainty—that HUD will run out of money, and that we will have made a very temporal commitment to the very difficult problem of homelessness.

Frankly, I think HUD could use a little more money than I am suggesting in my amendment, but all I am doing is adding \$65 million to the Department of Housing and Urban Development to take care of the transitional housing needs as prescribed by

the appropriate authorizing laws of this country.

If we do not get the funding obligated by the end of the year, obviously it will not be spent, but I would rather provide a few million dollars in outlays—and that is all it is, because it takes a very long time to spend out—and be on the safe side of things as far as this program is concerned. I do not want to go through this bill and prioritize this \$65 million in budget authority for homeless transitional living versus a lot of other housing programs. It only cost about \$1.3 million in outlays to fund my amendment.

So what I have done is amend the bill so that we are taking \$1.5 million in budget authority from the HUD management and administration appropriation to pay for my amendment.

Their account for expenses for ordinary operations will be reduced by the amount necessary to offset the outlays, so that I have a neutral amendment with reference to the budget. We still have to go to conference. I prefer to go to conference with some transitional housing funding in this bill rather than none.

I prefer to go there with \$65 million added to the amount that is being spent for transitional housing for the homeless as a result of the supplemental appropriation bill, and that is basically what my amendment does.

I understand that my good friend, the subcommittee chairman, is concerned about outyear expenditures. I understand that the \$65 million in budget authority that I am proposing results in only a little bit of outlays this year, but that it will eventually spend out.

But, Madam President and Members of the Senate, if we approached every portion of every bill and refused to pass appropriations because they had an outyear effect that was larger than the outlay effect in the year in question, we certainly would be taking many, many programs out of these appropriations bills. So I understand that, and I am willing to have anybody who likes to say that in future years, I am going to make it more difficult to balance the budget or more difficult to meet the budget targets. I will say that to some minor, minor extent, the Senator from New Mexico is guilty of that, and that for this program it happens to be all right with me. As I move through the year, I am certain that I will find places where I would save money that others would not, and I just leave this one up to the Senate. Do they want to take a chance that we are going to run out of transitional housing money for the homeless right when they need it the most this winter and just look back and say, well, we did that last year, we got it started? Do we want to hide for the last few months of the year, and not have

money available to continue the program at some reasonable level?

I think not. I think the Senate ought to adopt this amendment and take it to conference with the House. We will have to ultimately rearrange some of these programs to comply with either Gramm-Rudman-Hollings, or a sequester, or some approach taken as a result of negotiations with the President of the United States.

But I very much think that we ought to recommit ourselves to the program we supported so openly and so publicly and with such tremendous public support for the homeless. It is pretty obvious that without some kind of transitional housing the program for the homeless does not make too much sense. You have to have it in there, and mine is a very small add-on for the year. I hope the Senate will adopt it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIER. Madam President, we all understand and we empathize with the needs of the homeless and the amendment to add \$65 million for the Transitional Housing Demonstration Program does have a great deal of appeal.

On the other hand, it will increase spending over the long run by \$63 million. Furthermore, we appropriated \$80 million for the Transitional Housing Demonstration Program 3 short months ago.

Let me read from the report on this. The conference report accompanying the act specifically earmarked of the \$80 million that we provided, \$15 million of the total for handicapped housing, \$20 million for transitional housing for families, and \$30 million for transitional housing for deinstitutionalized individuals.

In view of the fact—I am still reading from the report—that the act was not signed into law until July 11, 1987, the funds in question will not be made available until the early part of fiscal 1988.

Now, Madam President, I think it would make sense to wait until we see the funds are spent before we appropriate still more.

As I say, this is a hard program to resist. Who wants to vote against the homeless? And we should be concerned about the homeless, but again, as a prudent matter, in view of the fact they have not started spending the money they have, and they have more than the amount that the distinguished Senator from New Mexico would appropriate, it seems to me we should go easy on this.

Madam President, I think I understand the sentiment of the Senate, so I will not ask for a rollcall. Though I personally will vote against the amendment, I am sure the amendment

will pass. I am willing to let it go on a voice vote, as far as I am concerned.

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

Mr. GARN. Madam President, I would simply say that I support the amendment of the Senator from New Mexico and see no reason for further debate. I think we can go to the voice vote.

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

The amendment (No. 981) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Madam President, I thank the managers of the bill for accepting the amendment.

I think the distinguished manager is right. The Senate would have adopted this if we would have had a rollcall vote.

I just want to conclude by saying that if we do not need the money, it will not be spent; but if we need it, it sure would be a shame if we did not have it there, and I thank the Senate for adopting the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 982

(Purpose: To increase the amount available for the payment of field staff employees of the Department of Medicine and Surgery of the Veterans' Administration at increased rates of pay by reducing the amount available to the National Aeronautics and Space Administration for the manned space station research and development program.)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 982.

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

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

The amendment is as follows:

On page 41, line 22, after the semicolon, strike through the word "classifications" on line 26, and insert in lieu thereof the following "\$10,193,000,000, plus reimbursements: *Provided*, That of the sum appropriated, \$6,574,000,000 is available only for expenses in the personnel compensation and benefits object classifications: *Provided further*, That of this amount, \$75,000,000 shall be available for pay increases for medical care field

personnel: *Provided further*, That, notwithstanding any other provision of this Act, the budget authority provided for National Aeronautics and Space Administration, Research and Development shall be \$3,359,700,000."

Mr. DECONCINI. Madam President, before I commence on explaining the amendment, I want to point out the first figure on the amendment the third line is \$10.193 billion, and it goes on and adds some other funds. This figure includes now the amount of money which we just voted on here which the Senator from California, Senator CRANSTON, added into the appropriation. So we are back on track here with that amendment reincorporated herein.

Madam President, in principle, I am not the person who takes great pleasure in reducing expenditures for research and development. I understand the deep commitment of the distinguished Senator from Utah to the space station and nobody has stood on this floor and fought for exploration and research as valiantly and successfully as the Senator from Utah.

So I want to start off this is not an attempt to bash or hurt in any way the space station or the valiant effort of my friend from Utah.

In principle I am opposed to an inadequate expenditure for medical care of our 27.7 million veterans. However, I have come to a moment as we all have to in this body to where these two principles must be weighed against each other. Are we going to move ahead in the research and development of outer space at the rate that that bill calls for at the sacrifice of the American veteran? The effect of such a conflict is the need to compromise in order to fulfill the budget responsibilities that each of us have here and collectively we will eventually pass this bill, I am confident.

Madam President, this is not an easy task for me to come here today. As I indicated, I have the greatest respect for my friend from Utah. His hard work over the years and his personal experience and involvement is one that leaves me, quite frankly, in great admiration of the Senator from Utah, Senator GARN.

I have heard from space industries in my home State, who are not going to be pleased with this amendment, because it does cause the reduction. I realize there are questions of concern about: "Well, are you really helping your State?" Well, of course, we have to appreciate those concerns and we do not ignore them.

I will point out in a few minutes how I have appreciated that by reducing the amount of this amendment.

Nevertheless, after careful consideration and deliberation, I am compelled to stand before you and offer the amendment to shift funding from the NASA space station in order to meet

the immediate needs of over 3 million veterans who receive medical care from the Veterans' Administration medical care system each year.

Madam President, the amendment I am now proposing is much less than the amendment I had originally planned. I first intended to shift nearly two times as much as the \$118 million incorporated in this amendment to provide the VA with the \$75 million necessary to protect the personnel levels this Senate had authorized some time ago. The intent of this amendment is simply and solely to provide sufficient funding to the VA to cover for the 3-percent pay raise from January 1, 1988, to May 31, 1988. My original proposal would have funded a much needed recruitment and retention program for registered nurses and other critical medical care personnel and covered the pay raise for the entire fiscal year.

Realizing the problems and the need to move ahead on the space station, it seems to me we could find some accommodation here. We know there will be a supplemental bill offered and we can take care of some of these needs as the time goes by next year. But, to start off the year without any opportunity to see these medical people covered seems to me to be a travesty.

My intent here is to protect the authorized medical care FTEE level of 194,140 that I and others members of the Senate Veterans' Affairs Committee have struggled to maintain over the last two Congresses. Without this additional money, medical care staffing levels would have to be reduced substantially in order to absorb the January pay raise.

And we are talking about several thousand, at least a minimum of 3,000, reduction in this force of medical care people for our veterans; maybe even more than that.

Members of the House of Representatives have also fought just as hard as some of us to maintain current staffing levels in order to protect the quality of care for immediate needs of those disabled in war service, and the reasonable needs of those who served honorably when called to do so by their country. The House version of this bill, which is \$181 million above the Senate bill, fully funds the recruitment and retention program and the pay raise for the entire year. I commend the Members of the House of Representatives that fought hard to maintain this effort and to keep it intact.

Madam President, it is now time for the Senate to answer really what I think is a basic, fundamental, and relatively easy, when you get down to it, question: What is the message that we want to send to those who answered and those who continue to answer the call of their Nation? Madam President,

I do not think that we want to tell these brave men and women who served and continue to serve that the promise of quality medical care for them will not be fulfilled. This Senate has not done that in the past and I truly hope that we will not do it today.

In the interests of national defense, I believe we must send them the clear message that we have not forgotten their efforts to secure the liberty we now enjoy each day of our lives. I submit that the quality of medical care we provide to our veterans is as important to our Nation's defense as any Department of Defense appropriation. The issue is one of today's human needs, and not whether to pursue the promise of future benefits of space exploration and utilization.

I stress in the most emphatic terms that it is crucial to our long-term national defense needs that we continue to commit funds to the space science research and development. So we are not eliminating that program at all, however, I do not believe that this present amendment handicaps our ability to achieve that goal.

Madam President, the NASA space station current price tag has been estimated at somewhere in the neighborhood of \$16 to \$32 billion, and may cost as much as \$60 billion. Congress, to date, has appropriated nearly \$800 million for the space station program. So we have not been miserly. We have not turned our backs on this program. Last year the space station received a 100-plus percent increase over the previous year's funding level. That is how generous Congress was, and this Senate participated of course. My amendment would not only maintain the fiscal year 1987 level, but still provides approximately \$20 million more than the last year's level. This amendment does not seek to bash or destroy or handicap NASA for its prior problems with the space shuttle or skylab programs. In light of the current criticisms of the space station design and ambiguity in its mission, this amendment's intent is to proceed to increase funding slowly to assure efficient and effective development. It is also the intent of this legislation that other NASA research and development programs are not raided to replace the offset taken from the space station program to fund the veterans health care system.

Madam President, the Veterans' Administration budget has fallen from 5.1 percent of the Federal budget in outlays in 1975 to an estimated 2.6 percent in 1986. At the same time, the medical care needs of the aging veteran population are increasing the workload upon the already short-staffed medical care system. Further, this system is also burdened by the increasing costs of caring for veterans with AIDS and other tragic diseases. It is estimated that in fiscal year 1988

alone that these costs will jump from \$49 million to \$72 million to care for veterans with AIDS. I caution all of my colleagues on the irreparable damage that further staff reductions would have upon the Department of Medicine and Surgery's ability to provide quality medical care. Past reductions and increased medical care demands of the older veteran, coupled with the probable staff reductions in order to fund the pay raise, will continue to erode the ability of the VA to provide quality medical care services.

Madam President, I do not think I need to belabor this point any further. I want only the answer to that most basic question: Will we, as a result of today's actions, be able to keep faith with the veterans and current members of our Armed Forces, from Valley Forge to Vietnam, from Pearl Harbor to the Persian Gulf?

That is a question each of us will have to face when we decide to vote up or down on this amendment. And I hope the distinguished Senator from Utah would permit that. But, if not, we should vote a motion to table if that occurs. I hope that we will keep that moral obligation and commitment, that obligation to the American people to allocate funds within the constraints of our present budget restrictions.

I strongly urge the distinguished Members of this body, who have stood here time and time again in favor of making our commitments and keeping our commitments to the American veterans, to join me in accomplishing passing this amendment.

I urge my colleagues to protect that trust placed by the Congress in behalf of the American veterans and I urge my colleagues to let us keep the faith.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Madam President, I support the DeConcini amendment. I do for quite different reasons than the Senator from Arizona so eloquently stated.

I voted against the Cranston amendment, although I did it with a heavy heart. I did it because I did not think we should spend more money. I just thought that we should not increase the deficit, even by the very modest amount that that represented.

I favor this amendment, frankly, Madam President, because it permits a more cautious, prudent, careful approach to the space station, and I think that kind of approach is very much in order. It would provide a modest, very modest increase in the space station amount, but it would cut \$118 million out of space station and give us, I think, a little more time—\$118 million more time to consider whether or not we should go ahead with this.

When this bill was initially considered in subcommittee we had to make some very tough choices because of a lean allocation under the Budget Act. I welcomed that discipline because I think it is essential if we are going to make significant reductions in our shocking Federal budget deficit.

However, in the full Appropriations Committee the chairman of the Senate Budget Committee informed us that an additional \$500 million in outlays was being made available to the Appropriations Committee and the decision was made to allocate these funds to the HUD-Independent Agencies Subcommittee.

I think this was a step backward. It took us off the hook and allowed us to avoid the tough choices we faced under the leaner allocation. More specifically, it allowed us to add funds to the subcommittee bill for a very expensive space station—a project that will cost at least \$25 billion—some say \$30 billion—over the next 10 years.

That is why on page 60 of the report you have before you this morning you will find language providing NASA with \$1 million to work with the private sector to develop a man-tended facility for microgravity research. This facility is being developed by the commercial sector at their expense as we speak and space has been reserved on a shuttle flight for the launch of the facility in the early nineties. It could be launched on a single shuttle flight and would allow us to gain valuable experience in using the microgravity environment. The Government would buy space on the facility and make that space available to the Nation's most capable researchers through program solicitations from our great research agencies—NSF, NASA, DARPA, DOE, NIH, and the like. It would cost about \$200 million a year to buy this space but it would be a great deal cheaper than building a \$30 billion station and it would create a user base that would be involved in making further plans for a permanently manned station.

You hear many arguments in support of the administration's station proposal that use words like "logical next step," "keep up with the Russians," "national pride" and the like. But the fact is that we appear to be making a \$30 billion commitment to a space station without having any very good idea of how it will be used to compete with a Soviet facility that is so small that it could be put into space on one shuttle flight.

By doing so we may end up bankrupting the rest of NASA's programs as the station soaks up more and more of our limited shuttle flights and a greater and greater share of NASA's total resources.

I would like to conclude by reading from a letter written by the ranking Republican on the HUD Committee in

the House that deals with the space appropriation, WILLIAM GREEN.

I had always assumed that Mr. GREEN was a space station advocate, but this letter raises, I think, some very intelligent qualifications on his support. It is a letter to Dr. Fletcher, the Administrator of NASA. Congressman GREEN writes as follows:

Two recent reports on our space program, when read together, raise serious questions about the directions the space program generally and the space station specifically are taking. I refer to the National Research Council report on the space station and the Ride report on future directions for the space program.

The National Research Council report generally approves of the design of the space station and generally supports NASA's cost estimates. However, its report states that the orbit planned for the station will be of little use for looking down to do earth science and is poorly suited for most unmanned solar system exploration missions. I was also struck by the fact that your response to this report contained no mention of this allegation.

The Ride report lists earth science—"Mission to Planet Earth"—and unmanned solar system exploration as two of the four possible major missions for NASA in the years ahead (the other two being to put a colony on the moon and a manned flight to and from Mars). Her report confirms that the space station can play only a limited role in the Mission to Planet Earth and unmanned solar system exploration programs. Since the space station is planned to use the bulk of the resources available to NASA for the indefinite future, I find it extremely troublesome that the space station is so lacking as to two of the major four programs identified in the Ride report.

I have been concerned from the day that the Administration first promoted the space station that it had been proposed and designed without much regard to what purposes it would ultimately serve. This is, as you know, a view shared by other Members of both bodies. I have, to this point acquiesced to these requests, recognizing the importance of this program to your agency. However, these reports serve to reinforce my belief that we ought first to decide as to what we wish to accomplish, and then we ought to design and build the space vehicles we need to accomplish them.

I particularly raise the issue because the Mission to Planet Earth program appears to me to have special immediacy. Dr. Ride indicated in discussions with staff that she considered it to be of the highest priority as well. As you know, our HUD and Independent Agencies Appropriations Subcommittee originates the appropriations for the Environmental Protection Agency, the Council on Environmental Quality and the National Science Foundation. I also serve as House Chair of the Environmental and Energy Study Conference.

As a result, I am painfully aware of the many environmental events that can have the most serious consequences for the quality of life on this planet or even our survival—ozone depletion, global warming, the destruction of the rain forests, the damage to the oceans. These events cause me to believe that Mission to Planet Earth should have the highest priority so that we can develop essential data as to precisely what is happening to our environment. To develop the space station in a way that means that

NASA will be able to do little to effect Mission to Planet Earth (as well as an unmanned solar system exploration program) seems to me very wrong.

Finally, given the nation's current financial limitations, rather than repeating the mistake of the Shuttle and placing all of NASA's eggs in one basket, it would make sense to start with a scaled-down station, such as under the Max Faget proposal which would give us some interim microgravity capacity, and free other NASA funds for Mission to Planet Earth.

Madam President, I ask unanimous consent that the letter be printed in full in the RECORD. I yield the floor.

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

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 2, 1987.

Dr. JAMES C. FLETCHER,
Administrator, NASA, 600 Independence
Avenue, SW., Washington, DC.

DEAR DR. FLETCHER: Two recent reports on our space program, when read together, raise serious questions about the directions the space program generally and the space station specifically are taking. I refer to the National Research Council report on the space station and the Ride report on future directions for the space program.

The National Research Council report generally approves of the design of the space station and generally supports NASA's cost estimates. However, its report states that the orbit planned for the station will be of little use for looking down to do earth science and is poorly suited for most unmanned solar system exploration missions. I was also struck by the fact that your response to this report contained no mention of this allegation.

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ronmental Protection Agency, the Council on Environmental Quality and the National Science Foundation. I also serve as House Chair of the Environmental and Energy Study Conference.

As a result, I am painfully aware of the many environmental events that can have the most serious consequences for the quality of life on this planet or even our survival—ozone depletion, global warming, the destruction of the rain forests, the damage to the oceans. These events cause me to believe that Mission to Planet Earth should have the highest priority so that we can develop essential data as to precisely what is happening to our environment. To develop the space station in a way that means that NASA will be able to do little to effect Mission to Planet Earth (as well as an unmanned solar system exploration program) seems to me very wrong.

Finally, given the nation's current financial limitations, rather than repeating the mistake of the Shuttle and placing all of NASA's eggs in one basket, it would make sense to start with a scaled-down station, such as under the Max Faget proposal which would give us some interim microgravity capacity, and free other NASA funds for Mission to Planet Earth. I will require responses to these issues by the time we go to conference with the Senate on our bill and so I look forward to hearing from you.

Sincerely,

BILL GREEN,
Member of Congress.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Madam President, I do rise in opposition to this amendment. First, let me just point out a few statistics and a few facts. The first one that I would point out is that already, today on this bill, we have increased the veterans' medical care account by \$43 million. But, most of my colleagues may not be aware that that account, before we increased it by \$43 million, was \$10.08 billion; over \$10 billion for VA medical care.

My good friend from Arizona states some facts but I believe they are misleading about the reduction in veterans' budget from over 5 percent to about 2.6 percent. That is not an indication that the veterans' accounts have been reduced. They have not. The veterans' health care account has gone up substantially. Overall, the VA budget has been reduced as a percentage of the total budget, primarily because the rest of the budget has increased so dramatically. Their share of the total budget is less, but that is not fair to have anybody think it is because VA medical care has been cut.

Even within the percentage of this budget, of the total VA budget, we had a situation where, in 1975, we had over 2 million veterans enrolled in school, taking advantage of the GI bill. In 1987 there are less than 450,000.

So, again, we have had a dramatic reduction in the cost of that program because so many fewer veterans are in school from the Vietnam era.

So let us look at the relationship of these statistics and not just the raw statistics which may lead any veteran

in this country into thinking they are being shortchanged when \$28 billion per year is being spent on veterans. Again, I say that I am a veteran. I spent 24 years in the military service. But I get a little bit tired when we constantly have to come to this floor and add and add and add and it becomes a very sacred cow.

I do not think most of the veterans of this country would agree with this amendment today. Their leadership, the heads of the veterans' organizations, like most of the trade associations in this city, have to justify their existence and their salaries. Whether it is the American Bankers Association, the VFW, or whatever the group is, they have to justify their existence. I have talked to veterans at home about this amendment and when they find out where it is going to be taken from, from the space station, and from basic research and development, they are not in favor of it.

I am going to do more of that. I am going to do more of talking to individual veterans to see if they want to question their leadership because I do not think most of the veterans of this country do. They do not want to shortchange the future for their children and grandchildren by misleading statistics.

Where are we talking about taking this \$118 million from? Stop and think about it. I want you to remember. We are talking about putting it into an over \$10 billion budget and we are taking it from a \$559 million budget for the space station.

The space station request was for \$767 million. Because of the low allocation, Senator JOHNSTON and I, and others, struggled to get it to \$559 million, a reduction of \$208 million.

At this point, I want to read in its entirety the letter from James Fletcher, the Administrator of NASA.

The FY 1988 budget request for Space Station is \$767 million. This is the minimum funding for FY 1988 consistent with proceeding on a development schedule consistent with the initial launch in early 1994 with the permanent human presence in space by early 1996. This is the baseline plan approved by the President, supported by the Authorization bill recently passed by the Congress, and by the Appropriation action of the House of Representatives.

The bill recommended by the Senate Appropriations Committee would reduce the availability of the Space Station program by \$208 million. This reduction will result in a program delay of several months. The specific impact depends on many factors, but a preliminary analysis indicated a four to six month delay in the development and launch schedule. More important, the reduction of this magnitude severely impacts the momentum and confidence in the program. Contractor teams have defined the major work packages and are ready to proceed with development. Negotiations with our international partners have progressed to the point of nearly complete agreements. To put these actions on hold now can only hurt the entire Space Station program. The re-

duction in the bill recommended by the Appropriations Committee already reduced the Space Station funding to an extent that will make it difficult for NASA to keep an effective program going.

I might add parenthetically, the committee has already reduced by 27 percent, more than a one-fourth reduction in the Space Station Program.

To get back to the letter.

To take any further reduction would compound the problem and send exactly the wrong message to NASA, the contractors, the Nation and our international partners. Chopping the front end of the development activity threatens the planning and system analysis activities, the careful engineering and testing that are critical to getting started on the right track. We have had unfortunate experience with this kind of thing before—we cannot afford to do it again. In light of that, although we have not checked with the White House, a further reduction of \$118 million would lead me to recommend termination of the present competition for the four major work packages.

That concludes the letter from Administrator Fletcher.

Let me add the seriousness of this amendment. We cannot pass it off literally as only a minor delay. The space station will not be manned until 1994, if we keep it on schedule. The major reason the space station is going to cost as much as it is, is because we have delayed it. We should have had the space station flying by 1990 at the latest.

I have been here 13 years. That is long enough to totally recognize the old game of let us delay expenditures from this year to a future year. Even on this bill today, we have heard the distinguished chairman complain about the Domenici amendment because it shifts expenditures from now until the future.

Well, if the DeConcini amendment succeeds, this is exactly what we will do. We will guarantee that the space station will cost billions of dollars more.

Frankly, I get a little bit weary of hearing of the criticism, the charges, about NASA and cost overruns, and the choices that they made and the clichés about putting all of our eggs in one basket.

Well, yes, NASA put all their eggs in one basket with the shuttle and did not have enough expendable launch vehicles. Why? I will tell you why. I sat on the Space Committee in 1975 and heard then Administrator Fletcher be promised by Senator Frank Moss, a former distinguished Senator from Utah and chairman of that committee, that NASA would be held at least whole for inflation. He could not promise any increases because the budgets were tight in 1975. NASA has not even come close to being held whole for inflation.

And, as a result, they had to make a choice. They wanted a more balanced mix between expendable launch vehi-

cles and the shuttle, and they had to make a choice. It would not have made any difference which choice they had made. If they chose the expendable launch vehicles you would have a bunch of critics asking, Why are we not doing more manned flights?

It is a no-win situation. Now we hear the same stories if we go ahead with the space stations, that it robs other programs. It certainly does because NASA is underfunded. The total NASA budget is less than just the veterans health care budget alone. It is only about one-third of the total veterans' budget.

I do not want to take a long time. It is easy for me to do it because I think I am the only one on the floor, I think I am safe to say, who has been in space, who has looked back at this planet Earth. I think I have maybe a better understanding of what goes on up there and the benefits that can be achieved for every man, woman, and child on the face of this Earth.

If we really want to get into a debate, and this amendment is not tabled, you will have the opportunity to hear all of that. I love to talk about space. I will talk for days.

I might even talk long enough so that we do not get to Bork until January or February. That is of little consequence to me. But I would live to talk about the beauties of space, how magnificent the Earth is, how we are space station Earth.

I can take a long time to talk about 12,000 medical devices or procedures, how many lives have been saved, as a result of space research and development. I can talk about the value Christa McAuliffe would have been to this Nation if she had had the opportunity to orbit the Earth and come back, and the impact she could have had on the educational system of this country to encourage young people to take math, science, engineering, biology, zoology, and increase our activities in those areas.

I can talk about how some of our grandchildren can live on Mars and the benefits from that.

I can talk about microgravity. I know how it feels. Nobody else does until we get JOHN GLENN over here on the floor. Maybe both JOHN and I will get together and talk a good deal about microgravity, not from an academic standpoint. We have felt it. My only disappointment at zero gravity was that I had hoped in the absence of gravity the hair might just spring out on my head. Unfortunately, it did not, so there is no necessity for bald men particularly to go into space.

I want to put the Senate on notice how important the space station is for the future of this country, and that we had better table this amendment or you will have to listen to some glorious speeches about space endlessly.

I am happy to yield to the Senator from Louisiana.

Mr. JOHNSTON. I would say to the Senator he did not stay in space long enough. With the space station there will be time enough for that hair to grow.

Mr. GARN. I would like the opportunity to try that experiment. It would be well worth the time spent, even if the hair follicles did not spring.

At this point, Mr. President, I will yield to the Senator from Michigan.

Mr. RIEGLE. Let me just say to the Senator from Utah, before he moves to table, I rise in support of a number of the comments he has made with respect to the importance of the space station. I am serving in this Congress as the chairman of the Space Subcommittee of the Commerce Committee. Having had the chance to have our subcommittee and full committee review the space program in the aftermath of the *Challenger* accident particularly, it is clear to our subcommittee and it is clear to this Senator that the space station is really the centerpiece of our further exploration of space and the development of its potential in terms of our daily lives.

The Soviets, of course, have a space station that is orbiting above our heads today; cosmonauts are in that space station doing a number of experiments that are valuable in terms of the advancement of science, medicine technology, and other areas. This is the seventh Soviet space station.

We are now talking about moving along in an orderly fashion to have a U.S. space station in the mid-1990's. We are talking about that kind of lead time, assuming that we stay on the present track.

Now, as to the amendment that has been offered just with respect to the cut in the NASA spending, if we step back now from our efforts to move ahead in an orderly fashion on the space station I think we make a real mistake. I think we hurt the country in terms of the orderly approach NASA feels it properly should take in terms of further exploration of the universe.

I think the space station has suffered from a lack of specific definition both in the public mind as well as perhaps even in the stated purpose by NASA. But in fact it is our first platform by which we leave this planet on a permanent basis so that we have the ability to adapt people to a space environment.

The space station, when it is developed, will give us the chance to develop that capacity, in addition to the other things we will learn.

It is obvious to anyone who looks at it over the long stretch of time that man is not going to be found just on this planet, that we will increasingly in the decades ahead explore the universe. The space station, which is this

first step off our planet, is vital to that long-term journey as we seek to expand our knowledge and to learn something more about this world and universe of which we are a part.

NASA has been battered enough by other events. The accident certainly was such a circumstance. This is a modest program. The money that is now in the budget has been shaved down to an absolute minimum to keep NASA functioning in an appropriate way. This is not the time and this is certainly not the way to sidetrack the space station program—with an amendment on the floor where we are actually stealing money from one activity to finance another.

Now, I am all for putting money into veterans' health activities, and my record is clear on that. But we cannot sabotage other important national endeavors to pay for something that we may want to see in some other area. And so I say as strongly as I can, I hope the amendment will be tabled without any prejudice whatsoever to possible funding increases for veterans' health. But this is not the time to send the space station down a side street. We cannot afford to have that happen and it is very important that it not happen.

Mr. BENTSEN addressed the Chair. Mr. GARN. I believe I still have the floor and I will be happy to yield the floor in just a moment.

I thank the distinguished Senator from Michigan. I have had the opportunity to work with him on the Banking Committee for many, many years. Since he assumed the chairmanship of the authorizing subcommittee, he has become a real student of space. He has spent a great deal of time outside of the hearings talking to people with NASA, educating himself so that he could fulfill that responsibility. He has really worked at it. I appreciate that very much and appreciate his support of the tabling motion today.

The Senator mentioned the Russians, and that is a part of it that does disturb me because the one big advantage we have always had over the Soviet Union has been in quality. It has never been in quantity. It has been in our research and development and our technology. And if any of my colleagues would read the recent *Time-Newsweek* articles about the Soviet space program, they would find that we are dropping behind in technology, an area where we have always been premier. We cannot afford to do that either for civilian or military purposes.

But one story on the lighter side. After my flight I had the opportunity to go to a large medical symposium to discuss the medical experiments that I did in space, and I was sitting at a table with two or three cosmonauts and a couple of Russian space medi-

cine doctors. I had been discussing very openly the space motion sickness problems I had experienced and experimented with. I said to one of the Russian doctors, "Doctor, tell me something about the experience of the Russian cosmonauts and their sickness in space."

He looked at me with an absolutely straight face and said, "Senator, you do not understand. Because of the superiority of the Communist system, our cosmonauts do not get ill." And I laughed, but I could not deter him from that view.

I do not want to stand here and dole out time, so I will yield the floor at this point.

Mr. MATSUNAGA. Will the Senator yield?

Mr. GARN. I will be happy to yield the floor and then Senators can seek recognition.

The PRESIDING OFFICER (Mr. FOWLER). The Chair must remind the Senator from Utah that under the rules, it is only appropriate to yield for questions.

Mr. GARN. That is why I am yielding the floor.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, as a member of the Commerce Committee and the subcommittee of which my distinguished friend, Senator RIEGLE, is chairman, I just recently held some hearings at the Johnson Space Center in Houston, TX, about the commercialization of space. Time and time again I heard testimony as to how the French and others are beginning to move ahead of us, and particularly the Russians, who willing to take payloads from the United States. I think that really is the ultimate putdown—that we might have to put our commercial payloads on some of their rockets.

But the space station would embody such sophistication of our technology that we really ought to be able to catch up with and pass the Russians. I think back to when Sputnik was first launched. I think every one of us can remember where we were and how the world was electrified and absolutely amazed by what the Russians were accomplishing. They stole a great march on us.

Now, our space station has been slowed down. We have not been able to get the necessary funds, and as a result we are going to be more than 10 years behind the Soviet Union in putting our space station into orbit. I think that is indefensible. I certainly sympathize with veterans' health care and I supported Senator CRANSTON's amendment. I have a hunch, so far as the pay problems are concerned, that we will have a supplemental appropriation bill along here later where we will be able to address that issue.

But this is a situation where we are foregoing a leading role just as we see the Soviets move ahead of us. Right now, every 90 minutes, we are seeing one of their stations passing over us. We just must try to turn that situation around. It will require a sustained effort on our part and not this stop and go philosophy that we have seen happening.

I strongly urge that we table the amendment and move on with our space programs and try to regain that kind of lead which I think is so terribly important to our country.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California, Mr. CRANSTON.

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, it is very difficult for me to oppose this particular amendment. I think all Senators know of my commitment to funding that will meet our veterans' health care needs.

Indeed, the Senate just adopted 93 to 2 my amendment to add \$43 million to the VA's medical care account. I am also very reluctant to oppose this undertaking by my good friend from Arizona, DENNIS DECONCINI, a Senator whom I greatly admire. However, I feel I must oppose the pending amendment because it poses a serious threat to the vital effort to get the United States back on track in space. This amendment proposes to add funding for veterans' health care—specifically for the anticipated 3 percent civilian pay raise for the over 220,000 employees of the VA's Department of Medicine and Surgery—at the expense of our national security interests.

We have fallen far, far behind the Soviet Union in the peaceful research and exploration of space. The space station project—from which the pending amendment would take funds—is our best opportunity to make progress in space.

The upcoming fiscal year 1988 is critical for the space station. It is essential that Congress demonstrate support for this project, as development actually begins on it. This support is critical to our Nation's effort to go forward with our commitment to space exploration and to regain U.S. leadership in space exploration and technology. We must also be aware of the possibility that the cuts this amendment would make in space station funding, would be interpreted negatively by our international partners in the space station program.

Last year, Congress gave the go ahead for space station development, providing \$150 million for initial development. Fiscal year 1988 will be the space station program's first big year. NASA will be awarding contracts for four segments of work for the actual development of the station in Novem-

ber. These contracts will represent an expenditure of \$8 billion over the next 7 years. Consistent funding will be the key to continued progress on these contracts.

In fiscal year 1988, the administration requested \$767 million for the space station. Because of budget constraints, the Appropriations Committee decided to cut the administration's request to \$558 million. According to unofficial U.S. Government estimates, that \$209 million reduction could mean a 6- to 8-month delay in the first launch of components for the space station. Originally, the first launch was scheduled to take place no later than March 1994. The Appropriations Committee's proposed reduction will also mean an added cost of \$400 or \$500 million later on in the project. The \$118 million further reduction proposed by this amendment would result in higher costs and probably increase the delay by up to 1 year or more.

Further cuts would also suggest that congressional support for the space station is lukewarm. This would have a particularly unfortunate impact on international partners, who are anxiously watching to determine U.S. commitment to the program. At present, a series of important multilateral negotiations are taking place with European nations, Canada, and Japan. I understand we are on the verge of coming to agreements with each of these partners. A very slow start in U.S. funding could cause the program to slide further.

The space station will offer scientists a multiplicity of opportunities for research and exploration. For example, with the space station, our scientists will be able to make important contributions in microgravity science, including research in biotechnology, metals and alloys, combustion science, glass and ceramics, and electronics materials. They will be able to do significant work in the life and earth sciences. In addition, NASA is studying the possibility of using the space station as a departure point for interplanetary exploration; the space station could become our bridge to Mars.

The Soviets have a successful, relatively inexpensive space program. They have been sending mission after mission, manned and unmanned, into space. In 1986 alone, they launched 91 of the 109 worldwide missions from all countries that reached Earth orbit. They have orbited seven space stations of increasing sophistication; the United States has launched just one—Skylab—which became inoperative in 1979.

We need to move ahead with the civilian space program if we are to regain our leadership in space. And the space station is one of the key elements of that program. I therefore

urge my colleagues to reject the pending amendment—or any other which proposes to cripple our vital space station efforts.

The ends do not justify the means. This amendment proposes robbing Peter to pay Paul. We need to support both.

It is ironic that the space cuts being proposed would significantly reduce employment by major space contractors, such as Rockwell, McDonnell-Douglas, Lockheed, Hughes Aircraft, Teledyne, TRW, General Dynamics, Sunstrand, Garrett Fluid Systems, and Martin-Marietta in my State and many contractors in other States which employ large numbers of veterans.

I believe it is very important to provide full funding—\$134.5 million—for the January 1 pay raise for U.S. medical workers. The House bill does that, and I know that the chairman and ranking minority member of the Appropriations Subcommittee, Senator PROXMIRE and Senator GARN, who have been very fair to veterans in this bill, will be fair in conference. They know the importance of the pay-raise funds to maintain the 194,140 staff years which the House, as well as the Appropriations Committee, has provided for in this bill. I am confident that they will find a way to fund the pay raise now or in the future and ensure the maintenance of the VA's medical care staffing level throughout the fiscal year. Indeed, the Chief Medical Director of the VA has told me that he intends to do all that is possible to keep the 194,140 staffing level.

So, I cannot support the DeConcini amendment, given the serious adverse effect it would have on the space station and our entire effort in space.

In my view, it does not reflect an appropriate balance of our Nation's vital interests. The basic thrust of this amendment with respect to VA funding is to ensure that VA health-care staffing is maintained at the congressionally intended level—194,140 F.T.E.E.—after the January 1988 Federal civilian pay raise takes effect. That is a worthwhile objective and I fully support it. But, the normal process for paying for those costs is through the supplemental appropriations process. That's the process that is used for each and every other Federal department and agency employee paid from appropriated funds. It is also the process that has been followed for these health-care employees every year until now. Indeed, it is the procedure that will be followed this year with respect to other VA employees, including VA employees paid out of the VA medical research account and those employed at the VA's 58 regional offices across the Nation.

Mr. President, I will do everything possible consistent with the national interest to ensure that the goal of this

amendment is achieved. And I will work side-by-side with my friend from Arizona and the distinguished ranking minority member of the Veterans' Affairs Committee [Mr. MURKOWSKI]—and other members of the Veterans' Affairs and Appropriations Committees who share our deep concerns in this regard—to make certain that the intended VA health care facility staffing levels are maintained.

As the Senator is aware, legislation I authored in 1979 which is codified in section 5010(a)(4) of title 38, United States Code, requires the OMB Director to allocate to the VA the personnel ceilings for which Congress appropriates funds for each of VA's three health-care accounts—medical care, medical and prosthetic research, and medical administration and miscellaneous operating expenses. In this regard, I would note that the Appropriations Committees have been completely cooperative in specifying in the joint explanatory statements accompanying each regular appropriations bill enacted since 1979 with funding for VA health care employees the numbers of F.T.E.E. intended to be supported in the fiscal year in question for each of those three accounts. In fact, each committee has already stated clearly in its report on this bill (H. Rept. 100-189, page 50, and S. Rept. 100-192, page 89) that the intended employment level for fiscal year 1988 in the medical care account is the same as the fiscal year 1987 appropriated level—194,140.

Therefore, Mr. President, I feel confident that we will ultimately succeed again, in the current fiscal year, in our ongoing effort to protect the VA medical system from administration efforts to cut it back—just as we did earlier this year when the 1987 pay raise for VA medical workers was fully funded for fiscal year 1987. That, reduced to its essentials, is the purpose of the pending amendment—and I am convinced that we do not need to cut a project so vitally important to our Nation as the space station in order to achieve it.

Mr. MATSUNAGA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, I, too, reluctantly rise in opposition to the DeConcini amendment. I think we have fallen back in our space program to the extent that this reduction in the appropriation for NASA would be disastrous. As one of those who introduced the program, along with the Senator from Utah, which established the program for the international space year [ISY], 1992, I wish to report to the Senate that in August of this year a tremendous planning conference on the ISY was held in Kona, HI. The conference was attended by 150 scientists from all nations of the

Pacific region, including the Soviet Union, China, Australia, Indonesia, Canada, the United States, Japan, as well as by observers from the European Space Agency, which represents the 12 space powers of Western Europe.

It was unanimously agreed by all in attendance that this was a great beginning for international cooperation in space which would lead to world peace. And this is the greatest essence of the space program.

I have always maintained that whenever nations work together they will not be fighting each other. And the one program in which the challenge is so great to mankind, in which all mankind, and all nations, need to work together is the exploration of space. I think, listening to the Senator from Utah, and I subscribe fully to what he has said, and to what the Senator from California has said, we cannot afford now to deter the effort toward world peace that is going on. Because a common language is the strongest single bond of unity, scientists must lead the way toward unifying this planet where we all live as one in mankind. And scientists with the space program, I have learned in my long association with them, speak a common language.

Some Senators may think, "Oh, heavens, Sparky is just a dreamer." But when I invited cosmonauts and the astronauts here for lunch once for a reunion, on the 10th anniversary of their joint space mission, in the Senate restaurant, and they first saw each other, they ran into each other's arms, and hugged each other. I thought to myself, if we could just expand this sort of feeling that the cosmonauts and the astronauts felt for each other—these were the astronauts and the cosmonauts who were in the Apollo-Soyuz linkup—if we could spread those feelings of love, affection, admiration, and respect to the rest of the United States and the U.S.S.R., we would not need to be building up our defense weapons. We would be at peace.

This, I think, would be a small investment in peace among the superpowers as well as peace among all nations. I think this is the overriding consequence that we should be concerned about in voting against the DeConcini amendment.

Mr. MURKOWSKI. Mr. President, as ranking minority member of the Committee as Veterans' Affairs, I join my colleague, the distinguished chairman of the committee, in opposing, not without some regret, the amendment proposed by the Senator from Arizona.

Mr. President, I oppose the amendment not because of where the money is going but, really, because of where it is coming from.

I think it is appropriate to point out that as we look to the needs of our veterans with the recognition that we perhaps can never appropriately respond to the sacrifices they have made on behalf of all Americans, that reality dictates that there are times—and this is one of them—when we have to look at just what we are doing with regard to our veterans. We must look to those areas where we can do more and find the funds to do them.

However, by going into the space station program, I think we are in direct conflict, if you will, with the priorities associated with the attitude of our veterans as they look at the importance of our space station program. We have heard the Senator from Utah make a very eloquent and appealing argument for the continuation of the space station program. My friend from Hawaii has outlined, I think, a very appropriate and visionary goal we can all share. But the reality of the chairman and the ranking member is that we have to find funds from some appropriate place, and the question is, where? Let us look for just a moment at the facts.

If we look at a percentage of the whole of the HUD and independent agencies appropriations—which includes the space program, the VA, and so forth—there has been a substantial increase in the VA budget from 1980 through 1987. In fiscal year 1980, the VA budget was 28 percent of the total HUD-independent agencies budget. Today, that is 46 percent of the HUD-independent agencies budget. If we look in dollars, it is even more significant.

We have seen the veterans' budget increase over the same period of time from \$20.5 billion to \$26 billion. Mr. President, in comparison to the HUD-Independent Agencies budget, which in 1980 was \$73 billion and today is \$56 billion, I think we have an adequate comparison of just where the trends have been. The trends have been cut in the other area and increased, as they appropriately should be, in the VA.

Further, I think this body has been responsive to the health care needs of veterans. The amendment proposed by the chairman and myself to add \$43 million to the VA medical care budget has today been adopted by this body. The medical needs of veterans in this country are not forgotten, and they are not going to be shortchanged. But I note, further, that the medical care account is going to be the subject of House and Senate conferees.

There is a substantial difference between the House and Senate appropriations for medical care. I urge the conferees to move to a higher level, more closely aligned with that provided by the House bill. Taking into account my belief that the Senate conferees will indeed provide for the

needed increases of the medical care account, I will support a tabling motion.

For these reasons, Mr. President, I urge my colleagues to vote for what I understand will be a tabling motion. I think the veterans of our country would agree that we cannot afford to gut our space program. We must continue to meet our obligations to the veterans of this country, and I think we will continue to meet that charge.

I yield the floor.

Mr. HEFLIN. Mr. President, I rise in strong opposition to this amendment, which would take money from the space station and put it into the veterans' medical care. I think it would be a mistake, and it would have a serious detrimental impact on the future of our Nation, our space station, our space program, and medical research.

Before I go further, let me say that I have been a strong and outspoken supporter of our Nation's veterans, particularly in seeing that they are provided adequate medical care at veterans facilities. I realize that this is a very serious problem with the veterans, and it will be an increasing problem.

The average age of the World War II veteran is now in the late sixties. It will increase. As the average age of war veterans goes up, there is no question that it is going to be a great need for more and more adequate medical facilities and medical care to provide for our veterans. We owe them this contract.

I have been a 100-percent supporter of veterans on every issue that has come up thus far, and I will continue to support the veterans. I am a very strong believer in our veterans' organizations and what they are trying to do, but I feel that this is not the battleground.

I think the battleground is in conference; and I pledge to the veterans and to the veterans' organizations that I will do everything I can to see that this amount of money is included in the final appropriations that will go to the veterans' facilities.

Now, Mr. President, I mentioned in the beginning that it would be detrimental to medical research, and I am going to speak a little bit about this. I do not believe anybody else has touched upon this aspect of the space program. This comes under what is known as material processing and microgravity research in space.

You have heard people mention microgravity. First, it was called zero-gravity. However, there is a small amount of gravity that exists in space and there are a great many things that can be done in microgravity that cannot be done on Earth where gravity exists.

Material processing is one of the great things that will occur as a result of this space station. We have had great experiments that have been con-

ducted on the shuttle that have been there for a limited period of time. Already they were able to separate the beta cell. The beta cell is the cell in the pancreas that controls the flow of insulin into the body.

McDonnell Douglas and Johnson & Johnson puts hundreds of millions of dollars in experiments dealing with pharmaceuticals, dealing with the effort to try to find a cure for diabetes and some other illnesses. They believe in it. They are willing to put their money in it.

Now, another thing that I want to mention which is important is cancer research. In microgravity, on a space station, there are basically three things that can occur, that can help in regard to improving mankind, improving medicine and a wide variety of other aspects of our every day lives. One is crystal growth. Now in microgravity you can grow crystals to a much larger size. In my State, at the University of Alabama in Birmingham in its medical school, in connection with the space program on material processing have been able to grow protein crystals at a size much larger than you could grow on Earth. In space a perfect crystal can be grown. This is not possible in a gravity environment.

Their goal is to take a cancer cell and grow it into a much larger cell, and grow it in a manner where you could be able to look at the integral part of that cancer cell. This cannot occur without the long duration in space provided by a space station.

Now, another program under material processing that can help medical research is known as electrophoresis. Electrophoresis at microgravity is a process by which you separate the various molecules that exist in a cell. That is the procedure that was used in separating the beta cell which deals with diabetes and deals with the pancreas and with insulin.

Now, the goal is that you take these two aspects, crystal growth, by growing a cancer cell, growing it to a large cell, much larger, 10 to 20 times what we are able to do on Earth, and then take the electrophoresis process to separate them.

If you are able to separate the integral parts of a cancer cell, then you are going to be able to find out what causes cancer to grow. When you find out the internal operations of a cancer cell, you can then be able to develop a cure for cancer.

Now, Mr. President, what has this to do with this particular amendment? In my judgment, while the delay in the space station means a delay in many experiments and research that we want to conduct throughout the universe, it also has the effect of delaying our eventual finding of a cure for cancer. And this to me is as important to veterans as any one thing. If we can

find a cure for cancer, then I think that we will go a long way toward solving veterans' medical problems, and the medical problems of all human beings.

I mentioned a third thing. It is largely the benefit that microgravity in the procedure of the blending of metals together. This is not exactly related to anything dealing with medical research but it has a great many potentials in a vast array of other areas.

So, in my judgment, we are at a situation where we may be very short-sighted by delaying development of the space station. Also, in my judgment, while I am not a scientist, as I understand the theory that I have been taught and have studied, to me it is a benefit that cannot be realized on Earth but can only be realized through the use of a permanently manned space station which provides a long period of time in space. First through crystal growth and, second, under the electrophoresis. To me I think that this is very important. If we delay the space station, we are delaying all types of medical research.

While I am not a scientist, as I said, the theory behind this, in my judgment, is very sound and there are a lot of scientists who believe in it.

So I say that we should do nothing to delay the space station. By delaying the space station we delay many, many things, and we are also in effect delaying the eventual cure for many veterans who will be suffering cancer.

Many talk about agent orange. There are many who believe that agent orange has caused many, many veterans' problems. Agent orange is going to be a major problem in the future, particularly in regards to veterans as they grow older.

So I think that it is very important that we do nothing to delay the space station, that we move forward in it. It has great potential. It has great potential for benefiting mankind in all aspects of our lives.

While I am a great believer in veterans and want to support them 100 percent, this is not the battleground. This is not the way to attack this problem.

Let us handle it in conference. Let us become more aware of the need of veterans' health needs and health care facilities and let us fulfill our contract to veterans by providing it. But at the same time, let us not cut off our nose to spite our face. In my judgment, that is what we will be doing here with this amendment.

So I urge my colleagues to follow the lead of Senator GARN and Senator JOHNSTON and the members of the leadership of the Veterans' Affairs Committee and let us move forward with the veterans' care and the space station. They are interested in this. The Veterans' Affairs Committee is dedicated toward helping veterans and let us not now be detoured from a pro-

gram that has many benefits for mankind, including medical research.

I feel we ought to table this. I am prepared, on the other hand, if I have to, to use some rather lengthy remarks that I have at hand on medical research and the space station in general. However, I feel it is very important that this amendment be tabled, that we do not permanently table it, that we take care of it. We should take care of the veterans, give them everything that this amendment would provide, however, let us do it on a different battlefield and in a different forum. I think the forum and the battlefield for that is conference. If not, let us do it through a supplemental appropriation or let us do it through some other method rather than to take it from the space station which, in my judgment, has great benefits for mankind including the benefits of medical research.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Ohio, Mr. GLENN.

Mr. GLENN. Mr. President, I certainly associate myself with the remarks of the distinguished Senator from Alabama and other remarks made on the floor with regard to the attempt to take money away from the space station to provide money for veterans medical care.

I oppose it not because I am against the veterans. I am a veteran myself, as many Members of this body are. I think I have an absolute, impeccable, first-rate, record regarding support for veteran rights activities and support for veterans hospitals. We have several major installations in my State that do an amazingly good job even when faced with a lack of funding in taking care of those who have borne the burden of war and to whom we owe a debt of gratitude.

We try to carry that out through the money we have in Veterans' Affairs and I have supported that absolutely and unequivocally through my years in the Senate, not because I think it is something that is nice to have in the budget for political reasons, but because I absolutely and unequivocally believe in it with all my heart.

I know what some of our veterans have sacrificed and accomplished. The least we can do is take care of their problems when they reach a time when they too need help.

But to see the space station as the only source of funding for increased funding for veteran's medical care is just flat wrong.

This country became what it is for a couple of very good reasons. One, we decided to educate our people more than any other nation in history. And we said that education in this country was not to be just for the kids from the castle. It was not to be just for the rich kids. It was not to be just for the

politically well-educated. Education was to be for everyone. And I think even to this day we have an education system that gives a better education than any nation in this world.

And second, what has helped this Nation to develop better than any nation in the history of this world has been our willingness to put more of our gross national product back into basic, fundamental, breakthrough research to conquer the unknown, to push back those frontiers, and to exercise the curiosity that came out of our educated citizenry.

Now, our support for this research expresses itself in many ways. Some of our companies put money into—and bless them for doing it—the basic, long-term research. Not only the basic, but the long term, the 5-, 8-, 15-year projects that Bell Labs, Monsanto, 3M, AT&T, Du Pont, and some other companies undertake.

But basic research in this country has not come from just the private sector, which the President would have us believe. He has said in the past that if research is worth doing, private research will do it. Unfortunately, that has not been the historical pattern that built this Nation of ours into what we are today.

Most of the basic, fundamental research in our country has come from Government-sponsored research. There are a dozen or so major national labs that are the envy of the rest of the free world. And the basic research we have supported as a Federal Government, representing all of our States together, and at the various colleges and universities around our country, that combination of education and basic research has been what has led us to be the No. 1 nation in this world.

And what does being No. 1 do for us? It does not mean we wave our finger in the air and say: "We're No. 1. We're No. 1," like we do after a football game. We are proud of being No. 1 because it gives us the option of controlling our own future.

We are the ones that create new jobs and business and industry. We are the ones that have different areas of research come together in a coherent pattern.

Now, we are talking today about the space station. Will we support it or not?

Research done in space is in the forefront of technological innovation. There are those who rise in this Chamber on occasion—too often, by my way of thinking—and decry anything that has to do with research. They ridicule it. They lambaste it. They try to cut its funding. And yet it is the fountain from which has come much of what this country is all about today.

Now, I would agree that every research dollar that has been spent has

not been spent perfectly. But that is understandable, because in research you do not know for sure what you are out to do. You are trying to push back the frontiers of the unknown. You are trying to say that there are new things to be learned, and that we have not learned it all. There may be advantages to knowing new things, like new sources of energy or new ways of producing antibiotics.

We can learn this lesson, many times over, from history. There is a story told of Disraeli and it has been told quite often. Possibly most people here have heard it. Disraeli was going through a laboratory and Faraday was there. Disraeli saw sparks were jumping from bottle to bottle, and he is supposed to have said: "But what good is it?" And Faraday said: "What good is a baby?" That was his reply: "What good is a baby?" Well, we cannot know that at birth.

But out of that interest in electricity, which started even before the day of Disraeli and Faraday with Franklin, came our whole modern-day society, just because someone was curious about the unknown and was willing to put some money into looking into the unknown, into science and into research even when they did not know for sure what was going to come of it.

And this pattern of education and research in this country has been the engine that has driven this country's progress. And yet some people say, "Well, we had great resources in this country." But many places in this world have resources, and many of them did, and they did not develop the way we did.

So I would submit that those two things I have described briefly here, education and research, were so important that they were the engines that really drove us into leadership in this world. I would also submit that they are even more important today.

Why is this so? We are finding ourselves outcompeted by other nations in the world. The United States of America is being outcompeted in science and research by some other nations in this world.

We are in a conference with the House right now on international trade and how we are going to be competitive. What I want to emphasize is that we have been competitive in the past because we knew the new things first, because we formed new businesses and jobs and industries and employment first, and we found that other nations followed in our wake because we were the Nation that was curious about learning new ideas first. We were at the forefront of new ideas and technologies and we were the ones that used them first. And it has been because we did that kind of research.

Now, it is even more important today than it has been in the past because we are beginning to be outcom-

peted. Other nations have recovered from the devastation of World War II and put their economies back together, with our help. We helped them recover and we did such a good job some of them are beginning to outcompete us and they now have more disposable national income to put into research.

I have here an International Herald Tribune article. I read it coming back from the arms control observer group that I was on in Geneva. It is out of Monday's International Herald Tribune. The title of this article on page 4 is: "GM and GE Seek Right To Launch Satellites From Soviet Rocks."

If that does not give us pause, I do not know what will. General Motors and General Electric, two of our greatest and finest companies and corporations, which have led the way in science and research are going to the Soviets, and are asking the United States Government's permission to have the Soviets put up satellites for them. That shows the state we are in.

I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. GLENN. Mr. President, we see the Soviet Union moving into this field of space research and utilization. They are the ones up there now learning the new things first. Right now there are two Soviet space stations going around, one of them occupied 24 hours a day.

I do not think the Soviets are ahead of us in technology and science. I do not believe that. But I believe if we surrender the leadership we have that we will indeed see the Soviet Union outdistance us.

What does this mean for the space station? If we are to lay down our leadership and say to the rest of the world that we do not care any more, that all we are interested in is having the spectaculars, the firsts of space, and we say we are not willing to stay in there and do the long-term research that has proven so beneficial to us in the past, not just in space but basic research in general, then we lay down a lot more than just the ability to create jobs, because what we lay down is the scientific leadership that has led to the political leadership of the United States. And if we find ourselves outdistanced in areas that are so highly visible around the world, that get so much attention from the world's press, if we find ourselves for very long outside of the ability to conduct research in space, I can tell you where the admiration is going to go. I can tell you where Third World nations are going to look for scientific leadership, and it will not be the United States of America.

(Mr. DASCHLE assumed the chair.)

Mr. GLENN. It will be to the U.S.S.R., the Soviet Union. We will find more and more Third World countries looking to the Soviet Union for leadership because they see in them the scientific leadership of the future, a position that has been held preeminently by the United States, and without question, through the years.

Where does that leave us today? As far as I am concerned, it leaves us with a very basic decision. We get ourselves so bound up here in our own rules and regulations, reconciliation and budgeting, and we give ourselves some choices that get to be ridiculous. To me, a vote like this, where we are voting to take a huge amount out of the space program which has been floundering and needs help and, in effect, take money out of it at a very critical time, when so much of the planning is already underway, and say we are, in effect, going to gut the U.S. effort makes no sense whatsoever.

I do not want to see the Soviets acknowledged as the scientific leader on this Earth we lie on, and receive the plaudits, the accolades, and the attention that comes from new discoveries in space research. I do not want to see that happen. I do not think many Members of this body want to see that happen. That is why I oppose this amendment vigorously.

If we were to cut back the space station now and say well, we are going to extend this project for an unlimited time here; well, I just think we need to reexamine this process if that is what we are all about.

We are dealing with much bigger stakes than just a budget and a matter of \$100 million or so. What we are dealing with is whether this country has the will to do basic research and to stay up in space and be competitive. The Soviets have two spacecraft up there with people in them going around right now on a permanent basis. Do most Americans know that?

The Soviet craft are small. They do not have the same capability of doing research as our bigger space station will, but our big space station, even if it stays on schedule—which it certainly will not if we pass reductions like this—our space station is not due up there until the mid-1990's. It will be very capable when it gets up and we will be proud to have our scientists on it.

It is important that it does get up, and that the rest of the world continues to look to the United States for scientific leadership. I do not want to see that change.

Because scientific leadership also means political leadership: Do I want to encourage the Soviet's way of doing things? Do I want to give them leadership in this most preeminent and most

visible area of science in the world? No, I do not.

That is why I rise to oppose this most vigorously. I do not want to see us denigrate research in this Chamber. But, do we know what the actual benefits will be? Can I say we will get back \$2 for every \$1 we spend? No, I cannot. But I know that so far in the manned program, through a separate study, NASA states that we have gotten back in benefit to our economy, in different manufacturing techniques like in miniaturization, we have gotten back \$7 for every dollar we have spent. Let us say NASA is overexuberant in their study, which is a private study, as I said. Let us say the study was off by 50 percent. That would still give us a 3½ to 1 advantage for every dollar spent. To me, that is very good.

The problem with research is that it is not predictable, like buying trucks. If you have \$20,000 in trucks, you have a benefit. You get a certain benefit from each load in that truck, and you can put the whole thing into a cost/benefit ratio. Research is not amenable to the normal rigors of cost accounting.

But if there is one thing we have learned from our history, it is that money spent on basic fundamental breakthrough research has a way of benefiting us in the future far beyond anything we can see at the outset. We can go back and see a hundred examples of this through our history. We have an opportunity to explore and do research in the newest and most advanced area of research, and we are about to cut it back before we even get started and say: "Soviet Union, go ahead. Yes, fine, you guys, go ahead. Go up there. We want the cosmonauts to go up there and be the leaders in scientific research." Do you want other countries around the world to be the leaders in new research? Just go to Moscow.

I just do not buy the argument that we will take second place in this area. No one in this Chamber, no one in this country, is more concerned about veterans issues, and in seeing that the people who have borne the brunt of battle truly do get a fair shake from us when they need a hand.

But I am also concerned that this Nation of ours remains a world leader into the future; and that we be the Nation which leads in the scientific realm. If other nations look to us in that area as the world's leader, they are much more likely to follow us in political leadership. That is what the space station is all about. It is the most fundamental of basic research. It opens up whole new areas to us, whole new areas of what we can do in the weightlessness of space, as the distinguished Senator from Alabama mentioned just a few moments ago. And that is only the beginning. Those are just things we foresee now. Who

knows what we will be capable of in the future?

How did Sir Alexander Fleming, who discovered penicillin know? He was a curious man. Do you know what he was curious about? He looked at some garbage and saw some plain old green mold. He saw several areas around the mold that did not act like other areas.

He was, as I said, a curious man, and he wondered why. Human curiosity, then, went to work and he wondered why and he ran some experiments on the mold, and do you know what came out of that curiosity? Who could have predicted that out of that curiosity came the discovery of penicillin; of penicillin and the beginning of our antibiotic industry.

We keep some of our veterans alive now a longer time because Sir Alexander Fleming was curious. This is just one example of what happens when people are curious and go out and do experiments and try to do research. They push back the frontiers of the unknown and out of that comes a whole new advance of some kind. That is what this vote is all about.

I hope that we will defeat this amendment. I do not know whether someone is going to move to table at the appropriate time. I trust they will. If not, I will. I understand it is already going to be done.

I hope we will not let the veterans down.

I am all for doing whatever we have to do to take care of our obligations. But do not do it by stripping the capability of the United States of America to support a space station.

I think that is the underlying issue of this vote. I yield the floor.

EXHIBIT 1

GM AND GE SEEK RIGHT TO LAUNCH SATELLITES FROM SOVIET ROCKETS

(By William J. Broad)

NEW YORK.—Two major U.S. companies are battling the government for the right to launch communications satellites on Soviet rockets.

The companies, General Motors and General Electric, have formally asked the government to drop its ban on the launching of U.S.-made satellites by Soviet rockets. Both concerns have subsidiaries that make and market space satellites.

In response to the companies' increasingly vigorous campaigns, involving both public and private lobbying, the Reagan administration has stiffened its opposition to the private hiring of Soviet space services.

The clash comes at a time when the U.S. space program is without rockets to send commercial satellites into space and the Soviet Union has stepped up efforts to make commercial use of their own space program, which until recently was shrouded in secrecy.

U.S. companies say they are seeking the lowest prices and best services and are worried that foreign rivals may take advantage of the Soviet offers.

"We could be at a grave disadvantage," said John E. Koehler, president of Hughes Communications, a GM subsidiary that markets communications satellites.

James M. Beggs, former administrator of the National Aeronautics and Space Administration, said government policy should be reversed.

"Satellite producers, if they are comfortable with the risk of doing business with the Russians, should be allowed to get launchers wherever they want," he said. "The Soviets are offering a service that other people already offer. There's lots of international competition."

Government officials insist, however, that commercial factors should take a back seat to issues of foreign policy and national security.

"It's not in the U.S. national interest to issue export licenses for satellites," said Robert B. Mantel, an official in the State Department's bureau of political-military affairs, who argued that Western technological secrets might fall into Soviet hands.

Representative Bill Nelson, Democrat of Florida, who heads the House Space Science and Applications Subcommittee, and whose district includes the Kennedy Space Center, said the deeper issue was whether freedom to use Russian rockets would doom the fledgling commercial rocket industry in the United States.

"I'm astounded that people think of Russian rockets as an alternative" he said. "That would blast any chance of a commercial launch industry succeeding here. The solution is to get American vehicles to be competitive in price, if necessary with subsidies from the American government."

Mr. Nelson's subcommittee recently held hearings on the health of the rocket and satellite industries.

The dispute is fueled by the continuing repercussions of last year's space disasters. After the space shuttle Challenger exploded, President Ronald Reagan ordered an end to the launching of commercial satellites by the shuttles. Two other types of U.S. rockets also exploded upon takeoff last year, grounding another part of the rocket fleet used to send satellites aloft.

Experts say it could be several years before the United States forms a private rocket industry that can catch up with the demand for commercial launchings. While a few U.S. companies are developing private launching services, and some, including Martin Marietta and McDonnell Douglas, are even signing up customers, none has built any rockets. It will be 1989 at the earliest before they can begin to fulfill the contracts, experts said.

General Electric, whose Americom division sells communications satellites, recently told Mr. Nelson's subcommittee that the government ban should be reconsidered because access to Soviet rockets would help the industry survive the problems of U.S. rocketry and lower costs.

"The U.S. should seriously investigate whether commercial satellite operators should be allowed to use the services of the Proton," Eugene F. Murphy, GE's senior vice president for communications and services, told the subcommittee. He dismissed fears that high technology would fall into Soviet hands, saying, "We believe these concerns can be overcome and that U.S. satellites can be satisfactorily fitted and launched without giving away hard-won technological knowhow."

The world's largest maker of communications satellites, Hughes Aircraft Co., which is owned by GM, the world's largest corporation, echoed those sentiments.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I will take but very little time. This is a highly important matter. It has been one of the best days of debate, real debate, that we have had here in a long while.

I want to underscore everything the Senator from Ohio said about the importance of research.

I have been on the Appropriations Committee, our Appropriations Committee, since the mid-1950's, and I can say without hesitation that that has been the subject matter: research of many different kinds. It has been sponsored by that group, passing in importance anything else I have seen there. The payoff is just beginning to come, with reference to a great deal of it. We are on the right side here in this research in space. I have not had any doubt whatsoever from the minute that our calamitous accident occurred. There was no choice left. We had to proceed. We had to start over. We had to get on the right track. We had to do the things we had not thrown away at times but let slip away.

I am proud of the fact that we have done what we have in connection with veterans. Everybody knows that they are not going to be neglected.

I am very much encouraged by the splendid presentations which have been made on this subject, the know-how, the recognition of the problem. I think it is perhaps the most important thing that we have today in our entire budget arrangement.

Ordinarily I vote with Mr. DECONCINI, one of our very best Members. But on this money management and just what these particular dollars are going to be spent for, I will have to leave him at this time. I hope we will continue in this area in every way we possibly can.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I want to capsule what we have heard. We have heard a lot of positive things about the space station and research, everything from penicillin to advanced medical technology that will come.

Nobody denies that. Nobody here supports this amendment as against a space station. We will end up with \$20 million more for the space station if this amendment I have at the desk now is adopted.

We are talking about reducing the \$118 million so you can have, actually \$74 million in outlays for the veterans.

What are we going to do? We are going to be able to maintain the staff levels. We are going to be able to keep from laying off at least 3,000 medical people for our veterans.

The Senator from Utah said if it does not go his way, he is going to talk about space. I will not leave that

threat. I can talk about the veterans, those who offered their lives for this country. I can tell those stories about Normandy and the sacrifices that were being made.

That does not serve us well. I hope if this amendment prevails, the Senator will not speak on and on because there is more to it.

It is important also that we note that the veterans' associations in this country do support this amendment. I contend that they do represent the vast majority of American veterans.

Mr. President, I ask unanimous consent that letters from the National Commander of the Veterans of Foreign Wars of the United States, the Vietnam Veterans of America, the Jewish War Veterans of the United States of America, the Disabled American Veterans, the American Legion, and the Association of American Medical Colleges, all in support of this amendment, be printed in the RECORD.

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

VETERANS OF FOREIGN WARS OF THE UNITED STATES, THE COMMANDER-IN-CHIEF,

Washington, DC, October 9, 1987.

HON. DENNIS DECONCINI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DECONCINI: On behalf of the more than 2.2 million men and women of the Veterans of Foreign Wars, I wish to take this opportunity to strongly commend your efforts to restore much needed funding to the medical care account of the Veterans Administration FY '88 appropriation. As it now stands, the Senate Appropriations Committee has reported to the full Senate a funding level which would severely curtail the VA's ability to properly provide for our veterans health-care needs. Your amendment would prevent the undermining of the VA health-care system.

Please be assured, the entire membership of the Veterans of Foreign Wars stands ready to assist you in fighting for an adequate budget for the VA's Department of Medicine and Surgery.

Sincerely,

EARL L. STOCK, Jr.,
National Commander-in-Chief.

Washington, DC, October 6, 1987.

HON. DENNIS DECONCINI,
U.S. Senate,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR DECONCINI: I am extremely pleased that you have decided to offer an amendment to H.R. 2783—The HUD and Independent Agencies Appropriations Bill for FY 1988—to restore \$210 million in needed funding for the Veterans Administration health care system.

As you know, the funding level recommended by the Senate Appropriations Committee for VA medical care in FY 1988 is approximately \$240 million below the level passed by the House of Representatives. In our view, this recommended level of funding for medical care is simply inadequate for the Veterans Administration health care system to maintain health care personnel staffing at the 194,140 level established by Congress.

While your amendment does not seek to fully restore the VA medical care appropriation to the level adopted by the House, it does, in our view, propose a reasonable and responsible alternative to meet our nation's veterans' health care needs.

Senator DeConcini, the Disabled American Veterans strongly supports your amendment to increase the VA medical care appropriation by \$210 million and we encourage your colleagues in the Senate to also strongly support your efforts.

On behalf of the more than 1.1 million members of the Disabled American Veterans and our Ladies' Auxiliary, I want to thank you for your efforts to maintain a reasonable level of funding for the VA health care system.

Sincerely,

GENE A. MURPHY,
National Commander.

VETERANS OF FOREIGN WARS OF AMERICA, INC.,
Washington, DC, October 9, 1987.

HON. DENNIS DECONCINI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR DECONCINI: The Vietnam Veterans of America take this opportunity to applaud and fully support your intention to offer an amendment to the fiscal year 1988 HUD—Independent Agencies Appropriations bill, H.R. 2783 to add \$75 million to the health care account of the Veterans Administration. Without the added funding we fear the loss of as many as 4,000 employees.

Our fear, in this regard, is predicated upon a belief that available VA funding currently contemplated in the appropriations for VA will be deficient when federal pay raises take effect at the end of this year. In the past when VA has been forced to absorb the added costs of uncontrollable circumstances such as pay raises, the agency has targeted the most vulnerable of its discretionary spending accounts for losses. Typically this has meant reducing personnel levels.

In our view it is just as ironic as it is unwise to reduce health care personnel at a time when demand on VA's health care system is dramatically increasing. Moreover, it is high time the Congress expressed itself on the question of whether sick and disabled veterans are deserving of more than substandard care. A vote for your amendment is one way in which Congress can begin to express itself on this important issue.

Sincerely,

PAUL S. EGAN,
Legislative Director.

JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA,
Washington, DC, October 6, 1987.

DEAR SENATOR, I am writing to you today on a matter of great urgency. On October 1, the Senate Appropriations Committee reported out a budget for the VA, for FY 88, which reflected \$280 million less than was reported out by the House Appropriations Committee. We are distressed by the real implications of that reduction. Those denied monies will translate into a reduction of personnel at our already understaffed VA Medical facilities.

It is our responsibility, as American citizens, to ensure the highest quality of care for Americans who have put their lives on the line in defense of this country. We need to restore \$174.5 million, at the very least, which will allow us to hold the status quo in

medical care for our nation's veterans. We need the money so that VA Medical centers can recruit and retain nurses—medical personnel whose service are vital for proper patient care.

We urge you to vote YES on the DeConcini Amendment which guarantees that current manpower levels are supported.

Sincerely,

JACK LITZ,
National Commander.

THE AMERICAN LEGION

Washington, DC, October 6, 1987.

DEAR SENATOR: The Senate Appropriations Committee has approved a version of H.R. 2783, the FY 1988 HUD/Independent Agencies appropriations bill, which contains a shortfall in the VA medical care account. In our opinion, the Committee's recommendation of \$10.08 billion for medical care is more than \$200 million below the amount necessary to maintain the current level of services in VA's health care system.

When H.R. 2783 is considered by the full Senate, The American Legion urges you to support a restoration of VA medical care funds sufficient to essentially maintain a current level of services. It is our understanding that Senator DeConcini is prepared to offer a floor amendment which would add back most of the money necessary to meet this goal.

Failure to add this money will inevitably lead to VA hospital personnel reductions in FY 1988, with several thousand such people expected to be removed from the medical system. In view of these considerations, we urge you to vote for Senator DeConcini's amendment during floor action on H.R. 2783.

Your attention to our position on this issue is deeply appreciated.

Sincerely,

E. PHILIP RIGGIN,
Director,
National Legislative Commission.

ASSOCIATION OF AMERICAN
MEDICAL COLLEGES,
Washington, DC, October 13, 1987.

HON. DENNIS DECONCINI,
U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: I am writing as President of the Association of American Medical Colleges (AAMC) with regard to legislation that will soon be before you. In the near future, the full Senate will be considering legislation (H.R. 2783) making appropriations for the Department of Housing and Urban Development and Independent Agencies (HUD-Independent Agencies) for FY 1988. Included in this bill will be funding for the Veterans Administration (VA).

The AAMC has a strong community of interest in funding levels for the VA, as there are affiliation agreements between 101 AAMC member medical schools and 133 VA medical centers. The affiliated medical school has responsibility for conducting the residency training programs for VA physicians. In addition, many medical students rotate through VA hospitals during the clinical phase of their education. Thus, the VA medical school partnership promotes both a broader educational experience for students and emphasis on the unique medical needs of the veterans population—resulting in higher quality health care for VA patients.

During floor consideration of the HUD-Independent Agencies appropriation, Senator Dennis DeConcini will offer an amendment to increase funding for VA medical care by \$75 million in the coming fiscal year. The

addition of these funds to the VA medical care account is critical as they will allow the VA maintain its current medical care staff of 194, 140 full-time employee equivalents (FTEE). Absence of these funds from H.R. 2783 would lead to cuts in VA medical care personnel. The AAMC urges you to support the DeConcini amendment to the HUD-Independent Agencies appropriations bill.

Thank you for your consideration in this matter. Please call on us when we may be of assistance.

Very sincerely yours,

Robert G. Petersdorf, M.D.

Mr. DECONCINI. One such letter states:

"Please be assured the entire membership of the Veterans of Foreign Wars stand by to assist you in fighting for an adequate budget." They support the DeConcini amendment.

These organizations understand the importance of the space station. They understand what we are talking about and what we are doing here. We are not gutting the space station. We are not talking a backstep. We have already spent \$800 million on the space station and this Senator supported it, and we will continue to spend \$800 million. As a matter of fact, this program will cost at least \$16 billion and maybe \$30 billion, maybe even more. We will end up, if this amendment passes, with \$440 new million in the space program. That is \$20 million more than what it was last year.

Is that a defeat for research? I submit it is not. I hope my colleagues will join me and not let the veterans down for the space station. This is a compromise that takes into consideration both very important areas.

Mr. SHELBY. Mr. President, I feel constrained to rise before this body to express my opposition to the amendment offered by the Senator from Arizona that would transfer \$118 million from the space station program to Veterans' Administration medical care field personnel. I have risen before this body many times to express my support of and interest in the space station program. As a former member of the House Veterans' Affairs Committee, I am certainly aware of the need to adequately fund veterans' programs. However, taking money from the space station program is not the answer.

The idea of a space station is certainly not new. Through the surrealist eye of Hollywood the public has for several years been exposed to the idea of human beings living and working together in space. In fact, 25 years ago NASA's Langley Research Center opened the first space station office. Our scientists and astronauts confirm that America is at the point where a manned space station is the logical successor to the Mercury and Gemini Programs, the Moon landing and the shuttle.

But rather than being an idea borne out of a Hollywood movie set, space

station represents the culmination of a quarter century's work and the integral element in mankind's exploration of the universe.

Picture a new era of innovation and discovery fueled by a laboratory orbiting 250 nautical miles above the planet. What can we look forward to? Life saving medicines, super computers, stronger metals, and crystals, among many new advances planned for the station. Structurally we envision platforms to launch voyages to distant planets, to service satellites, assemble spacecraft, and to observe the Earth and the universe. We talk of private industry and government, the academics and the astronauts, the scientists and the students from Western Europe, Japan, Canada, and the United States linked together by a common dream: a space station.

I can remember when President John F. Kennedy challenged our country in 1961 to put a man on the Moon by the end of that decade. Many believed that it could not be done. The technological barriers were too great. Well, we all know what happened. The great minds at NASA got together and achieved the impossible. And along with a man on the Moon came major technological breakthroughs in computers and electronics that have changed our lives. The space station will once again foster this basic fundamental breakthrough research.

For me, this program is much more than a scientific push into space—it represents the revitalization of our American spirit. I believe the space station will be the catalyst that will help regenerate pride and competitiveness in our country—much needed qualities especially in light of the imposing Soviet presence in space. We must fight to maintain our momentum in a program that I believe is and should be a national priority.

Mr. President, we are talking about a program that if it remains on schedule will become a reality in the 1990's. We need to maintain a continuum of commitment and support to insure that this program, which has been on the drawing boards for over 25 years now, is allowed to come to fruition.

I feel confident that the space station will be an academic, commercial, scientific, and security success, but more importantly it will be a success for our country, a landmark accomplishment that every citizen can take pride in.

Mr. President, I urge my colleagues to oppose this unnecessary cut in space station funding.

Mr. ADAMS. Mr. President, I rise today in opposition to the amendment offered by my colleague, Senator DECONCINI, to transfer money from NASA's Space Station Program in order to increase the Veterans' Administration medical care account.

I recognize the need to increase funding for the VA; but I have serious reservations about an approach to budget making which pits one deserving group against another. Veterans need more money; so does the space station. We aren't going to get anywhere in this country if we start playing one group with legitimate needs off against another group with legitimate needs. There are better ways to address these very real needs and earlier today the Senate took action which I believe was more appropriate.

Senator CRANSTON's amendment to increase VA appropriations, which was adopted with my support earlier today, gave us an opportunity to support the VA without punishing the Space Program.

Senator CRANSTON's amendment increases the amount of funding available for the treatment of AIDS patients at VA hospitals. Like most providers of medical care across the country, the VA has been hard hit with the cost of caring for and treating AIDS patients. The VA estimates that it costs approximately \$24,000 to treat each individual afflicted with AIDS. The cost of treating these individuals is staggering, especially when one considers that the VA runs the largest public health program in the country, with 172 hospitals and 229 outpatients clinics nationwide, treating well over 1 million veterans each year.

In addition, the amendment provides much needed funding for the recruitment and retention of qualified personnel and for tuition assistance. The VA must be able to compete with other health care providers to attract and maintain qualified medical personnel, if they are to provide quality health care to our Nation's veterans. The additional funds which this amendment provides will aid the VA in achieving this goal.

I find that to be a better approach than trading the Space Program for the Veterans Program. Senator DECONCINI's amendment would have reduced the funding level for the Space Station Program by \$75 million. The space station is a crucial program which will allow the United States to once again gain a competitive foothold in space with a permanent manned presence and begin to benefit from the scientific research which can only be conducted in such an environment. It will also enable us to better understand our life sciences and develop means to combat diseases which afflict our population today. Besides the possible medical breakthroughs which such a facility will enable us to make, there are other sciences which will also benefit from the space station. We will begin to witness new developments in the area of materials research and earth sciences as well as astrophysics and solar research. The prospects of moving forward in all

these areas are cause for a tremendous amount of excitement within the science communities.

Mr. President, both our veterans and our Space Program want—and deserve—increased funding. But the reality of our deficit and the constraints of the budget process make that impossible. Given the fiscal reality we face, I believe that the increase provided in the Cranston amendment is a reasonable response to the needs of our veterans. I do not believe that the shift suggested by Senator DECONCINI is the way we ought to go in the weeks and months ahead.

Mr. GORE. Mr. President, I urge my colleagues to reject the DeConcini amendment.

As a Vietnam veteran, I fully appreciate the need to improve veterans' programs and benefits. Our Government must not take lightly its obligation to our former servicemen and women. No single group is more deserving of our recognition and our support. Over the years, I have given my strong support at every opportunity for full funding, increased pensions, better compensation, and cost of living adjustments to offset inflation.

But, Mr. President, the proposal to fund veteran's programs by taking funds away from the space station is a bad idea.

We have delayed long enough in our support for the space station. If we keep postponing this program, we are going to wake up one day and discover that the Soviet Union has an operating space station and that the United States—which now has the chance to go ahead with international cooperation as never before—will have lost a golden opportunity.

Mr. President, we are very close to playing a losing game in space. Between the shuttle setback, various policy mistakes and our one-sided commitment to a manned shuttle program, we have fallen behind. If we pass this amendment, the United States will fall further behind.

If we expect to have a vigorous American presence in space, it is time to back up our interest and commitment to a vigorous space program.

Mr. President, I urge my colleagues to reject this amendment.

THE PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I will make four very brief points before I move to table.

First, Mr. President, the veterans are well taken care of under this budget, \$367 million more than last year, \$172 million more than the budget request, and to that we added another \$39 million in the Cranston amendment this morning. The veterans if not richly taken care of are better taken care of than almost any other function in the budget that I can think of.

Second, Mr. President, this is a killer amendment to the space station. Make no mistake about it. Who says so? James C. Fletcher, Administrator of NASA. To use his language, he said: "A further reduction of \$118 million."

The DeConcini amendment "would lead me to recommend termination of the present competition for the four major work packages."

It is a killer amendment, so says James C. Fletcher.

I ask unanimous consent that this letter be printed in the RECORD.

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

SPACE STATION

The FY 1988 budget request for Space Station is \$767 million. This is the minimum funding for FY 1988 consistent with proceeding on a development schedule consistent with the initial launch in early 1994 with the permanent human presence in space by early 1996. This is the baseline plan approved by the President, supported by the Authorization bill recently passed by the Congress, and by the Appropriation action of the House of Representatives.

The bill recommended by the Senate Appropriations Committee would reduce the availability of the Space Station program by \$208 million. This reduction will result in a program delay of several months. The specific impact depends on many factors, but a preliminary analysis indicated a four to six month delay in the development and launch schedule. More important, the reduction of this magnitude severely impacts the momentum and confidence in the program. Contractor teams have defined the major work packages and are ready to proceed with development. Negotiations with our international partners have progressed to the point of nearly complete agreements. To put these actions on hold now can only hurt the entire Space Station program. The reduction in the bill recommended by the Appropriations Committee already reduced the Space Station funding to an extent that will make it difficult for NASA to keep an effective program going.

To take any further reduction would compound the problem and send exactly the wrong message to NASA, the contractors, the Nation and our international partners. (Chopping the front end of the development activity threatens the planning and system analysis activities, the careful engineering and testing that are critical to getting started on the right track. We have had unfortunate experience with this kind of thing before—we cannot afford to do it again. In light of that, although we have not checked with the White House, a further reduction of \$118 million would lead me to recommend termination of the present competition for the four major work packages.)

JAMES C. FLETCHER,
Administrator.

Mr. JOHNSTON. Third, Mr. President, the space program of the United States is already far behind the Soviet Union. If you have not seen the October 5 issues of Time, the front page cover story is "Moscow Takes the Lead."

I ask you all to look at it. I well remember Sputnik in 1957. I happened

to have been a young lieutenant in Germany at the time and took a trip to East Germany and saw the model at that time while it was still circling the Earth. Mr. President, I hope we do not get into that same situation again.

The final point, Mr. President: The DeConcini amendment, which kills the space station, does so by increasing veterans by one-half of 1 percent. Is that not an incredible irony, that to increase the veterans one-half of 1 percent in their budget we would kill the space station? I think no one wants to do that. I do not believe so. I do not believe the American Legion and the Veterans of Foreign Wars or any veterans that I know of want to kill the space station for a piddling one-half of 1 percent in the veterans' budget.

So, Mr. President, I move to table and I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Senator from Ohio may ask one question.

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

Mr. GLENN. On the comment by the Senator from Arizona concerning all veterans' organizations supporting this, is there a single one of those letters which believes that the money should be taken from the space station for this? Of course they support the space station. Is there a single letter that specifies they believe it should come out of the space station?

Mr. DeCONCINI. Mr. President, I ask unanimous consent for time to answer the question.

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

Mr. DeCONCINI. Seeing as how the motion to table has been made already. To answer the question of the Senator from Ohio, every one of the organizations got the Dear Colleague letter Senators receive from this Senator explaining where the money was coming from. In here they say they support it. To begin with they supported the \$174 million, which is what my original amendment was going to be. I cut it back to \$74 million. So the answer is that specifically they do not say that but each and every one of those organizations knows that this money is coming out of a very large amount of money for the space station and they are committed to the space station. Here we have an opportunity to restore the health losses of 3,000 employees at least and maintain the space station at the same time. This is no more a killer amendment than the Cranston amendment adding \$40 million was going to double the veterans' medical care treatment. The Senator from Louisiana knows that.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been requested and ordered.

Mr. SYMMS. Regular order.

The PRESIDING OFFICER. Regular order. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Illinois [Mr. SIMON] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] and the Senator from Idaho [Mr. McCLURE] are necessarily absent.

I further announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

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

The result was announced—yeas 84, nays 12, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—84

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

NAYS—12

Boren	Daschle	Mitchell
Bradley	DeConcini	Pell
Burdick	Dixon	Pressler
Conrad	Leahy	Proxmire

NOT VOTING—4

Armstrong	McClure
Kassebaum	Simon

So, the motion to lay on the table amendment No. 982 was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I understand that we might be able to get a 20-minute time limitation on an

amendment by Mr. HUMPHREY. He is agreeable to it.

I ask unanimous consent that there be a 20-minute time limitation on the amendment by Mr. HUMPHREY, to be equally divided in accordance with the usual form, and that no amendment to the amendment be in order.

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

AMENDMENT NO. 983

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

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 983.

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

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

The amendment is as follows:

On page 24, line 11 insert the following immediately before the period:

“: Provided further, That \$1,000,000 of these funds shall be set aside to conduct a feasibility study and preliminary design of a wastewater treatment demonstration project that, through the use of innovative and alternative technology, could transport leachate from a sanitary landfill and wastewater from a new waste-to-energy solid waste management facility to an existing, state-of-the-art wastewater treatment facility that has unused reserve treatment capacity in Cranston, Rhode Island”.

Mr. CHAFEE. Mr. President, this amendment has been reviewed by both sides, and it is my understanding that it is acceptable.

It provides a million dollars of existing EPA funds to do a feasibility study in preliminary design of an innovative sewer demonstration project. This amendment does not add funds and does not change the outlays in the bill. It has been reviewed by the managers, and I believe it is acceptable.

Mr. PROXMIRE. Mr. President, this amendment has no budgetary impact. It would provide for a very useful study, and I am happy to support the amendment.

Mr. GARN. Mr. President, the amendment is acceptable to this side.

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

The amendment (No. 983) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. PROXMIRE. 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. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 984

Mr. D'AMATO. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 984.

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

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

The amendment is as follows:

Strike on page 44, line 4 \$413,951,000 and insert in lieu thereof \$414,201,000.

Strike on page 20, line 18 \$34,178,000 and insert in lieu thereof \$33,928,000.

Mr. D'AMATO. Mr. President, this amendment provides a slight increase in the VA major construction account for placing a national cemetery in the Albany capital district of New York. Because of the modest nature of this increase and the worthiness of this project, I am pleased to support a cemetery benefiting the veterans of New York State.

Public Law 99-576 requires the Administrator of Veterans' Affairs to list in a report to the Congress those areas in the United States which have the greatest need for additional veterans' burial space. This list is to be comprised based upon a demographic analysis.

The Veterans Administration's report of June 1987, on the National Cemetery System placed Albany, NY, as 1 of the 10 regions of the country most in need of a national cemetery. This past week, the VA made a firm commitment to commence activity on the Albany cemetery project.

In order to provide a cemetery for the area, an environmental impact statement is necessary. Advance planning for an environmental statement will cost \$250,000.

The Albany area desperately needs this cemetery. A recently completed Veterans' Administration study of the need for burial plots throughout the United States indicates that Albany is one of the top 10 areas of greatest need. This study is based on aging demographics for veterans throughout the United States up to the year 2000.

Currently, there is only one cemetery in the Albany area. This cemetery serves veterans in an area covering several hundred miles. The need today is great. The need 5 to 10 years down the road will be even greater.

The proposed cemetery will be adjacent to the Saratoga Battlefield. This is a location which supplies plenty of

land for the project. The Veterans' Administration supports the designation of this area as a cemetery because the VA has recognized the urgent need within the Albany area.

In order to provide offsets for this cemetery, I am reducing specific funding from the Consumer Product Safety Commission. Specifically, the reduction will effect salaries for some special or other professional staff assistant positions from the Office of the Chairman as well as all special or other professional staff assistant positions in the Offices of the General Counsel and of the Executive Director. This reduction will affect up to five positions to achieve these savings. In addition, if more savings are needed, I am deleting travel funds, other than for local travel, for the Chairman and the two Commissioners.

This cemetery project in Albany is supported by the Veterans' Administration. I thank the Administration for its support, and I am pleased to assist those individuals who have fought for freedom and justice around the world.

Mr. President, this amendment would make available to the VA construction account an outlay increase of some \$3,000 and a budget authority increase of \$250,000. The Albany area, which is certified as one of the 10 most impacted as it relates to the needs of veterans, would be able to undertake the needed advance planning and environmental impact statement necessary for a national cemetery project.

We offset these moneys, the \$3,000 in outlays and the \$250,000 in budget authority, with reduction related to the U.S. Consumer Product Safety Commission funds for the salaries of special or other professional staff assistants in the office of the Chairman as well as in the offices of the General Counsel and the Executive Director. If additional cuts are needed to achieve the savings required by this amendment, they should be derived from travel expense funds.

I believe that this surgically targeted funding cut at the CPSC will actually enhance its important mission to protect the consumer. As I indicated at the full Appropriation Committee markup of this bill, under its current Chairman, the CPSC has not been fulfilling its duty to safeguard the public against unreasonable risks associated with consumer products. Instead, the agency has been torn apart by petty infighting.

Unsafe consumer products cause over 30,000 deaths each year. Each month there are 20 deaths and 7,000 injuries associated with all-terrain vehicles. Last December, the Commission voted, over the Chairman's dissent, to take its most significant enforcement case regarding ATV's—10 months later a complaint still has not been filed. CPSC should spend its time

and money on problems like these—not on interoffice politics.

Recent articles in the Wall Street Journal, the Legal Times, the Washington Post, the Philadelphia Enquirer, et cetera, have highlighted the mess at CPSC, especially the wasteful transfer of dedicated, career civil servants such as David Schmeltzer, the Associate Executive Director for Compliance and Administrative Litigation. Mr. Schmeltzer, a well-respected 11 year employee, was transferred by the Chairman, over the objections of the other Commissioners, to ill-defined hastily concocted duties. He was replaced by a nonlawyer in the CPSC's most important enforcement position. I, and many others concerned with consumer product safety, find this to be an outrageous state of affairs.

This amendment is crafted to cut out the salaries of up to five special or other professional staff assistants. These positions are eliminated and then functions will not be carried over in any new or redesignated positions. The salaries that are being cut apply only to special or other professional staff assistants in the offices described earlier. It does not apply to the salaries of clerical help for any CPSC office or to the salaries of special or other professional staff assistants in the offices of the other two Commissioners of the CPSC.

I know that we will put the funds saved by my amendment to a much better use. I also hope that the Senates action today sends a clear message to the CPSC's leadership to cut out the monkey business and get on with the job of protecting the consumer.

I hope this amendment will receive the kind of support that our veterans are entitled to get.

The PRESIDING OFFICER. Is there further debate?

Mr. PROXIMIRE. Mr. President, I have the same kind of critical feeling about the Consumer Product Safety Commission that the distinguished Senator from New York has expressed so eloquently in the past.

This is a modest amendment, only \$250,000 out of a \$35 million budget, and it is in a good cause, so I will be happy to support the amendment.

Mr. GARN. Mr. President, the amendment is acceptable.

The PRESIDING OFFICER. The Senator from Ohio.

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

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

Mr. METZENBAUM. Certainly, I will do that.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

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

Is there further debate on the amendment offered by the Senator from New York?

If not, the question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 984) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. 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. GARN. Mr. President I ask unanimous consent that the order for the quorum call be rescinded.

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

ANCHORAGE VETERANS' ADMINISTRATION
OUTPATIENT CLINIC

Mr. MURKOWSKI. Mr. President, I rise to bring to the attention of my colleagues an issue of importance to not only Alaska's veterans, but to the Veterans' Administration as well.

Mr. President, last year the VA's inspector general released a report on the effectiveness of furnishing care to Alaska's veterans on a fee-basis system, that is, care provided by private doctors at VA expense. There are no VA hospitals in Alaska.

This report concluded that health-care costs in Alaska had increased from \$17.2 million in fiscal year 1982 to \$45.9 million in fiscal year 1985. That is an increase, Mr. President, of 167 percent.

The inspector general recommended the establishment of a VA outpatient clinic in Anchorage as a mechanism to reduce the cost of care. The VA's Department of Medicine and Surgery concurs that this is an appropriate action.

It is estimated that \$1 million will be needed to lease adequate space for the clinic. Currently, there is an excess of suitable office space in Alaska which may be leased at reasonable rates. That may not be the case in a year or two from now. Then, the VA's only option may be to build a facility in An-

chorage. That, Mr. President, would be extremely costly. Thus, coupled with the fact that the inspector general recommended the establishment of an outpatient clinic as a method to reduce the cost of care in Alaska, I believe this body should support this important initiative.

Instead of offering an amendment to earmark funds for the lease—as I know the Appropriations Committee generally opposes that approach—I would ask that in conference with the House, some accommodation be made to provide for this lease. According to the VA inspector general and the Department of Medicine and Surgery, savings will occur and quality services will be provided to veterans through the Anchorage clinic.

I appreciate the support of the Appropriations Committee in ensuring that limited VA resources will be spent in an effective manner.

In closing, Mr. President, I wish to emphasize that I do not support the establishment of a VA hospital in Alaska and intend to closely monitor the operation of the outpatient clinic to ensure that it is a cost-effective alternative and that veterans receive timely and quality care. Alaska's veterans will continue to receive inpatient care through private hospitals at VA expense. Due to our unique geographic and demographic situation, this is an outstanding arrangement which serves the veteran, the VA, and the private sector very well. In addition, I am opposed to any expansion of the Elmendorf Air Force hospital at VA expense as a means of providing inpatient care to veterans in Anchorage.

Mr. GARN. Mr. President, I would say that the Senator makes some very good points. We are unable to do anything in the bill. I appreciate his making these comments in the RECORD. We will see what we can do to help that situation in Alaska in the future.

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. METZENBAUM. 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. METZENBAUM. Mr. President, I rise to indicate my very strong concern and there are many Members of this Senate who have strong feelings about and strong concerns about the UDAG Program, that suddenly we are confronted with the fact that we are bound by a 20-minute time limit with respect to an amendment to strike about 50 percent of the UDAG funds from this bill.

I have a lot of respect for my friend and colleague, the Senator from Wisconsin, and my friend and colleague, the Senator from Utah, but the fact is they both support the amendment, as I understand it.

It seems to me a most unusual procedure for a matter as controversial as this and as far reaching as this to be brought up on the floor with a 20-minute time limit, not hot line of it, nobody knows about it, and suddenly we come out here and see there is a proposal to eliminate 50 percent of the UDAG funds from this legislation, practically tantamount to killing the bill.

I do not understand that. The UDAG Program has worked well in this country, and it has served many people.

For us to be talking about destroying it at this particular moment without the entire body knowing what is going on, sure having a right to vote on it, that is not the right to debate it and talk about the substance of this legislative proposal.

I am absolutely amazed that we are bound by a 20-minute time limit.

Mr. President, it seems to me that the limitation on time that was agreed to unanimously, when none of us who are particularly concerned about the program was on the floor, should be vacated in order that this matter may be debated at length.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. METZENBAUM. I yield to the Senator from Maryland.

Mr. SARBANES. Mr. President, I must say I think the Senator is making an important point.

The bill as reported by the committee contains the UDAG Program. As I understand it now, and it is now after the fact, the Senator from New Hampshire intends to offer an amendment to strike the program, either all of it or half of it.

Now, apparently the two managers both agree with that amendment. Although they brought the bill from the committee and were managing it on the floor, they agree with that amendment. It seems to me that given the amendment is obviously controversial, it is an amendment that has been debated before in which there are strong views here, for the managers to go ahead and enter into an agreement with this time limit does not really serve the purposes of appropriate consideration of this amendment in the Senate.

I think the Senator from Ohio is making a very important point.

One can say, "Well, you should have been here." What it means is you are going to have to be here questioning every amendment or put in an objection to any time request whatever.

It seems to me what should have happened on this is that, before any time agreement was entered into, those who were opposed to the amendment should have been consulted about what constituted a proper time agreement, if there was to be one at all, rather than have an offer of an amendment to strike an important program that was in the bill, in the bill, as reported by the committee and then have the two managers, who I now understand are going to support the amendment; in other words, to take out of the bill a program which they brought from the committee in the bill, agree to this 20-minute time limit.

Mr. METZENBAUM. I would like to point out to my colleague from Maryland, I did say that both of the managers supported the amendment. I have been advised by the manager on the Republican side that he does not support the amendment.

Mr. SARBANES. I appreciate that correction.

Mr. PROXMIER. That is the fault of the Senator from Wisconsin, because I was the one who informed the Senator from Maryland. I thought Senator GARN was in support of the amendment. I find he is not. I misinformed my colleague and I apologize for that.

Mr. METZENBAUM. No problem.

Mr. PROXMIER. The fact is he is opposed to this, so at least we have a division among the managers.

(Mr. WIRTH assumed the Chair.)

Mr. METZENBAUM. I wonder if the Senator from Wisconsin and the Senator from Utah would not provide that the leader could withdraw the unanimous consent agreement.

Mr. PROXMIER. No, no way. I will tell you why. This has been up before the Senate again and again and again, and we have debated it over and over and over. It is now after 2 o'clock. It seems to me that we have every indication that this amendment is going to be defeated. So, no, I would object to vacating the time agreement. It was not asked for by the managers. It was asked for by the majority leader.

Mr. METZENBAUM. I understand that, but that does not make it any better.

I want to say that if this amendment is adopted, there is no time limit with respect to the bill and I would expect to discuss UDAG for a considerable time thereafter.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I want to also add my voice to those of the Senator from Maryland and the Senator from Ohio on this proposed UDAG cut of roughly 50 percent, as I understand it.

The fact that we are apparently locked into a 20-minute time limit

agreement I think is a serious mistake, because this is a key issue. I want to indicate, if I may, with respect to what the Senator from Ohio said, that should this amendment not be tabled, should it not be tabled, I will be prepared to speak at some length on the UDAG issue, as well, because we are not going to have this program torn apart by an amendment that is offered on the floor without any significant amount of debate. We have worked too hard on this for too long. We have changed the formula on a national basis so that all communities across the country have a chance to participate in an equitable way in this program. If we are going to have efforts made in an effort like this to, in a sense, demolish the program for all practical purposes, we are not going to do it with a 20-minute time limit. So if this is not tabled, we can just plan to spend a long time debating this issue.

Mr. SASSER. Mr. President, I would like to associate myself with the remarks that have been made here by my distinguished colleagues on the Senate Banking Committee. We have worked long and hard over a period now of 2 years to revise the whole UDAG formula in such a way that it works fairly for all of the States and the various communities.

We thought, when this emerged from the Banking Committee, that it was more or less a settled proposition. Now if all of our work over a period of 2 years is going to be torn asunder in a matter of just a few moments here on the floor with not adequate time to discuss it prior to the taking up the amendment and voting on it, then I think it is incumbent upon those of us who feel strongly about this matter, who worked on it so long, to try to persuade our colleagues over a period of whatever time is necessary as to the worthiness of the new UDAG formula and new UDAG program.

Mr. BYRD. Mr. President, I wonder if we might resolve this by vitiating the 20 minutes and get a longer time period on the amendment, or by providing that a motion to table, if it falls, then there is either no time limit on the amendment or there is a longer time limit.

Mr. METZENBAUM. There would be no objection to that.

Mr. PROXMIER. I think the latter proposal makes sense. I think there is every reason to expect, although I support the amendment, that the amendment will not pass. In that event, I think the Senate will be well served by staying with a short time limit and then, if the tabling motion does fail, we could open it up and you could have debate.

Mr. METZENBAUM. That is agreeable.

Mr. PROXMIER. That is fine. Would that be agreeable?

Mr. BYRD. That is fine with me; either way. I am ready to table the amendment right now.

You know, I try my best to advance legislation on this floor and keep it moving. If I did not, I do not know who would. I hope that if anybody has any criticism of me they will stand up now and state it.

Mr. METZENBAUM. Mr. President, I am not standing here and criticizing my leader. I get along fine with the leader. The leader protects my position and has consistently over a period of many years. So it is not a personal criticism of him.

It is just a major concern about the UDAG Program when I suddenly learned it would be wiped out.

I think the proposed resolution of it is a fair one. I hope that, if you offer that, no one would object to it.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, I ask unanimous consent that the time limitation on the amendment be modified to provide that, in the event a tabling motion fails, there will be no time limit on the amendment, or that any time limit on the amendment be limited to, say, 2 hours, to be equally divided. That should be enough.

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. I hope the Senator one day wants a little additional time. I will try to help him with it.

Mr. HUMPHREY. Mr. President, the Senator from New Hampshire was perfectly willing to enter into a time agreement to expedite the business of the Senate. He did so and wishes only that that time agreement be upheld.

AMENDMENT NO. 985

(Purpose: To transfer \$125 million from Urban Development Action Grants to Veterans' Administration Medical Care)

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

I say to my colleagues that I am offering this before additional copies are ready. They will be here in just a few minutes, but I wanted to save the Senate's time.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] proposes an amendment numbered 985.

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

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. What is the unanimous-consent request?

The PRESIDING OFFICER. The Senator from New Hampshire asked unanimous consent that further reading of the amendment be dispensed with.

Mr. METZENBAUM. I have no objection.

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

The amendment is as follows:

On page 58, line 7, strike the word "gallon", and insert "gallon."

Notwithstanding any other provision of this act:

URBAN DEVELOPMENT ACTION GRANTS

For grants to carry out urban development action grant programs authorized in section 119 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), pursuant to section 103 of that Act, \$125,000,000 to remain available until September 30, 1991: *Provided*, That title 42, United States Code, section 5318(n)(2), is amended as follows: After the word "reservation" add the words "or on former Indian reservation lands in Oklahoma".

Further notwithstanding any other provision of this act.

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans Administration, including care and treatment in facilities not under the jurisdiction of the Veterans Administration, and furnishing recreational facilities, supplies and equipment; funeral, burial and other expenses incidental thereto for beneficiaries receiving care in Veterans Administration facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); aid to State homes as authorized by law (38 U.S.C. 641); and not to exceed \$2,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 5010(a)(5); \$10,223,000 plus reimbursements: *Provided*, That of the sum appropriated, \$6,475,500,000 is available only for expenses in the personnel compensation and benefits object classification.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum and request that it not be charged against my time.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SARBANES. Parliamentary inquiry, Mr. President. What is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of-

ferred by the Senator from New Hampshire.

Mr. SARBANES. Well, the Senator from New Hampshire objected to vitiating the previous unanimous-consent request on the assertion that we could proceed with the amendment and then he threw in a quorum call that is preventing us from proceeding with the amendment.

The PRESIDING OFFICER. The Chair would note that at 1:40 there was a unanimous-consent request that the amendment offered by the Senator from New Hampshire be limited to 20 minutes and that unanimous-consent request was agreed to.

Later the majority leader had asked, too, by unanimous consent, in fact to change the earlier unanimous-consent agreement and that was objected to. The Senator from New Hampshire then offered his amendment, and he then asked that there be a quorum call and that that quorum call not come out of the time on either side. That unanimous consent was also agreed to.

Who yields time?

Mr. HUMPHREY. Mr. President, whose time is this being charged to?

The PRESIDING OFFICER. I charged the time to the manager of the bill who had 9 minutes and 14 seconds. And the Senator from New Hampshire has 9 minutes and 50 seconds.

Mr. HUMPHREY. In other words, the time is coming out of the manager of the majority side?

The PRESIDING OFFICER. That time was charged to the majority side. And the Senator from New Hampshire is currently being recognized and now has 9 minutes and 30 seconds.

Mr. HUMPHREY. Parliamentary inquiries count against my time? I suggest the absence of a quorum.

Mr. PROXMIRE. The request for the quorum call, does this not have to come out of the Senator's time, the unanimous-consent agreement?

The PRESIDING OFFICER. Unless the consent is granted it would come out of the Senator's time.

Mr. PROXMIRE. I believe we have to move ahead with the bill. I support the Senator from New Hampshire on the amendment, but we have to move ahead.

Mr. HUMPHREY. Mr. President, I will proceed to offer my thoughts on the amendment and I will have an amendment to the amendment shortly.

Mr. President, the amendment pending proposes to transfer funds from the UDAG Program to the Veterans' Administration medical care account. I would take a moment to put the UDAG Program in perspective.

Every time the Department of Housing and Urban Development announces a UDAG grant, the press releases state that the Urban Develop-

ment ACTION Grant Program is designed to spur private development that would not have occurred without the HUD economic development assistance.

An examination, Mr. President, of the program, the UDAG Program, suggests otherwise. This year HUD provided \$5.5 million to finance part of an 800-room flagship Hilton Hotel in Minneapolis.

Hilton, I need not remind my colleagues, is one of the largest companies in the hotel business. The average taxpayer is supposed to believe that Hilton would not have built this hotel but for Federal assistance.

Not to be outdone, however, Sheraton, Ramada, and Holiday Inn, three other major players in the hotel business, have received assistance through the UDAG Program as well.

In fact, over the past 3 fiscal years 10 to 15 percent of UDAG grants have been awarded to hotel-related projects.

Other profitable Fortune 500 companies have benefited likewise from UDAG grants. Taxpayers, unwillingly to be sure, have provided \$15 million to the city of Detroit so that that city can provide a prepared site to accommodate a new assembly and paint facility for Chrysler Corp.

Chrysler has already been bailed out once. Must we do it again? We already have.

Like the hotel industry, Chrysler's competitors are not standing by idly. A UDAG grant of \$897,000 was provided to help renovate a building so it could be leased to General Motors. In addition, UDAG's have been provided to establish automobile dealerships for Chevrolet and Volvo.

Mr. President, how do Senators like corporate welfare? Apparently they like it very well because all you have to do is say the word UDAG and a few of them, particularly partisan for corporate welfare, come charging in, pulling out their hair, using all sorts of parliamentary maneuvers to save this corporate cow with which they secure favor in their communities.

I think we have had enough of this. This Senator certainly has. It is not just hotels and automobile manufacturers who are the recipients, the happy recipients, contented cows, if you will, of the UDAG Program. Another 10 to 15 percent of UDAG's over the past few years have gone to renovate shopping centers and malls.

When we look at the list of companies that have benefited from this silly program, this socialized corporate welfare, the list includes such companies as Sony—it is not just American companies; foreign as well—obviously with American branches. Sony, with income of \$892.3 million over the last 3 years for which data is available, Corning Glass Works, \$404.7 million, Bur-

roughs Corp., \$690 million, Chrysler, nearly \$5.5 billion, General Motors, nearly \$11.5 billion, Westinghouse, \$1.8 billion, Rubbermaid Commercial Products, Inc., \$174 million, Data General, \$110 million, Sherwin-Williams, \$235 million, Hilton, \$312 million, Sheraton, a subsidiary of ITT Corp., \$1.4 billion, and Norstar Bancorp, \$2.6 billion in gross income. This list reads like a who's who of major American corporations.

Well, enough is enough, Mr. President. I frankly would like to see this program terminated but I know how to count votes like anyone else. But if we are bound and determined to spend this much money, let us spend it on some recipients who are really deserving of this largesse. Let us spend it instead, not for corporate welfare but for veterans' health. The purpose of this amendment is to transfer the funds from this corporate welfare program, UDAG, to the veterans' health fund.

Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Chair would remind the Senator from New Hampshire that under Senate precedent, when a unanimous-consent request is reached limiting time, no modification of amendments is in order, except by unanimous-consent request.

Mr. HUMPHREY. Well, that is interesting.

Mr. President, I hope that Senators will permit me to modify the amendment.

Mr. SARBANES. Mr. President, I object.

Mr. President, I raise a point of order against the amendment as violating section 302 of the Budget Act.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. HUMPHREY. I thank the Chair.

Mr. President, I suggest the absence of a quorum and ask that the time not be charged.

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER. Objection is heard.

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

Mr. METZENBAUM. On whose time?

The PRESIDING OFFICER. The Senator from New Hampshire has 1 minute 45 seconds remaining. The clerk will call the roll.

The clerk proceeded to call the roll.

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

Mr. METZENBAUM. Objection.

Did you just want to call off the quorum?

Mr. HUMPHREY. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. No.

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

Mr. HUMPHREY. Mr. President, a point of order has been lodged.

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired. There are 8 minutes 45 seconds remaining on behalf of the managers of the bill. Who yields time?

Mr. SARBANES addressed the Chair.

Mr. PROXMIRE. Mr. President, I yield to the Senator from Maryland.

Mr. SARBANES. Mr. President, maybe we can bring this around full circle. Objection to the unanimous-consent request of the Senator from New Hampshire to modify his amendment would not be made so that he can modify his amendment so that it would be in order.

But as part of that package, the majority leader's previous request that if the amendment is not tabled there will then be no time limit on debate on the amendment would also be included. That would enable the Senator to correct his amendment, present it to the body, have it considered on a motion to table, but, of course, if the motion to table does not carry, we will then revert to the amendment with unlimited debate.

It seems to me that accommodates everyone's interest. I would hope it would be perceived as extending comity among Members.

Mr. HUMPHREY. Mr. President, I would prefer to let the Chair rule on a point of order. I will offer the amendment when the current UC time expires.

Mr. SARBANES. It should occur to the Senator when he does that, that there is no time agreement as regards a time limitation.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, we have had a very limited debate. Under the circumstances, it seems to me in view of the hour, and in view of the fact that we have been on this bill as long as we have, that the interests of this Senate would be served by having a tabling motion and voting on the tabling motion. Then if the tabling motion fails we can have the debate.

Mr. SARBANES. I think we need to yield time, make the point of order, if the Senator is unwilling to accept the proposition, but at the same time lifting the limitation on the amendment as far as discussion is concerned.

Mr. METZENBAUM. Does the manager of the bill indicate that a motion to table is being contemplated by the managers at this point?

Mr. PROXMIRE. The motion to table can be made, of course, by any Senator. This Senator favors the amendment so he would prefer that another Senator make a motion to table. It does not matter who does it.

The comanager of the bill, the Senator from Utah, may make the motion, and if he does not wish to, the Senator from Maryland can make the motion.

Mr. METZENBAUM. A parliamentary inquiry.

Mr. PROXMIRE. I yield for that purpose.

Mr. METZENBAUM. Is this Senator's understanding correct that if a motion to table fails there will still be time left within which to raise the point of order that the amendment is in violation of the rules?

The PRESIDING OFFICER. The motion can be made if the motion to table fails. It could be made.

Mr. SARBANES. Mr. President, do I understand that a point of order under the Budget Act is in order if a motion to table does not carry?

The PRESIDING OFFICER. The point of order could be raised.

Mr. SARBANES. Under the time limitations that are in existence?

The PRESIDING OFFICER. Under the unanimous-consent request, we were going to have a vote on the amendment offered by the Senator from New Hampshire. That will occur in 3 minutes.

Mr. PROXMIRE. Mr. President, this Senator is prepared to yield back his time. I understand the distinguished comanager of the bill will move to table.

Mr. President, I yield back my time.

Mr. SARBANES addressed the Chair.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. Time is yielded back.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. I oppose the amendment. I move to table and ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Illinois [Mr. SIMON] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Idaho [Mr. McCLURE] is necessarily absent.

I further announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

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

The result was announced—yeas 92, nays 5, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—92

Adams	Baucus	Biden
Armstrong	Bentsen	Bingaman

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

NAYS—5

Hecht	Humphrey	Roth
Helms	Proxmire	

NOT VOTING—3

Kassebaum	McClure	Simon
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So the motion to lay on the table the amendment (No. 985) was agreed to.0

The PRESIDING OFFICER. Before proceeding, the Senate will please be in order.

Mr. PROXMIRE. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. Senators wishing to converse will please retire to the Cloakroom. The Senate will please be in order.

Who seeks recognition?

Mr. HUMPHREY. Mr. President, what is pending?

The PRESIDING OFFICER. The bill is pending.

AMENDMENT NO. 986

(Purpose: To transfer \$100 million from urban development action grants to Veterans' Administration Medical Care)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] for himself and Mr. HECHT proposes an amendment numbered 986.

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

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

The amendment is as follows:

On page 58, line 7, strike the word "gallon" and insert "gallon, notwithstanding any other provision of this Act."

URBAN DEVELOPMENT ACTION GRANTS

For grants to carry out urban development action grant programs authorized in section 119 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), pursuant to section 103 of that Act, \$125,000,000, further notwithstanding any other provision of this Act.

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans Administration, including care and treatment in facilities not under the jurisdiction of the Veterans Administration, and furnishing recreational facilities, supplies and equipment; funeral, burial and other expenses incidental thereto for beneficiaries receiving care in Veterans Administration facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); aid to State homes as authorized by law (38 U.S.C. 641); and not to exceed \$2,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 5010(a)(5); \$10,128,900,000, plus reimbursements:

Mr. GARN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The point of the Senator from Utah is well taken. Senators wishing to converse will please retire to the cloakroom.

Mr. HUMPHREY. Mr. President, at least on this, I encouraged Senators to vote to table, so as to dispose of the amendment, which admittedly contained an inadvertent serious technical error.

I have now submitted the same amendment with that error eliminated. The effect of the pending amendment is to reduce the Urban Development Action Grants Program by \$100 million and to transfer that to the account of veterans' health care.

The rationale is that, at least from this Senator's viewpoint, the UDAG Program is nothing more or less than corporate welfare. It is a program which really ought to be substantially reduced, if not eliminated. The President has tried time and time again to do just that. Congress, however, refuses so far to do it.

The PRESIDING OFFICER. If the Senator will suspend, the Senate will please be in order.

Mr. HUMPHREY. Mr. President, I hope that we will have a new departure here today. I hope that all the talk about fiscal responsibility would translate into action.

To be sure, this would not reduce the deficit, inasmuch as it is a transfer and not a strike, but at least the funds would be put to much better use. They would, instead, be used for the salutary purpose of augmenting our veterans' Health Care Program, as opposed to lining the coffers of some of the Fortune 500 companies which in the past have benefited from this slush fund.

I urge the adoption of the amendment.

Mr. SPECTER. Mr. President, the Urban Development Action Grant Pro-

gram has withstood every effort to eliminate it because it is a good and vital program. This program has widespread support from both Republicans and Democrats because it is a program which has worked. There has been ample evidence presented on the floor today and in the past when this matter has been debated about the leveraging effect, about the tremendous value that comes back to the Federal Government for each dollar invested in action grants.

Because of the development of the formula in existence, this brings to the private sector a decisive leveraging factor in the range of some 6 to 1. So for every Federal dollar put up, there are six private dollars which are put up.

Without this Federal assistance, so many of these projects could not be accomplished. At a time when economic recovery has varied differently depending on the section of the Nation, urban development action grants are especially important. A brief reference to my own State of Pennsylvania illustrates this point. Pennsylvania has been ravaged by tremendous problems in the steel industry and the coal industry, where jobs have been lost, and various sections of our State have been ravaged by foreign imports. During debate on the trade bill there was extensive discussion of that subject.

In Pittsburgh and Erie, decimation of the steel industry has caused widespread unemployment. Targeted assistance in the form of urban development action grants has caused developers to go into Erie, for example, on the bay front development and provide assistance to that city which is so in need of it, not because of any fault of its own but because of the problems in the steel industry. Similarly in Pittsburgh, an urban development action grant for the hotel and convention center provided tremendous stimulus at a time of great need.

In Scranton, where the economy was under great pressure because of the problems in the coal industry—here again, like steel, coal is imported into the United States, subsidized by foreign governments to the detriment of tens of thousands of U.S. employees, American workers. On the Montage project in the Scranton area, an urban development action grant came into play to pick up the pieces.

With revenue sharing eliminated, Mr. President, this is an especially bad year for States like Pennsylvania, illustratively like Pennsylvania, where there is a need to have this kind of infusion and this kind of support. The facts are eloquent that urban development action grants have been a good investment for the American taxpayers, a good investment for Uncle Sam. For every dollar which has been in-

vested by the Federal Government, there has been a multifold yield in tax revenues, economic development, and stimulation.

For these reasons, I urge my colleagues to defeat the pending amendment.

Mr. NICKLES. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. NICKLES. I compliment my friend and distinguished colleague for his amendment, and I ask if he would allow me to be a cosponsor of his amendment.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the name of the Senator from Oklahoma be added as a cosponsor.

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

Mr. PROXMIRE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PROXMIRE. Is the Humphrey amendment in compliance with the Budget Act? As I understand it, we had some trouble with that before, because the outlay figures are so different between the Veterans' Administration on the one hand and UDAG on the other.

The PRESIDING OFFICER. Will the Senator withhold for a moment? We are examining the amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HUMPHREY. Mr. President, while the Parliamentarian is checking the figures to ensure that they are consistent with the Budget Act, I thought I would put the time to good use and cite for Senators who may not have heard earlier some of the examples of flagrant corporate welfare which the UDAG Program funds.

May I say on the point of compliance with the Budget Act that we checked the figures in the amendment with the staff on this side of the Budget Committee, and on their word we have it that no point of order would be in order on that score.

In any event, while we are awaiting the Chair's examination of that point, let me cite some of these abuses.

In fiscal year 1987, the UDAG Program provided \$5.5 million to finance part of an 800-room flagship Hilton Hotel in Minneapolis. We are asked to believe that, somehow, Hilton Hotel would not otherwise have entered into a business proposition. That is a pretty absurd contention. The Hilton Hotel, I guess is one of the largest

hotel chains in the country. It is not a charitable firm. It does things that are in the interests of the stockholders of that firm, as you would expect it to do. If Hilton decided that a hotel would be profitable over many years in Minneapolis, you can be sure that they would build one, without the taxpayers being asked to sweeten the pot to the tune of \$5.5 million under this UDAG project. That is the way they work.

Not to be outdone, other major hotel chains have benefited by the same kind of subsidy—Sheraton, Ramada, Holiday Inn, for example. Indeed, over the past 3 fiscal years, 10 to 15 percent of UDAG grants have been awarded to hotel-related projects.

Mr. ARMSTRONG. Mr. President, will the Senator yield for a moment?

Mr. HUMPHREY. I am happy to yield to the Senator from Colorado.

Before I do, Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ARMSTRONG. Mr. President, if the Senator will yield, I would like to take just a moment to discuss with him three matters.

First of all, if I understand this amendment, it reduces substantially the funding for UDAG.

Mr. HUMPHREY. That is correct.

Mr. ARMSTRONG. And the point he is making, I think, is one which should be seriously and earnestly considered by every Senator, that some of the largest corporations, some of the most affluent corporations in the Nation, in effect have become recipients of corporate welfare. This is an outrage. My outrage, however, is not directed toward these corporations, and I judge the Senator's concern is not, either.

All of these companies and others are obligated to comply with all sorts of laws that are to their disadvantage, and I personally have no objection to a company taking advantage of a law which happens to be to their advantage.

The blame is not with the companies involved, but with the Congress for permitting such an unwise expenditure of public funds.

So I just want to congratulate him for drawing this to the attention of the Senate.

Second, I would like to point out that the Senate on one recent occasion very nearly voted to abolish the UDAG Program altogether, which from my viewpoint would be the preferred solution, which brings me to the third matter I wanted to raise which is, Would the Senator consent that I be added as a cosponsor of the amendment?

Mr. HUMPHREY. Gladly. Of course.

Mr. President, I ask unanimous consent that the Senator from Colorado be added as a cosponsor.

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

Mr. HUMPHREY. I thank him for his valuable addition to the debate.

He put his finger on the essence of it. This question of corporate welfare. I find it obnoxious, frankly, as now who is a staunch defender of a free enterprise system, whenever there is any element, much less an outrageous element of corporate welfare. I am a staunch defender of the free enterprise system, a staunch defender of profits fairly and lawfully won, and likewise a staunch defender of the concept that unwise business firms, unwise business decisions must accept their lumps when it comes to the bottom line, including losses.

Subsidies are pernicious. They distort the economy. At any given time, there is a measurable pool of capital, constantly fluid, of course, and it is impossible to measure in any given moment, but in the abstract at any given moment, there is a quantity of capital available for financing the most worthy projects, and when politicians keep their fingers out of it generally the most worthy and the most sensible projects draw that capital, and that is good because the most worthy and the most sensible are usually the most efficient, and efficiency has the benefit of raising the standard of living in this country because when assets are put to the best possible use, productivity is increased and all Americans share to one degree or another in that increased productivity.

Increased productivity means a higher standard of living. That is how the system works when politicians will keep their fingers off it.

But when instead they cannot resist the temptation of channeling capital to this enterprise and that enterprise, they have the effect of distorting the marketplace and as a consequence of that politician-induced distortion, capital flows to those projects that are less than efficient and make a smaller contribution to increasing American productivity and a smaller contribution to raising the standard of living for each American citizen.

That is what is wrong with subsidies. That is what is wrong with politicians allocating capital.

This UDAG Program is nothing more or less than political allocation of scarce resources. And what is political allocation?

While I am warm into the subject and we have some time to kill, what is political allocation of scarce resources, Mr. President? Socialism. That is what it is.

You look at countries with a socialist government. Politicians decide where

scarce capital goes, not the marketplace.

America is the bastion of free enterprise and may it always be so; not a perfect system but the best.

Whenever we introduce these elements of subsidy, these programs that distort the marketplace in favor of politically favored projects versus those that would otherwise get the capital by virtue of their efficiencies, we really do damage to our system and to our economy and the standard of living of each of our citizens.

That is what is wrong with this. It is wrong from start to finish. It should never have been enacted. It should have been eliminated long ago or substantially reduced. It is a slush fund and that is why politicians like it. They love slush funds. Why? Because slush funds can be used to pay off politically favored groups. That is why.

Mr. MURKOWSKI. Mr. President, I wonder if my colleague will yield for a question?

Mr. HUMPHREY. I am happy to yield to the Senator from Alaska.

Mr. MURKOWSKI. As one who is very concerned and is ranking on the Veterans Committee, of course, I am very interested in any additional benefits.

I wonder if my friend from New Hampshire was aware of just what the outlay would be to the VA medical as a consequence of the transfer of 120 in budget outlays.

Mr. HUMPHREY. Yes. The outlays in fiscal year 1988 would be in the order of \$6 million.

Mr. MURKOWSKI. So the VA medical then would receive about \$6 million from the action contemplated by the Senator from New Hampshire.

Mr. HUMPHREY. That is correct.

Mr. MURKOWSKI. And his major concern I gather is what this type of UDAG is used for in this country.

Mr. HUMPHREY. The Senator is correct.

Mr. MURKOWSKI. I want to make sure the record reflects we are not talking about the veterans getting \$100 million or \$120 million in medical assistance, but more like \$6 million.

Mr. HUMPHREY. Yes, there would be the budget limits which it enforces.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. HUMPHREY. I am happy to yield.

Mr. PROXMIRE. I congratulate the Senator and support the amendment once again.

I was not able to follow the colloquy completely. As I understand it, what this would do would be to cut \$100 million roughly in this in future spending for UDAG and would add \$5.9 this year for the Veterans' Administration.

Mr. HUMPHREY. That is correct.

Mr. PROXMIRE. And over the long-run, this would save a great deal of money. Overall, it would save \$94 mil-

lion, but that \$94 million would not go to the Veterans' Administration; is that correct?

Mr. HUMPHREY. That is correct.

Mr. PROXMIRE. OK.

Mr. MURKOWSKI. Would my friend from New Hampshire add me as a cosponsor?

Mr. PROXMIRE. If the Senator would yield for the purpose to renew a parliamentary inquiry, I understand now the Humphrey amendment is in compliance with the Budget Act?

The PRESIDING OFFICER (Mr. Dixon). The Senator from Wisconsin is correct. The Budget Committee advises that the amendment of the Senator from New Hampshire meets the Budget Act requirements.

The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the distinguished ranking member of the Veterans Committee, the Senator from Alaska, be added as a cosponsor.

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

Mr. HUMPHREY. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. GARN. Mr. President, very shortly I will move to table this amendment.

The Senator from New Hampshire makes a very good case. I have heard it for years, and it is very nice to talk about corporate welfare, and I would be the first to admit that some of the UDAG funds have been misused. There are some projects that have not been meritorious and some companies that have benefited from them that could have done it on their own. I do not think there is any doubt about that.

But I used to be a mayor of a city before I came to the Senate, and I know a lot of other mayors around the country who had similar experience to what I had.

There was one particular UDAG project in Utah, call it corporate welfare if you want. We had a 10-acre block, an entire squire block in Salt Lake City that was very dilapidated. It had a bunch of old one or two-story hotels, a lot of winos sitting on the sidewalk. People were afraid to walk in that particular area. There used to be an old mansion in the middle of that block. There was an old mansion that deteriorated badly that was on the National Historic Society register and could not be torn down as a result of that. Two or three Presidents of the United States in the 1800's had stayed there, and all of that sort of thing.

One million dollars from UDAG to renovate that old house spawned \$180 million of private development funds and now the local property taxes paid to the city and county are many, many times over that \$1 million.

Maybe we could argue that local government should reimburse the Federal

Government. If they find you are now making money out of that \$1 million, pay us back the \$1 million. I would not object to that repayment. It spawns local tax revenues.

But the UDAG project in my city has spawned far, far more local taxes paid by these corporations, those who built the big buildings and hotels in a very dilapidated area where it is now one of the most beautiful areas of the city, where people are safe to walk, with an ice skating rink for the winter and entertainment, theaters and all sorts of things. This produces far more revenue than it loses.

So I think we should not paint one side of UDAG. I admit my bias as a former mayor, but it has traditionally helped my city and a lot of other cities.

Maybe that is what we should do. I see my friend from Maryland getting up. Maybe, rather than fighting this annual battle to eliminate UDAG, maybe we should consider an amendment to require payment from the local communities of the amount of the grant and it would benefit them and it would eliminate the cost of UDAG. But, at this point, it is not possible to do that sort of thing on the floor.

I do not want to cut anybody off.

Mr. SARBANES. Will the Senator yield briefly?

Mr. GARN. I yield the floor.

Mr. SARBANES. Mr. President, I will be very brief because I know the managers of the bill want to move along.

First of all, I would simply observe that earlier I propounded the proposition that the previous amendment be altered and that then there be no limitation on discussion. And, of course, that is exactly where we are now. We could have saved, I think, a great deal of time had we proceeded that way.

On the substance of this amendment, I think the point made by the very able Senator from Utah is right on point. These UDAG moneys have been successful in community after community in leveraging a very large amount of private investment in addressing renewal of areas that would probably otherwise have simply been allowed to collapse.

Those are areas that cannot be abandoned. They are often found either in the heart of the city or at the center of the community. You cannot simply come along and say, "Well, let the market make a decision." If the market makes a decision that all the investment will go into the outlying areas, the central area will simply decay. It does not work, because you cannot allow the central areas simply to collapse.

The program is very effective for a small investment of public funds leveraging large amounts of private invest-

ment that have led to the renewal and the regeneration of countless communities across the country.

Therefore, I support the program and oppose the amendment.

Mr. LAUTENBERG. Mr. President, just very briefly, I want to support the comments of my colleague from Maryland and also to note that the Senator from Utah recounted that in his role as a mayor there was a significant value to UDAG funding.

In my State, we have seen UDAG put to very good use in communities that could not attract private capital at all.

It is true, as the Senator from New Hampshire said, that in some cases it just is not a profitable deal until you get things going. Very often, these are cornerstone projects that enable a community to invite other private investors to come in once they see the beginning of a revitalization program.

I remind the Senator from New Hampshire that, since its inception, UDAG programs nationwide offered more than \$4.2 billion to about 1,100 eligible communities. In fiscal year 1986 alone, 280 UDAG projects, involving \$437 million leveraged out to almost \$4 billion.

Mr. President, nobody here has an exclusive claim to the definition of what constitutes private investment. I certainly would put my credentials as someone who knows something about the private sector on the line with anyone else. I would have to tell you that I have seen many investments that were made simply because there was the inducement by the UDAG Program to get the private corporate community to go along and start programs that resulted in jobs, resulted in opportunities, and included in their employment rolls many veterans. People who were looking for an opportunity, who were isolated and deprived in depressed cities and could not find work, suddenly found there were new opportunities created. It is true in city after city in industrialized New Jersey.

I hope, Mr. President, that we will go ahead, as I understand there is going to be a motion to table this amendment, and put this aside once and for all and get on with the remainder of the bill under consideration.

Mr. PROXMIRE. Mr. President, let me just say a word in support of the bill and against the tabling motion, which is going to follow.

I would agree wholeheartedly with my friends from New Jersey, Maryland, and Utah that there has been some very, very significant improvements in our cities as a result of UDAG. There is no question about that. They have been leveraged with relatively small amounts of Federal money and they have rebuilt the downtowns. That has happened in my State in city after city, small cities as well as big cities.

But, Mr. President, I was the author of this bill 10 years ago. I think it has done a good job. But now the time has come when we cannot afford it. We cannot afford it. There are a lot of good programs that we would like to continue, but cannot afford.

We have to recognize that the problem facing this Congress and facing this country is a colossal deficit. The only way we can cut that deficit is to cut spending; we have to increase taxes, too, but cut spending and cut it wherever we can.

The Senator from New Hampshire has made an excellent case that, under present circumstances, this is money going to people who can afford to do the job themselves if they want to do it. We cannot afford it, Mr. President.

For that reason, I am going to vote against tabling.

Mr. HUMPHREY. Mr. President, I assure the managers I shall not be long. I thank the Senator from Wisconsin. I think it is especially incredible that the father of the UDAG Program supports the amendment. The very author of the bill which created the UDAG Program 10 years ago just spoke and said that we cannot afford the program.

Now, as to the contention that without UDAG cities are completely without any means to spark the revitalization of their downtown centers, that is nonsense. There is nothing that precludes them from putting up their own money for this leverage, so-called. If they believe that the introduction of public money will leverage the revitalization of their downtown centers, then let them put up local money. Why must the people of Minneapolis say, "Washington, give us a few million dollars?"

Why must the people of St. Louis—I do not know if St. Louis has gotten UDAG grants, I do not know if they have or not, but why should the people of St. Louis benefit at the expense of the people of Concord, NH? If the people of St. Louis, or any city, want to revitalize downtown or do anything under the Sun, let them do it with their own money. If they believe in the leveraging of public funds, let them put up their own public funds. We cannot afford to play Santa Claus to every city and town in this country that proposes to revitalize or redo or re-anything.

The time has come when we have to draw the line. And we are here drawing it for whatever it is worth, and we shall see in a moment.

The amendment would reduce this UDAG Program by \$100 million and would plus up the Veterans' Health Care Program, which is at least a worthy cause, by \$6 million in fiscal year 1988. I hope the Senate will reject the tabling motion.

Mr. GRAMM. Will the Senator yield?

Mr. HUMPHREY. Yes; of course.

Mr. GRAMM. I would just like to say I suspect the distinguished Senator's idea makes entirely too much sense to be given serious consideration. But, since he has drawn this line, I would like to be sure I am recorded as being on the right side of it. Therefore, Mr. President, I ask that I be added as a cosponsor of this amendment.

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

Mr. GARN. Mr. President, I would only add one concluding thought before I move to table. That is, simply, once again, the Senator from Wisconsin has made an eloquent plea for reducing the budget. Whatever we say about this amendment, it does not reduce the budget. It transfers money from one account to another. The amendment may have more appeal if it were simply a reduction in funds.

Mr. PROXMIRE. Would my good friend from Utah yield on that point?

Mr. GARN. I would be happy to yield.

Mr. PROXMIRE. It is my understanding, I have discussed this at some length with staff people who have looked into it, it does reduce the budget. It reduces it by about \$94 million. Because what happened under these circumstances is that the outlay—in order to equalize the outlay, you have to cut the budget authority which goes over a longer period of time, much more deeply for UDAG. So that over a period of time there would be a saving as I understand it of \$94 million. I may be incorrect on that.

Mr. GARN. There would be a saving in this budget year but over the years that budget authority that was changed would be spread out.

Mr. PROXMIRE. May I say it is just the opposite. There would be no saving in this budget year but as the years go on there would be a savings.

Mr. GARN. Well, we have a difference of opinion there.

Mr. President, we have a difference of opinion there.

Mr. President, I move to table and ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the motion of the Senator from Utah. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Illinois [Mr. SIMON] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Kansas [Mrs. KASSE-

BAUM] is absent due to a death in the family.

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

The result was announced—yeas 67, nays 31, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—67

Adams	Durenberger	Matsunaga
Baucus	Evans	Melcher
Bentsen	Exon	Metzenbaum
Biden	Ford	Mikulski
Bingaman	Garn	Moynihan
Bond	Glenn	Nunn
Boren	Gore	Packwood
Bradley	Graham	Pell
Breaux	Harkin	Pryor
Burdick	Hatch	Quayle
Byrd	Hatfield	Riegle
Chafee	Heinz	Rockefeller
Chiles	Hollings	Sanford
Cochran	Inouye	Sarbanes
Conrad	Johnston	Sasser
Cranston	Karnes	Shelby
D'Amato	Kasten	Specter
Danforth	Kennedy	Stafford
Daschle	Kerry	Stennis
Dixon	Lautenberg	Wallop
Dodd	Leahy	Wirth
Dole	Levin	
Domenici	Lugar	

NAYS—31

Armstrong	Humphrey	Rudman
Boschwitz	McCain	Simpson
Bumpers	McClure	Stevens
Cohen	McConnell	Symms
DeConcini	Mitchell	Thurmond
Fowler	Murkowski	Trible
Gramm	Nickles	Warner
Grassley	Pressler	Weicker
Hecht	Proxmire	Wilson
Heflin	Reid	
Helms	Roth	

NOT VOTING—2

Kassebaum Simon

So, the motion to lay on the table amendment No. 986 was agreed to.

Mr. GARN. I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

VETERANS' NATIONAL CEMETERY IN SEATTLE/
TACOMA AREA

Mr. EVANS. I wish to speak to an issue which would establish a specific earmark of \$200,000 out of the major construction projects fund for an environmental impact statement for a proposed national veterans' cemetery in the Seattle/Tacoma area. The need for a national cemetery in the Northwest region has intensified since the existing cemetery in Willamette, OR, will reach its capacity by the year 2000 at the latest. Fortunately, the Veterans' Administration was offered, at no cost to the Federal Government, an excellent track of land. These 200 acres will be donated to serve as a national cemetery for Alaska, Oregon, Idaho, and Washington veterans.

The Veterans' Administration [VA] and the Washington State congressional delegation recognize that this site is the best possible location for such a cemetery. The Seattle area is

the home for the largest veteran population in region X. Out of 1,106,000 veterans, 515,000 veterans are within 100 miles of the proposed cemetery. That is over 45 percent of region X's veterans and 89 percent of veterans who reside in Washington State.

This matter merits consideration because two requests by the VA for the EIS funding were rejected by the Office of Management and Budget [OMB]. OMB asserts that since it takes approximately 8 years to complete an EIS and the necessary construction for a cemetery, they will not consider this proposal until fiscal year 1992. Ironically, the land will not be available in 1992. The Port of Seattle is unable to protect it from competing interests who already are exploring the possibility of developing on that track of land. Without the EIS, a clear signal of commitment by the Federal Government, they will be forced to consider alternative land-use proposals and this unique opportunity will be lost.

The House Subcommittee on HUD-Independent Agencies has recognized the merits of this request and recently appropriated \$200,000 for fiscal year 1988. This is an important issue for Northwest veterans. It enjoys strong support on the State and local level, it's cost efficient, and utilizes the necessary foresight to provide a resting place for an aging veteran population. It would be unwise to forfeit this ideal site for a national cemetery. I ask for favorable consideration of this earmark as the conference committee considers major construction projects.

Mr. ADAMS. I would like to express my regret that this bill does not contain the necessary \$200,000 in funding for an environmental impact statement [EIS] for the proposed construction of a veterans' cemetery in Washington State.

A unique opportunity has occurred in my State to satisfy an inevitable need of our citizens at little Federal cost. In the next 10 years there will be an undeniable need for a veteran's cemetery in the Northwest. The only cemetery in the area, located in Willamette, OR, will be full by the 1990's.

To meet this need, land has been donated for the construction of a veteran's cemetery in the Seattle-Tacoma area which would serve veterans from the States of Washington, Oregon, and Idaho. The Puget Sound region, with its numerous military installations, has a significant veteran's population and would be an excellent choice as a site for the Northwest's next veteran's cemetery.

The Veterans' Administration has twice requested funding for the EIS and has been rejected by OMB each time. OMB maintains that since it takes approximately 8 years to complete the EIS and the construction of the cemetery, they will not consider

funding for this project until 1992. Unfortunately, the Port of Seattle is unable to guarantee that they can protect this land for that length of time. Mr. President, I find OMB's actions on this matter to be shortsighted. An ideal and cost-effective situation has presented itself and I believe that responsible action calls for us to take advantage of this opportunity.

We are only requesting an additional \$200,000. This is a small amount of money to enable those who have served in our country's Armed Forces the opportunity to be buried in a veteran's cemetery.

I say to the chairman, my colleague, Senator EVANS, and I would like to call attention to an issue of importance to Washington State. Given budgetary constraints and the necessity of moving this bill, we will not offer an amendment to the abatement, control, and compliance appropriations for the Environmental Protection Agency; however, it is critical that the issue be addressed at some point.

The Safe Drinking Water Act Amendments of 1986—Public Law 99-339—established a 5-year demonstration program for the protection of sole source aquifers. To carry out the program, the legislation authorized \$10 million for fiscal year 1987, \$15 million for fiscal year 1988, and \$17.5 million for each of the fiscal years 1989 through 1991. Despite this authorization, the Environmental Protection Agency failed to request an appropriation to carry out the sole-source aquifer demonstration project.

The amendments to the Safe Drinking Water Act in the 99th Congress recognized the great importance of the need to protect the sole-source aquifer supply of many communities across the country. The Spokane community, in eastern Washington, is one of the largest communities in our State dependent on a sole-source aquifer. Completion of this study is critical to developing a program of adequate protection. Certainly it is more economical to safeguard this resource than to clean it up once it has been polluted.

The House of Representatives recommended an appropriation of \$1 million from Environmental Protection Agency abatement, control, and compliance provisions to fund studies and grants to identify and control sources of contamination of the Spokane aquifer. The entire Washington delegation, particularly Congressman FOLEY in whose district the Spokane aquifer is located, support our request that this recommendation be included within the final HUD-Independent Agencies appropriation bill.

Mr. EVANS. The inclusion of these funds in the final bill is imperative to protect Spokane's sole-source aquifer. I cannot stress enough how serious this issue is to the people of Spokane,

who receive their drinking water from this aquifer. The demonstration project is the most cost-effective method of safeguarding this sole-source aquifer and the only way to forestall the massive expenditures attendant to aquifer restoration efforts. I join with my colleague is strongly urging that this matter be reviewed in conference and that the conferees include the House of Representatives' language in the final bill.

Mr. PROXMIRE. I recognize the concerns of my colleagues from Washington, and I appreciate that you are not trying to hold up this bill any further by offering an amendment. I appreciate the need for a demonstration project in Spokane, but am constrained by budgetary limitations. If I could, I would like to pursue a question. Would it be acceptable to the Senators from Washington if we review this matter in conference to see if there is some way to reach an accord with the House?

Mr. ADAMS. As usual, the Senator from Wisconsin has been very understanding with this issue. I do believe that it will be helpful if the matter could be reviewed in conference. I will be happy to provide any information that may be necessary and to talk with the Washington delegation in the House of Representatives to ensure that they are aware of this issue.

Mr. EVANS. The Senator from Wisconsin has suggested a very helpful approach to assist us in resolving this concern. I do believe there should be a way to resolve this issue and I appreciate that we will have the opportunity to take care of this problem.

Mr. GARN. Mr. President, the Senators make very good points. We could not do it in this bill, but we will attempt to evaluate their problem in the future.

Mr. MATSUNAGA. Mr. President, the cause of peace among nations is one which has received widespread attention over the course of American history. Great leaders have long voiced the popular sentiment that America take the lead in promoting peace and insuring freedom and justice. That it has done year after year, from the days of the American Revolution to our present era. This is a legacy in which all Americans can take pride.

Efforts to advance the cause of peace are more critical today than ever before. With the establishment by Congress of the United States Institute of Peace in 1984 and the launching of the Institute by its Board of Directors in 1986, the Nation has institutionalized for peace a special legacy of the genius of America: applying our resources to develop and expand the base of knowledge and skill necessary to address the major problems of our time, including armed conflict and the erosion of freedom and justice. We can

take justifiable pride in the fact that ours is the only major industrialized nation on Earth to establish such a rational agency.

The United States Institute of Peace is a national nonprofit independent corporation with three principal functions: to encourage and support research and study in the field of peace resolution of international conflict; to conduct educational programs on peace among the nations and peoples of the world; and to provide information nationally and internationally, on questions of peace.

The Institute has now completed its formative administrative chores and has several programs well underway. Of course, this work cannot move to this new stage without proper funding. For fiscal year 1988, Congress authorized funding of \$10,000,000 for the Institute. Earlier this month, however, the Appropriations Committee recommended a funding level of only \$5,000,000.

This amount—half of what we had earlier authorized—is barely adequate for the proper functioning of the Institute, and I ask my distinguished colleagues on the Appropriations Committee to provide me with a firm commitment that, in conference, the Senate will hold to the \$5 million figure. Very worthy programs, such as the Jennings Randolph Program for International Peace which supports the work of scholars and leaders in peace on fundamental issues of international conflict management, will be sacrificed unless we uphold this promise. In fact, the first group of eight Distinguished Fellows for this program have been selected and are actively at work. They include former ambassadors and foreign ministers; professors of international law, theology, and political science; a former Under Secretary General of the United Nations; and a former Member of Congress.

A significant program of grants has begun and already \$1.5 million has been awarded. Even with judicious care, grants average only \$27,000, a good sum for certain kinds of research but perhaps inadequate for institutional development, an area the Board has told us it wants to move into.

The Institute also has a number of educational projects underway. Among them are a survey of the scope of international peacemaking theory—the "intellectual map project"—and a high school-level peace essay contest. There are a number of additional exciting projects, too, and without our steady financial support, this important work will be jeopardized.

It is fitting and proper that the U.S. Government support the U.S. Institute of Peace. Huge amounts of American resources are expended every year to study and prepare for the conduct of war. Only through the Institute of

Peace are public funds provided to study the promotion and use of peaceful means to settle international differences. To study war as our sole means of conflict resolution is to create a self-fulfilling prophesy. Without alternative means of addressing hostile encounters, war becomes inevitable. Therefore, I urge that the important program which Congress legislated in 1984 be continued. This program developed to its envisioned potential will restore this great nation to its leadership position in mankind's quest for lasting world peace.

Mr. CHILES. Mr. President, I would like to assure my distinguished colleague from Hawaii that I am firmly committed to holding the Senate figure of \$5 million in conference and will urge my colleagues to do so. The Institute was created by Congress, and we must assure that it is adequately funded.

Senator MATSUNAGA is also correct when he says that the cause of peace has always been close to the American heart. However, despite all good intentions, this Nation has from time to time been subjected to the evils of international war. Isolationist attempts to shield ourselves from war have failed, and after each conflict America's role in global affairs has increased. Nothing is more important than the search for ways to avoid future wars. The U.S. Institute of Peace springs from this ongoing American quest for peaceful solutions to international conflict.

The last World War thrust the United States into the role of a global superpower. Since 1945, America has enjoyed the privileges and responsibilities of being the leader of the free world. This leadership has been anchored by an economically and militarily strong America. But something besides wealth and might is also required of those who would lead. Leaders must offer an ideal. They must offer a vision of how the world should be, and a sense of the direction in which all nations should proceed. The most noble goal toward which America can lead the world—and in the final analysis, the most crucial—is peace. In this era of nuclear weapons, our ultimate goal must be peace.

For this reason, I strongly support the U.S. Institute of Peace. The Senator from Hawaii [Mr. MATSUNAGA], who is the father of the Peace Institute, can rest assured that I am committed to holding firmly in conference to the \$5 million approved by the Senate.

Mr. HATFIELD. Mr. President, I would like to read a short excerpt from the U.S. Institute of Peace Act—section 1702(a)(1)—the legislation which created the Institute of Peace.

The Congress finds and declares that a living institution embodying the heritage,

ideals, and concerns of the American people for peace would be a significant response to the deep public need for the Nation to develop fully a range of effective options, in addition to armed capacity, that can leash international violence and manage international conflict.

A truer statement has never been issued by the U.S. Congress than this, and it is as true today as it was in 1984. It is certainly in the national interest, as well as in the broader global interest, to devote time and resources toward finding peaceful solutions to the world's conflagrations. My distinguished colleague from Hawaii can rest assured that my full energies will be put toward securing a funding level of \$5 million for the U.S. Institute of Peace.

Each year America spends huge sums of money to study and prepare for war. Since 1945, acts of combat have alone consumed more than \$550 billion. This translates into an annual average cost of \$50 for every U.S. citizen—and that does not include the costs associated with peace time defense. Surely the cause of peace is worth the fraction of this amount that the U.S. Institute of Peace requires: at \$5 million for fiscal year 1988, less than 2 cents per citizen.

As Senator MATSUNAGA has related, the Institute pursues its important work on three broad fronts: research and study, education and training, and information services. The Jennings Randolph Program for International Peace deserves reiterated praise. This program assists the work of scholars and leaders in peace from both the United States and abroad. It provides support for scholarship and other forms of communication on issues of international peace and conflict resolution.

To further the systematic and scholarly analysis of questions of peace among nations, the Institute awards grants. Topics covered are diverse, current, and relevant to all persons interested in expanding their knowledge of the theory and strategies of international conflict resolution.

To that end, the U.S. Institute of Peace requires only a fraction of the more than \$300 billion consumed by our defense budget each year. The opportunity awaits—the chance to advance the vision of a world free from armed conflict is before us. It would be shameful indeed if America were not at the forefront, leading the global community of nations toward a more peaceful existence. Therefore, let me assure the Senator from Hawaii [Mr. MATSUNAGA] of my strong and unwavering support of the U.S. Institute of Peace, and the \$5 million agreed upon by the Senate Appropriations Committee in conference. As a Senate member of the conference committee on the Labor-HHS-Education appropriations bill, I will hold firm to that figure in conference with the House.

Mr. SASSER. Mr. President, I rise in opposition to the amendment of the Senator from New Hampshire and in support of the motion to table.

This is not the time to reduce funding for UDAG. It is the only remaining form of Federal assistance that is designed to strengthen the private-public partnership and aid our Nation's most distressed communities.

Moreover, the Banking Committee has completed a long and well thought out revision of the system of project selection. The new selection criteria will ensure that only the most economically distressed cities will receive UDAG's.

UDAG is indeed an innovative and well-conceived program. It uses the smallest amount of Federal money that is needed to trigger a much larger private investment. Since 1978 every dollar spent by the UDAG Program has been matched by \$6 from the private sector.

In addition, Mr. President, UDAG is a job producer. It has created 550,000 new jobs since 1978 and nearly half of these jobs have gone to low- and moderate-income people.

Frankly, Mr. President, UDAG has been cut enough. Since 1980 the program has been cut by \$450 million or 66 percent. Further cuts would have an extremely detrimental impact on local economic development.

The UDAG Program represents less than three one-hundredths of 1 percent of the Federal budget. It is hardly a budget buster. In fact, given its proven track record in producing jobs, relieving distress and attracting private capital, it is probably one of the most effective and efficient Federal programs.

Mr. President, I yield the floor.

EPA ABATEMENT, CONTROL, AND COMPLIANCE PROVISIONS IN THE SENATE APPROPRIATIONS REPORT

Mr. BAUCUS. I appreciate that the members of the Senate Appropriations Committee have worked long and hard to develop a responsible bill under the HUD Subcommittee. Determining where cuts should be made to reduce the deficit is not easy, and I commend the members for their efforts. However, I recognize a difference between the language included in the House and Senate reports which I trust can be resolved in conference.

I am referring specifically to a directive in the House report that a total of \$4.5 million be allocated to conduct various studies and activities authorized by the clean water amendments.

The Senate report recommends no funds for these new activities. Of particular importance to Montana and Idaho is section 525 of the Clean Water Act. This section was specifically referenced in the clean water amendments provision in the House report. Section 525 authorizes the EPA Administrator to conduct a com-

prehensive study of the Lake Pend Oreille, ID, and the Clark Fork River, MT, and its tributaries in Montana, Idaho, and Washington. Although peripheral studies of this water system began earlier this year, and EPA promised to begin a diagnostic comprehensive study this summer, the agency has just recently come up with some grant money to begin the project.

As this project is important to Montana, Idaho, and Washington, Senators McCLURE, ADAMS, and EVANS and myself urge that the conferees accept the House position.

Mr. President, it would be my understanding that if the House position prevails in conference then sufficient funds would be provided for EPA to implement section 525 of the Clean Water Act, as referenced in the House report.

I yield to ask the distinguished subcommittee chairman, Mr. PROXMIRE whether he would share this understanding.

Mr. PROXMIRE. I thank the Senator from Montana for his kind remarks and for his continuing work with the subcommittee on this issue. I recognize the problem he has had in getting EPA to move on this issue in Montana. I know the Senator has been working hard to obtain funding for section 525 as he is the original sponsor of this amendment to the Clean Water Act.

My understanding is that \$315,000 is necessary to fund the study authorized under section 525 of the Clean Water Act. Is this correct?

Mr. BAUCUS. Yes, that is correct according to the estimates that I have received from EPA. The estimated breakdown for this project in fiscal year 1988 is \$185,000 for Idaho, and \$130,000 for Montana.

Mr. PROXMIRE. I thank the gentleman from Montana. I understand the importance of this project to both Montana and Idaho. If the House position prevails in conference then there will be sufficient funds to implement section 525, consistent with the language in the House report.

Mr. BAUCUS. On behalf of the State of Montana, I thank the honorable chairman from Wisconsin. I recognize that two of my colleagues, the distinguished Senators from Idaho and Washington are also very concerned about this matter. I yield to your fellow appropriations member, the gentleman from Idaho.

Mr. McCLURE. I would like to thank the chairman, Senator BAUCUS, and all the Senators who have worked on this issue. The problem we are addressing today is one of great importance to me and to people of Idaho, Montana and Washington. It is one which I have been working on for several years.

The Clark Fork River in Montana drains into Lake Pend Oreille, ID. Both the river and the lake are suffering from phosphorous pollution and algae problems. Once a lake begins going through the stages of eutrophication, it is very hard to reverse. Maintaining high quality of the water in Lake Pend Oreille is important to both the people and the tourist industry in Idaho.

In the fiscal year 1987 appropriations bill for HUD and related agencies, I requested EPA to begin a study of the quality of water in Lake Pend Oreille. As was stated, only recently was this funding provided and the project begun. All the Senators from Idaho, Montana and Washington State are concerned about the problem in the river and lake system and expressed their desire to provide adequate funding in the fiscal year 1988 appropriations bill to enable the Environmental Protection Agency to continue this study. Because of budgetary problems within the subcommittee this request was not granted.

I understand the pressures under which the chairman labored and want to express my appreciation for the consideration both he and his staff gave to our request. I am encouraged that the House has included funding for this project. I understand that they did not have the allocation problems experienced in the Senate. I agree with my distinguished colleague from Montana that it is important to find funding for this project and hope that the chairman will remember our request when the conference committee meets on this bill. Again I thank the chairman for his patience and understanding on this matter.

Mr. PROXMIRE. I thank the Senator from Idaho and recognize the gravity of his concerns. Did the Senator from Washington also wish to speak?

Mr. ADAMS. Yes. I thank the chairman and Senator Baucus for their thoughtful recognition.

On behalf of myself and my colleague, Senator EVANS, I would like to call the distinguished chairman's attention to an issue of importance to our State.

The Pend Oreille River drains Lake Pend Oreille, ID and flows through northeastern Washington State. It is plagued by Eurasian Milfoil, a nonnative weed which is rapidly taking over the river and threatening to invade Lake Pend Oreille as well. The milfoil has destroyed 80 percent of the river's sport fishery habitat, and now threatens to disrupt power generation. Because the weed camouflages logs and pilings under its surface, drownings and boating accidents are also serious problems. Further, it is destroying water quality, and affecting the public utility districts and numerous private customers who use the river as their water source.

As Senator BAUCUS pointed out, the House report recommended \$4.5 million for studies, demonstrations, and other activities authorized by certain sections of the Clean Water Act amendments (Public Law 100-4), including section 525. While the Pend Oreille River is not mentioned specifically in section 525, we believe that this study, which would develop a nutrient and hydrologic budget for the river, is of the type envisioned by the Clean Water Act amendments.

We considered offering an amendment to the HUD-independent agencies appropriations bill, but recognize the difficulties and financial constraints under which the committee had to operate. Instead, we would very much like to see the House report adopted by the conferees, and request that \$100,000 of these funds be allocated to the Pend Oreille nutrient study. We ask the distinguished chairman to be sensitive to our concerns when this issue comes up in conference.

Mr. EVANS. Mr. Chairman, I fully support my colleague's efforts to include this appropriation in the final bill. In this effort, we have the full support of Congressman FOLEY, in whose district the Pend Oreille River flows. Milfoil is destroying the Pend Oreille River and further destruction is inevitable unless its progress is checked. This project is of extreme importance to our State, and we request that the distinguished chairman review the issue in conference.

Mr. PROXMIRE. I thank my colleagues, Senators ADAMS and EVANS, for setting forth this argument regarding the need for funding for the Pend Oreille River nutrient study. They have made a good case for their request and I intend to give their concerns my thoughtful consideration when the issue comes up in conference.

STATE AIR GRANT

Mr. MITCHELL. Most of the country's major urban areas will miss deadlines for attainment of air quality standards for carbon monoxide, ozone, and particulate matter. The Environment and Public Works Committee is completing its action on Clean Air Act amendments. Regardless of the outcome of pending Clean Air Act legislation, States in which these nonattainment areas are located will have to revise and resubmit State implementation plans to the Environmental Protection Agency.

States have limited funding under the current program and need additional funds if they are to properly revise and implement their SIP's. Each State needs also to adopt regulations, monitor emissions, develop and refine their emissions inventories, enhance enforcement, replace or increase the number of air quality monitors. It is likely that for ozone alone

these revisions will cost over \$10 million.

The House has included a supplement of \$10 million for State air grants to revise their SIP's for nonattainment areas. I hope the subcommittee chairman will consider the great need of these States and will accept this increase in conference.

Mr. PROXMIRE. I agree with the Senator from Maine that there is a pressing need for these States to receive additional funding for SIP revisions and I will give it my serious attention in conference.

Mr. MITCHELL. I thank the distinguished Senator. I am confident that this action will be a substantial contribution to the success of our clean air programs.

Mr. CHAFEE. On behalf of myself and my distinguished colleague from Rhode Island, Senator PELL, I would like to engage the distinguished floor managers of the Department of Housing and Urban Development-independent agencies appropriations bill in a short colloquy. As my distinguished colleagues may recall, the Water Quality Act of 1987 contains a section, section 315(b), authorizing the Administrator of the Environmental Protection Agency [EPA] to establish and conduct, at various locations throughout the Nation, a Clean Lakes Demonstration Program. Two of the projects authorized by this subsection are Gorton's Pond and Lake Washington in Rhode Island.

Mr. PROXMIRE. I thank my distinguished colleague and friend from Rhode Island for bringing this to my attention. Although the Clean Lakes Demonstration Program was authorized by the Water Quality Act of 1987, as you have correctly stated, no funds have been provided for this new demonstration program. However, \$15 million has been included for the existing Clean Lakes Program.

Mr. CHAFEE. This brings me to the point of my colloquy. The report for the HUD-independent agencies in the House of Representatives, states that the House committee has been assured that many of the lake demonstration projects identified in the clean water amendments, are of such a high priority as to be assured of funding under the existing Clean Lakes Program. I seek to gain assurances from the distinguished managers of the Senate bill that when this topic is considered in conference, every consideration will be given to including in the final report a recommendation to the Administrator of EPA to consider the lake demonstration projects, including Gorton's Pond and Lake Washington, as part of the Bowdish Reservoir complex, such a high priority as to be assured funding under the existing Clean Lakes Program.

Mr. PROXMIRE. I thank the Senator from Rhode Island, and can assure him that when this topic is considered in conference, I will strongly consider including language in the final report which encourages the Administrator of EPA to give high priority to funding the lake demonstration projects identified in the clean water amendments.

Mr. GARN. I concur with the Senator from Wisconsin.

Mr. CHAFEE. I thank the managers of the bill for their assurances. I would also like to note that after discussions with the New England regional office of the EPA, I am assured that Gorton's Pond, which serves as a recreational outlet for thousands of Rhode Islanders, will qualify for Federal funding if the State identifies it as a high priority project. Similarly, Lake Washington, as part of the Bowditch Reservoir complex that includes Lake Washington, will rate high on a list of Rhode Island lakes for restoration efforts. Again, I thank the managers of the bill for their attention to this matter.

Mr. RIEGLE. Mr. President, I would like to engage in a brief colloquy with the distinguished subcommittee chairman about two items in this legislation. The House bill included \$1 million for completing preliminary plans for the clinical/outpatient renovation project at the Ann Arbor VA Medical Center and \$200,000 for preliminary planning of a 120-bed nursing home care unit at the Saginaw VA Medical Center. These are two important projects for veterans in the State of Michigan. No funding was included in the Senate bill for either of these projects.

The Ann Arbor facility was built in 1952 and is the oldest in the VA system never to have been renovated. This medical center provides services to a population of over 400,000 veterans and is actively involved in clinical and health services research.

To begin the planning process to build a 120-bed nursing home care unit at the Saginaw facility, \$200,000 is needed. This facility is needed to meet the demand for VA nursing home care for service veterans. It is projected that almost 100,000 veterans in this service area will be over 55 years of age in 1990, and without this project, there will not be sufficient beds to accommodate our aging veteran population.

Mr. President, I would like to point out that the Veterans' Administration has included both of these projects in its 5-year medical facility development plan for renovation and improvement, and has included them on the list for planning during this fiscal year. I understand that the committee is concerned about more projects than it can fund. However, both projects have been delayed in the past, and the

action intended by the Veterans' Administration is badly needed. Providing funding will merely ensure that these activities proceed on the priority schedule established by the Veterans' Administration. I would strongly urge the distinguished chairman to agree to the House funding levels for both of these projects when the conference on this legislation convenes.

Mr. PROXMIRE. I thank the Senator from Michigan for his comments and appreciate his concerns. As he is aware, the Appropriations Committee faces a difficult task in trying to respond to serious needs with limited funding. However, the Senator's point about the importance of these projects is well taken and I can assure him that I will work with the House conferees to achieve a level of spending that will respond to the Senator's concerns.

Mr. RIEGLE. I appreciate the interest of the distinguished chairman of the Subcommittee on HUD and Independent Agencies and thank him for his consideration.

Mr. ROTH. I would like to pose a question relating to the Department of Housing and Urban Development's final guidelines for the transitional housing demonstration program which were published in the Federal Register on June 9. My concern relates to the issue of public housing authorities being able to enter into lease arrangements with other sponsors in connection with the program. The guidelines appear to prohibit such arrangements. Such a rule would seem to preclude what I think could be a model project under the transitional housing demonstration program which is being developed in Wilmington. This project which would be undertaken by the YWCA in Wilmington involves the Wilmington Housing Authority, the Delaware Housing Trust Fund, the city of Wilmington, and private foundation support. I would point out that the YWCA is an experienced social service provider and that the Wilmington Housing Authority received an award from HUD last year. It seems to me that one of the goals we are striving for in meeting housing needs is just the type of partnership envisioned in this project. A lease arrangement is involved and all parties agree that this project would help fill a housing need in the city. I question whether a project with such merit should be disqualified under the program because of the HUD guideline. I would also say that my understanding is that this may not be a unique situation to my State. In investigating this issue similar problems were brought to my attention involving New York and Pennsylvania and I am sure other areas could be affected.

Mr. GARN. I would hope that the Department would not consider not funding applicants simply because of arrangements with local public hous-

ing agencies. Local public housing agencies are in a position to gauge the housing needs in their areas. At a time when we wish to confer more discretion to PHA's this guideline would appear inconsistent.

Mr. PROXMIRE. I concur with the remarks of the Senator from Utah.

Mr. ROTH. I thank the Senators for their input on this matter and hope that the Department will consider funding projects which include arrangements with public housing agencies.

LOCAL COORDINATION BETWEEN FEMA AND COMMUNITY ACTION AGENCIES

Mr. GRASSLEY. Mr. President, there is one issue of great concern to me regarding management operations of Federal Emergency Management Agency programs for the homeless and for the provision of emergency food supplies. As you know, at the local level Community Action Agencies have long been providing a wide array of shelter, medical, social, and related services to the homeless. In fact, we have recently provided substantial direct funding to these efforts through the homeless bill. Further, CAA's provide extensive emergency food and meal programs.

Unfortunately, FEMA-funded programs are not always seeking to coordinate with these community-based programs and there have been several instances of services being duplicated while other needs went unmet.

I would like to request the committee to require FEMA to establish procedures under which its grantees will coordinate with Community Action Agencies when undertaking local program activities. I think it would be a good idea to ask the agency for a report on its coordination and management initiatives at the end of the next fiscal year.

Mr. PROXMIRE. I certainly see no objection. On the contrary, it is obviously a good thing to have some sort of planning and/or clearinghouse before Federal funds flow into local communities. FEMA should establish a guideline to its grantees in a manner which provides clear direction and requires some simple reporting back to the agency. I think we should try to avoid establishment of any regulations on the subject until we see whether the fiscal year 1988 effort succeeds without them. We will be happy to work with FEMA toward this implementation of a coordinated approach in this area.

Mr. GRASSLEY. I thank the chairman. This kind of effort can only strengthen and improve delivery of service to the neediest in our society.

Mr. DOMENICI. Mr. President, I support the HUD-independent agencies appropriation bill as reported by the committee.

The bill provides \$57.1 billion in budget authority and \$33.2 billion in outlays for the Department of Housing and Urban Development and for independent agencies such as NASA, EPA, the VA, and the National Science Foundation.

Mr. President, I am particularly pleased that the bill includes \$1.9 billion for the National Science Foundation, a 15-percent increase over the current year level. In the fight to restore American competitiveness, we can invest no more wisely than in the programs of NSF.

The HUD Subcommittee received an allocation under section 302(b) of the Budget Act that many believe was too low. It received \$2.1 billion more in outlays than the fiscal year 1987 level, but \$0.7 billion less than its House counterpart and the budget resolution assumptions.

Mr. President, I want to commend the chairman of the HUD Subcommittee for producing a bill for markup within that tight allocation. It required some tough choices, but the Senator from Wisconsin did not resort to phony savings or gimmicks. I salute him for that.

Unfortunately, the lower spending levels required by the allocation would have been difficult to swallow. The Senator from Louisiana, in describing an amendment to be offered in committee by himself and the Senator from Utah, suggested that we could solve the problem with creative accounting.

Mr. President, that is exactly what happened. On October 1, the Senate Budget Committee informed the Appropriations Committee of "a revision in scorekeeping *** in connection with the effects on fiscal year 1988 of H.R. 1827," the fiscal year 1987 supplemental.

The effect of this scorekeeping decision was to increase outlays available to the HUD Subcommittee by \$0.5 billion. This allowed increases in spending for NASA, NSF, UDAG, housing for the elderly, and other programs, which in turn allowed the bill to be reported.

With that and other routine scorekeeping adjustments, the HUD Subcommittee is below its section 302(b) allocation by \$0.5 billion in budget authority and \$36 million in outlays.

The Senator from New Mexico does not question the authority of the chairman of the Budget Committee to make scorekeeping decisions. And holding a subcommittee harmless for the effects of a spring supplemental is in no way unprecedented.

But I would also point out that outlays from the spring supplemental under the jurisdiction of the HUD Subcommittee total only about \$130 million. In other words, the subcommittee received a windfall of about \$375 million.

More importantly, Mr. President, this decision makes the job of avoiding a sequester under the Balanced Budget and Emergency Deficit Reduction Reaffirmation Act all the more difficult.

To avoid a sequester, we must achieve \$23 billion in deficit reduction. That is \$23 billion since January. We have already been charged with the outlays from the fiscal year 1987 supplemental.

We can hold the committee harmless for outlays when measuring against the budget resolution. But we cannot hold them harmless for purposes of Gramm-Rudman. Increasing outlays in this bill by \$0.5 billion only makes avoiding a sequester \$0.5 billion more difficult.

Still, on balance, this Senator finds the reported bill to be acceptable. I am concerned about the process which brought it into compliance with the budget, yet I feel strongly about the prerogative of the Budget Committee to make such adjustments.

The committee has exercised restraint. New discretionary budget authority in this bill exceeds the fiscal year 1987 level by less than \$50 million and is \$1.6 billion lower than the CBO August baseline. It is \$0.8 billion lower than the House bill.

The bill provides \$5.4 billion more in budget authority than requested by the President. But \$5.2 billion of that represents cuts proposed for the Department of Housing and Urban Development. These proposals would have cut housing and community development programs well below current levels.

At the same time, Mr. President, the bill is only \$0.1 billion higher in outlays than the President's request. That is because the cuts he proposed for HUD generally would not have affected outlays in fiscal year 1988.

MAINTAINING AMERICA'S SCIENCE LEAD

Mr. LAUTENBERG. Mr. President, I rise to support the fiscal year 1988 HUD-independent agencies appropriations bill.

I want to address some of the critical space and science programs that are provided for in this bill. They are important for America's technological leadership. They are also important to my State, where so much work goes on in space science and science research.

The bill continues the critical Advanced Communications Technology Satellite Program [ACTS]. NASA contends that the ACTS Program requires \$84 million in fiscal year 1988 in order to guarantee launch readiness by 1990. But the House version of the HUD-independent agencies appropriations bill only includes \$70 million for the program.

As a member of the HUD-Independent Agencies Subcommittee, I worked hard to ensure that we provided \$84 million for the program in fiscal year

1988. I was pleased that we were able to accommodate that amount.

Development of ACTS is critical to maintain America's leadership in communications satellite technology. It is no secret that the Europeans and Japanese are investing substantial public funds in research in this area. Both groups plan to launch their experimental satellites between 1990 and 1992. Appropriating \$84 million in fiscal year 1988 will keep the program on track and keep the United States in the race for leadership of the global satellite communications industry.

Another important program funded in the NASA portion of the bill is the Rotary Engine Program.

America's position in general aviation has been eroding for several years. Development of a more fuel-efficient, versatile powerplant such as the stratified charge rotary engine is necessary to enable the American general aviation industry to regain its competitive position. The Japanese and Soviet Union have been seeking to improve their rotary engine. Failure to adequately fund this program would certainly cede the market to the Japanese and Soviets.

Unfortunately, in its fiscal year 1988 budget submission to the Congress, the administration requested \$750,000 for this project, and the House included that level in its version of the bill. At that funding level, I was concerned that development of the project would be stretched out until the end of the century, and availability of highly advanced rotary engine technology would be delayed.

To help our general aviation industry achieve the higher levels of fuel efficiency and multifuel capabilities that the industry needs and that promise to restore America's competitive edge in general aviation, I sought an additional \$2 million for the program be included in this bill for fiscal year 1988. I am pleased to say that that amount is included in the bill.

NASA and its main contractor, Deere & Co., have made excellent progress on the rotary engine with the money the program has received since 1985. Appropriating this additional \$2 million in fiscal year 1988 will go a long way in ensuring that the program will be completed before foreign technology catches up and further undermines the general aviation industry.

America's space station is another extremely important program funded in this bill.

In September, the House approved \$767 million in funding for the space station in fiscal year 1988 in its version of the HUD-independent agencies appropriations bill. But when the Senate HUD-Independent Agencies Subcommittee reviewed this program, there was an effort to eliminate funding for the space station. I supported Sena-

tors JOHNSTON and GARN when they offered an amendment to restore funding for the space station in the full Senate Appropriations Committee. The Senate Appropriations Committee version of the bill now includes \$558,663,000 for the space station.

Mr. President, I appreciate the need to provide for our Nation's veterans. I worked hard to increase the veterans' funding at full committee, and I supported an amendment to add additional funds on the floor earlier. That is why it was difficult for me to support tabling the amendment to transfer funds from the space station to the veterans' programs. However, we should not be forced to sacrifice our technological leadership in order to repay our veterans for their sacrifices. I know that our veterans, as much as any group of Americans, do not want to see America fall behind the Soviet Union and other nations in the race for space leadership.

Some of America's most important technologies have emerged from our exploration in space. The space station holds the promise of providing valuable information that would help ensure that America advances technologically and remains competitive. It would also create thousands of jobs for individuals in New Jersey and throughout the Nation. If America is going to maintain its role as a world leader in space, moving forward with the space station is an important step for our Nation to take.

Developing a permanent presence in space is a high national priority. The Soviet Union has made great strides with its Space Station Program. We can afford to do no less with our own program.

Mr. President, the National Science Foundation section of this bill also contains extremely important provisions for the Nation and my State.

A campaign is underway in the House of Representatives to earmark funds for phase I transitional computer centers. The House Appropriations Committee earmarked \$3.5 million for these centers in its report on the 1988 HUD-independent agencies appropriations bill.

I was concerned that earmarking funds for phase I centers would reduce the funds needed by the five national phase II supercomputer centers, such as the JVNC center at Princeton. At my request, language accompanies the Senate version of the appropriations bill which explicitly states the committee's objection to the House's effort to earmark funds for phase I centers.

Princeton's supercomputer center and the other four national centers are extremely important projects supported by the NSF. We should ensure that they receive adequate funding.

I am also pleased that this bill would provide \$1.866 billion for the NSF in

fiscal year 1988. This is an increase in funding over the level approved last year.

Mr. President, the bill before us make a substantial investment in America's leadership in science and space. I urge my colleagues to support the bill.

ENVIRONMENTAL SECTIONS

Mr. President, I express my support for the Environmental Protection Agency provisions in H.R. 2783. I would like to commend our distinguished subcommittee chairman, Senator PROXMIRE, and ranking minority member, Senator GARN, for their fine work in preparing the environmental sections of this bill.

Senator PROXMIRE and Senator GARN were particularly helpful in assisting me in pursuing a variety of initiatives beneficial both to New Jersey and the Nation.

I am pleased that this measure contains a provision I authored to assist our States and localities in meeting their obligations under title III of the Emergency Planning and Community Right to Know Act of 1986. This new law, which I sponsored in last year's Superfund amendments, can do much to protect our citizens from chemical accidents and to provide information on the chemical risks in our communities.

It is essential that we fund these new mandates on the Federal, State, and local level. The Senate bill does this. And it funnels \$10 million specifically to assist States and localities in carrying out title III. Seventy-five percent of these funds must be passed through to the local level. This should be a shot in the arm for States, State emergency response commissions, local governments, and local emergency planning committees seeking to comply with the new law. Planning committees, municipalities, and counties in New Jersey and across the country can use these funds to move the program forward.

Another important provision that I authored in this bill provides \$700,000 for a restoration plan of the New York Bight/Hudson-Raritan Estuary area. The measure sets forth specific guidelines and deadlines for EPA in pursuing this program. One of those guidelines is consultation with and participation of the public, which I believe is essential in developing a good plan. EPA must vigorously pursue this initiative, and should expect continued oversight by Congress to assure compliance with this provision.

The measure also continues funding for a project I have supported in Edison, NJ. In the 1987 appropriations bill, the Congress showed its support for hazardous waste research and development by providing funding for such an effort planned in Edison, NJ. The appropriation designated \$500,000 to renovate buildings adjacent to EPA

facilities in Edison, NJ, for hazardous waste research. This research is to be conducted jointly by EPA and the consortium of universities that currently operate the National Science Foundation Industry/University Cooperative Center for Research in Hazardous and Toxic Substance.

The President's budget request responded to congressional support for this effort with an assumption of \$5.6 million from the Superfund account, specifically the Superfund Innovative Technology Evaluation [SITE] Program, for the renovation and design activities. It is important to note that work done for EPA to prepare the program of requirements for an architectural and engineering study for the renovation indicated that the cost for renovating both buildings in question was about \$14 million.

This program of requirements is consistent with the intent of Congress expressed last year. Both the Senate report (S. Rept. 99-487) and conference report (H. Rept. 99-977) to H.R. 5313 clearly stated that the appropriation was for renovation of "facilities" or "buildings." The current Senate report (S. Rept. 100-192) accompanying this measure is consistent with prior legislative history and the program of requirements mentioned above. The report language on page 47 specifically uses the plural "buildings" in describing what the additional appropriation is intended for.

Accordingly, this bill's appropriation does not alter the original intent, and the \$5.6 million appropriation should not be viewed as precluding renovation and construction of the two buildings in question.

The Environmental Protection Agency should therefore use all appropriated sums, including the original \$500,000 for architectural and engineering studies, in a manner that is consistent with and will accommodate the \$14 million design and renovation of both buildings (building 245 and building 246). While the architectural and engineering studies and design should be based on the \$14 million plan, as is indicated by the bill language making the \$5.6 million appropriation, this does not preclude use of available funds for phased construction and modifications of the designated buildings.

Use of the Superfund account does not limit the research to be carried out in the facility to Superfund applications. Obviously SITE related research can have broad applications. In fact, just as the program was initially funded from the building and facilities account, additional future appropriations might again look to that account. But I would also note the intent of the Senate measure that any modifications to the structure necessary to carry out a specific research, develop-

ment, or evaluation goal may be paid for from research project funds without requiring specific building and facility appropriations.

Another measure which I sponsored in this bill strikes language originated in the House that attempts to supersede the natural resource damage provisions under Superfund. I do not believe it is appropriate to amend the Superfund law through the appropriations process.

I also sponsor language in the committee report to get the Superfund Technical Assistance Grants Program up and running. The Agency must promulgate the interim final rule to implement section 117(e) and to make these grants available to citizens affected by Superfund sites. The Agency should heed the committee's directive, not only in promulgating this regulation but in expediting the program in the ways laid out in the report.

Generally, I believe the bill makes important strides. Certainly, had more funds been available, I would have preferred to see some higher funding for existing and new programs. Overall the bill contains some important provisions for New Jersey and the Nation, including: over \$1.1 billion for Superfund, \$2.4 billion for construction grants, \$50 million for asbestos in schools, and \$12 million for radon research and cleanup.

I look forward to working with Senator PROXMIER and Senator GARN as we pursue this effort in conference, and again I commend them both for their leadership.

HOUSING AND COMMUNITY DEVELOPMENT

Mr. President, I express my support for several provisions in the bill concerning housing and community development programs. As a member of the Appropriations Subcommittee on HUD and Independent Agencies, I have worked hard to ensure that we provide adequate funding for these programs.

I am pleased to note that this bill provides for full funding for the Urban Development Action Grant [UDAG] and Community Development Block Grant [CDGB] programs at fiscal year 1987 levels—\$225 million and \$3 billion respectively. I have long been a strong supporter of these programs and worked hard on their behalf during the committee's consideration of the bill. They have proven to be important, effective tools for revitalizing communities and expanding economic opportunities, particularly for those in most need.

I am also gratified to note that the bill provides for increases over the House levels for public housing operating subsidies and modernization, which I also supported during the committee's consideration of the bill. Public housing authorities are facing enormous pressures, as facilities deteriorate, insurance and utility costs es-

calate, and waiting lists in many areas of the country run into the thousands. It thus is vitally important that Congress provide adequate funding to operate and maintain our existing stock of public housing.

I also am very pleased that the bill maintains funding under the Section 202 Program, which provides much-needed housing for the elderly and handicapped, at the same level as fiscal year 1987, and increases funding for the Congregate Housing Services Program [CSHP] to \$7 million. As a strong supporter of senior housing, and the CSHP in particular, I am especially gratified that the CSHP appropriation was increased substantially from the \$3.4 million fiscal year 1987 level, as I had requested.

I also want to note the inclusion in the committee's report of language directing the Department to allocate a minimum of \$400,000 in technical assistance funds to the district heating and cooling initiative. This program helps cities conserve scarce fuels and use energy more efficiently. The funds will be used for assistance grants to cities for feasibility assessments and predevelopment activities.

While I am gratified that the committee was able to fund the programs I've discussed, I am also disappointed that budget constraints limited our ability to maintain funding for the Moderate Rehabilitation Program and the Housing Development Action Grant [HoDAG] Program.

The Moderate Rehabilitation Program has successfully rehabilitated housing for low-income renters—those with incomes less than 50 percent of the area median income. Since 1978 the program has created 74,000 units of housing for low-income American families. It is these families who are least able to compete for housing within their ability to pay on the private market. The rehabilitated housing assisted with section 8 assistance makes it possible for these families to afford decent, affordable housing. The Section 8 Moderate Rehabilitation Program has been particularly effective in creating three- and four-bedroom low income units which are in scarce supply.

The HoDAG Program builds housing for both moderate- and low-income families, creating economically mixed projects with low turnover rates. This contributes to both project and neighborhood stability. Since the inception of this program in 1984, 24,152 units of housing have been committed, of which 6,917 are low income. This comes at a time when private market rental units have been dwindling due to demolitions, conversions, and rent increases.

As a member of the conference committee, I will do what I can to see if we can find the funds to support these two important programs.

HOMELESS AMENDMENT

Mr. D'AMATO. Mr. President, I rise today in support of my colleague from New Mexico, Senator DOMENICI, to provide continued funding for the many homeless families and individuals around the Nation. I commend the Senator from New Mexico and am pleased to join this effort.

The homeless are in urgent need of housing—a need the Senate fully acknowledged in April of this year with the passage of H.R. 558, the housing provisions of the Urgent Relief for the Homeless Act of 1987. As ranking member of the Housing Subcommittee, I was pleased to sponsor such worthy legislation.

Earlier this year, I assisted in providing \$190 million for housing for the homeless—\$80 million of this total was designated for transitional housing for the homeless. Because of the high demand for these funds, as well as the broad nature of the homeless problem, funds for transitional housing will be depleted by December of this year. The HUD-independent agencies appropriations bill does not provide any funding for transitional housing for the homeless.

Senator DOMENICI's amendment provides \$65 million in budget authority and \$1.3 million in outlays for transitional housing for the homeless. Offsets for this funding come from HUD management and expenses. The reduction is only a slight portion of the total outlays for this account. This funding is vital to provide continued funding for the homeless, especially as we are moving into a long, cold winter. Without action now, it is unlikely that we will be able to tap additional funding for the homeless until next spring.

Transitional housing provides homeless people with interim housing and support services to facilitate their transition to independent living over periods ranging from several weeks to about 18 months. This type of housing is of particular benefit to families with children and to the mentally ill. Given the large number of homeless families, as well as the large number of mentally ill individuals who are homeless, I am pleased to provide these individuals with some security and assistance—vital components to living and functioning independently.

While emergency shelters can offer a place to stay for a few days or weeks, transitional housing is intended to provide a longer period of relative stability during which a homeless person can be helped to seek employment and permanent housing, secure benefits, and receive needed health care and counseling.

In this time of major budgetary constraints, we must not lose sight of those individuals and families who literally have no roof over their heads. I commend Senator DOMENICI for his

commitment to this cause, and I ask for the support of my colleagues to provide continued assistance to this worthy group of Americans.

SUPERCOMPUTER APPROPRIATIONS

Mr. HEINZ. Mr. President, I am delighted that the Appropriations Committee has expressed strong support for the National Science Foundation's national supercomputing centers. I would like to thank the distinguished chairman, Senator PROXMIRE, and my friend the ranking member, Senator GARN, for their concern for and interest in this program.

The committee report recognizes the impressive scientific and educational results of the supercomputing centers. The centers certainly are, as the report notes, on the cutting edge of technology development. Improved development of the supercomputing centers is essential to our competitive position in the world.

I join with the managers of the bill in expressing strong support for the work of these centers. The efforts of the National Science Foundation deserve much recognition. I hope that the Senate's position will prevail in conference, and I want Senator PROXMIRE, Senator GARN, and the other members of the committee to know that they will have my strong support.

THE VA'S HOSPITAL COMPUTER PROGRAM

Mr. MURKOWSKI. Mr. President, I rise to urge my colleagues on the Senate Appropriations Committee to address, during the conference on H.R. 2783, the issue of the development and implementation of a hospital information system for the VA's medical care system.

As ranking minority member of the Committee on Veterans' Affairs, I am extremely interested in the VA's modernization effort and support efforts in this regard. The question is: How will this goal be accomplished? Much controversy surrounds this issue. I find this most unfortunate.

I support the Appropriations Committee's efforts to provide funding for the VA to fully implement a hospital information system that will meet the VA's future needs. I strongly support language in the Appropriations Committee report on this measure (S. Rept. 100-192) which directs the VA to delay obligation of fiscal year 1988 funds for its Decentralized Hospital Computer Program until the Office of Technology Assessment completes its evaluation of this program.

Mr. President, this month the OTA evaluation was completed. I am still in the process of reviewing that evaluation. Thus, I urge my colleagues to carefully examine the contents and recommendation contained in the OTA report and to take that information into consideration during the conference process.

I thank my colleagues—Senators PROXMIRE and GARN—and look for-

ward to working with them on this important issue.

I thank the Chair.

Mr. PROXMIRE. I know of no further amendments to be offered.

I ask for third reading. I ask for the yeas and nays on final passage.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

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

The bill was read the third time.

Mr. PROXMIRE. Mr. President, although I am chairman of the subcommittee and manager of the bill, I am going to vote against this bill. I do so although I recognize there are many good things in the bill. But there is so much budget authority that is mandated, as the distinguished Senator from Utah indicated. There is no discretion on the spending. We have to do it. It is going to make it very, very hard in the future for us to hold down the budget deficit and pass bills of this kind. So with great reluctance I am going to vote against the bill.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise today to support the 1988 HUD-Independent Agencies appropriations bill. While this legislation does not include all of the items I think should be funded, it does address several important areas of interest to my constituents in New Mexico.

VETERANS

The bill appropriates funds for improving health care for veterans in New Mexico, especially those from rural areas who have had increasing difficulty obtaining quality health care. An amendment which I cosponsored with Senator CRANSTON, chairman of the Veterans' Committee, includes \$4 million for startup costs for six Veterans' Administration satellite outpatient clinics. One of those clinics is a mobile clinic associated with the VA Medical Center in Albuquerque, NM. This innovative approach to delivering medical care to New Mexico's widely dispersed veterans community is much needed.

In New Mexico, veterans often travel over 200 miles to the nearest veterans' health facility. I have been concerned that the costs these veterans must pay and the distances they must travel create undue hardship for many rural veterans and discourage some from seeking needed care. The termination of beneficiary payments for travel to

and from veterans' hospitals compounds an already difficult situation for rural veterans.

I am optimistic that a mobile clinic in New Mexico will greatly benefit veterans. This project may very well become a model for other regions with large rural veterans' populations. The establishment of a mobile clinic is an excellent example of how innovative ideas can lead to more efficient allocation of limited funding without sacrificing the interests of the veterans who have made such great contributions to our Nation.

SOLAR OBSERVATORY

This bill also contains \$5 million for the High Resolution Solar Observatory project at Sunspot, NM. I am pleased that the committee recognized that the recently proposed termination of HRSO would leave NASA without a program for the study of the Sun from space and waste substantial sums already expended. Although this action falls short of the full level requested I am optimistic that the funding approved will give this important research program a new lease on life.

NATIONAL SCIENCE FOUNDATION FUNDING

Mr. President, I am pleased to see that the HUD-independent agencies appropriations bill also contains the funding level for the National Science Foundation needed to develop the technology crucial to our continuing ability to compete economically in the world.

America faces a large problem in trying to regain its competitive standing in the world economy, as yesterday's trade figures show. One of the keys to solving this problem is harnessing our superiority in science and technology. America's future economic development must be based on its educational system and the equality of the science that system has produced.

Last year, the Democratic Policy Committee's Working Group on Economic Competitiveness, which I chaired, proposed a multipronged program to attack our competitiveness problems. Three of these proposals directly affect the National Science Foundation: additional NSF graduate fellowships, a facilities fund, and additional Engineering Research Centers. The funding level contained in this bill will allow these important programs to go forward.

Maintaining a first rate scientific system is crucial to our economic future. We cannot maintain a world class scientific system without adequate levels of funding and without first-rate scientists and first-rate university facilities. The more we let our best young minds drift away from science and engineering, the closer we steer toward second rate scientific status, and falling further behind competitively. This bill will help reverse that trend.

ENVIRONMENTAL PROTECTION

The President's proposed budget did not include any funding for the Rural Water Training and Technical Assistance Program. The program has proved very successful in New Mexico since 1977 in delivering effective water management assistance in rural areas. I am pleased that funding for this important program has been restored in this bill. There are over 624 rural water systems in New Mexico and over 50 percent of them have been assisted by this program in the past.

The Safe Drinking Water Act has traditionally required that New Mexico Water supplies be routinely monitored for 23 biologic and chemical contaminants. The amended act of 1986 increased this number to approximately 85 contaminants over the next 3 years. This will require more laboratory monitoring and regulating support than is currently available to State and local governments. The bill includes additional funds for public water system State grants to deal with the additional contaminants being regulated. This is especially important to areas such as Albuquerque, where ground water contamination in the South Valley are in increasing threat to the health and safety of its residents.

Radon protection is also an issue I have supported strongly in the past. Preliminary studies have shown that New Mexico has homes that exceed the EPA recommended levels for radon exposure. It is important that a continued assessment of radon contamination be implemented in order to assess the real public health danger. This legislation would appropriate an additional \$4.5 million nationwide for radon assessment, including funds for the assessing of indoor radon levels in residences, schools and workplaces. New Mexico will benefit from the technical assistance provided by EPA under this important program.

Mr. GARN. Mr. President, I simply announce my support for the bill by saying that this subcommittee has absorbed more cuts since 1980 than any other subcommittee in the Congress. We are actually dealing with less dollars in 1987 than 1980 dollars, and this is \$700 million below our budget allocation. So it is a good bill and I hope my colleagues will support it.

Mr. PROXMIRE. Mr. President, let me just make one more statement in connection with the bill.

The bill is over the appropriations of last year by \$472 million. It is over the estimates by \$5.5 billion, \$5.5 billion over the estimates, and for that reason I think the bill is excessively costly, although the Senator from Utah is right; we can make some claims that it is more modest than it might be otherwise. But it is too much when we have an enormous deficit, so I am going to vote no.

Mr. SARBANES. Mr. President, I commend the subcommittee for bringing a very responsible bill before the Senate. Hardly anything was added on the floor of the Senate. It seems to me the judgment of the subcommittee and committee which thought this bill deserved the support of the Members ought to obtain concurrence of the Senate. I support the bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

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

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Illinois [Mr. SIMON] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

Mr. BYRD. Regular order, Mr. President.

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

The result was announced—yeas 86, nays 12, as follows:

[Rollcall Vote No. 332 Leg.]

YEAS—86

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

NAYS—12

Armstrong	Helms	Roth
Conrad	Humphrey	Symms
Gramm	Nickles	Trible
Hecht	Proxmire	Wallop

NOT VOTING—2

Kassebaum	Simon
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So the bill (H.R. 2783), as amended, was passed.

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

The motion was agreed to; and the Chair appointed MESSRS. PROXMIRE, STENNIS, LEAHY, JOHNSTON, LAUTEN-

BERG, MIKULSKI, INOUE, GARN, D'AMATO, DOMENICI, GRASSLEY, NICKLES and HATFIELD, conferees on the part of the Senate.

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

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

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the distinguished Republican leader is not on the floor at the moment, but he has authorized me to go to the State-Justice-Commerce appropriation bill.

I ask unanimous consent that it be in order at any time for the majority leader, on consultation with the Republican leader, to proceed to the consideration of the State-Justice-Commerce appropriation bill, H.R. 2763.

The PRESIDING OFFICER (Mr. SANFORD). Is there objection? The Chairs hears none, and it is so ordered.

COMMERCE, STATE, JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1988

Mr. BYRD. Mr. President, I have consulted with the Republican leader, and he has approved our going to that bill.

I ask that the Chair lay before the Senate that appropriation bill, H.R. 2763.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2763) making appropriations for the Departments of Commerce, Justice, and State, Judiciary, and related agencies for the fiscal year ending September 30, 1988, and for other purposes.

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

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

H.R. 2763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1988, and for other purposes, namely:

TITLE I—DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce, including not to exceed \$2,000 for of-

official entertainment, **[\$40,500,000]**
\$41,265,000.

**BUREAU OF THE CENSUS
SALARIES AND EXPENSES**

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, **[\$100,000,000]** \$99,270,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, **[\$360,000,000]** \$361,255,000.

**ECONOMIC AND STATISTICAL ANALYSIS
SALARIES AND EXPENSES**

For necessary expenses, as authorized by law, of economic and statistical analysis programs, **[\$33,400,000]** \$33,700,000.

**ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS
[(INCLUDING TRANSFER OF FUNDS)]**

For economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, **[\$180,400,000]** and in addition **\$261,000** to be derived by transfer from "Financial and Technical Assistance" **\$190,000,000**: *Provided*, That during fiscal year 1988 total commitments to guarantee loans shall not exceed \$150,000,000 of contingent liability for loan principal: *Provided further*, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration.

**FINANCIAL AND TECHNICAL ASSISTANCE
(RESCISSION)**

Of available funds under this heading, **\$1,541,067** are rescinded.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, **\$25,800,000**: *Provided*, That [the full time permanent positions for the Economic Development Administration shall not be fewer than 375 and that] the number of Deputy Assistant Secretary positions shall not be greater than four: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-nine permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1988, and such positions shall be maintained in the various States within the approved organizational structure in place on September 1, 1987, and when possible, with those employees who filled those positions on that date.

**INTERNATIONAL TRADE ADMINISTRATION
OPERATIONS AND ADMINISTRATION**

For necessary expenses for international trade activities of the Department of Commerce, including trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703;

full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$253,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use abroad and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; **[\$216,500,000]** \$161,952,000, to remain available until expended, of which \$7,081,000 is for the Office of Textiles and Apparels, including \$3,500,000 for a grant to the Tailored Clothing Technology Corporation: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities. Notwithstanding any other provision of law, upon the request of the Secretary of Commerce, the Secretary of State shall accord the diplomatic title of Minister-Counselor to the senior Commercial Officer assigned to any United States mission abroad: *Provided further*, That the number of Commercial Service officers accorded such diplomatic title at any time shall not exceed eight.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$5,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; **\$41,448,000**, to remain available until expended.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, **[\$43,400,000]** of which **\$28,548,000** \$41,390,000, of which **\$26,538,000** shall remain available until expended: *Provided*, That not to exceed \$14,852,000 shall be available for program management for fiscal year 1988: *Provided further*, That none of the funds appropri-

ated in this paragraph or in this title for the Department of Commerce shall be available to reimburse the fund established by 15 U.S.C. 1521 on account of the performance of a program, project, or activity, nor shall such fund be available for the performance of a program, project, or activity, which had not been performed as a central service pursuant to 15 U.S.C. 1521 before July 1, 1982, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such action in accordance with the Committees' reprogramming procedures.

**UNITED STATES TRAVEL AND TOURISM
ADMINISTRATION**

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration including travel and tourism promotional activities abroad for travel to the United States and its possessions without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; and including employment of American citizens and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed \$8,000 for representation expenses abroad; **\$12,975,000**.

**NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION**

OPERATIONS, RESEARCH, AND FACILITIES

[(INCLUDING TRANSFER OF FUNDS)]

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; 399 commissioned officers on the active list; construction of facilities, including initial equipment; alteration, modernization, and relocation of facilities; and acquisition of land for facilities; **[\$1,152,520,000]** \$1,169,070,000, to remain available until expended; and in addition, **[\$29,000,000]** \$30,000,000 shall be derived from the Airport and Airways Trust Fund; and in addition, **[\$51,800,000]** \$46,300,000 shall be derived by transfer from the Fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries"; and in addition, \$15,900,000 shall be derived by transfer from the Coastal Energy Impact Fund: *Provided*, That grants to States pursuant to section 306 and section 306(a) of the Coastal Zone Management Act, as amended, shall not exceed \$2,000,000 and shall not be less than \$450,000: *Provided further*, That \$400,000 of the funds made available under this paragraph shall be used for a semi-tropical research facility located at Key Largo, Florida; *Provided further*, That of the funds appropriated in this paragraph, necessary funds shall be used to fill and maintain a staff of three persons, as National Oceanic and Atmospheric Administration personnel, to work on contracts and purchase orders at the National Data Buoy Center in Bay St. Louis, Mississippi, and report to the Director of the National Data Buoy Center in the same manner and extent that such procurement functions were performed at Bay St. Louis prior to June 26, 1983, except that they may provide procurement assistance to

other Department of Commerce activities pursuant to ordinary interagency agreements. Where practicable, these positions shall be filled by the employees who performed such functions prior to June 26, 1983.

FISHERIES PROMOTIONAL FUND

Of the funds deposited in the Fisheries Promotional Fund pursuant to section 209 of the Fish and Seafood Promotion Act of 1986, \$3,000,000 shall be made available as authorized by said Act, to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$750,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 94-265), and the American Fisheries Promotion Act (Public Law 96-561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed **[\$2,500,000]** \$2,000,000, to remain available until expended.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office, including defense of suits instituted against the Commissioner of Patents and Trademarks, **[\$130,700,000]** \$129,500,000 and, in addition, such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, to remain available until expended.

NATIONAL BUREAU OF STANDARDS

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Bureau of Standards, **[\$139,500,000]** \$160,900,000, to remain available until expended, of which \$2,000,000 is available for construction of research facilities, and of which not to exceed **[\$3,420,000]** \$6,420,000 may be transferred to the "Working Capital Fund".

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, **[\$14,500,000]** \$14,400,000, of which \$700,000 shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, **[\$20,500,000]** \$22,200,000, to remain available until expended: *Provided*, That not to exceed \$1,200,000 shall be available for program management as authorized by section 391 of the Communications Act of 1934, as amended: *Provided further*, That notwithstanding the provisions of section 391 of the Communications Act of 1934, as amended, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 101. During the current fiscal year, applicable appropriations and funds available to the Department of Commerce shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act, and, notwithstanding 31 U.S.C. 3324, may be used for advance payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations to the Department of Commerce which are available for salaries and expenses shall be available for hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 103. No funds in this title shall be used to sell to private interests, except with the consent of the borrower, or contract with private interests to sell or administer, any loans made under the Public Works and Economic Development Act of 1965 or any loans made under section 254 of the Trade Act of 1974.

SEC. 104. During the current fiscal year, the National Bureau of Standards is authorized to accept contributions of funds, to remain available until expended, from any public or private source to construct a facility for cold neutron research on materials, notwithstanding the limitations contained in 15 U.S.C. 278d.

SEC. 105. In procuring information processing and telecommunications services of the National Oceanic and Atmospheric Administration for the Advanced Weather Interactive Processing System, the Secretary of Commerce may provide, in the contract or contracts for such services, for the payment for contingent liability of the Federal Government which may accrue in the event that the Government decides to terminate the contract before the expiration of the contract period. Such contract or contracts for such services shall limit the payments which the Federal Government is allowed to make under such contract or contracts to amounts provided in advance in appropriation Acts.

SEC. 106. Notwithstanding any other provision of law, principal and interest repayments from loans made under the authority of the Trade Act of 1974, as amended, title II, chapters 2, 3, and 4, and proceeds from the sale of loan assets or collateral, shall be deposited in the "Economic development revolving fund" beginning October 1, 1987: *Provided*, That repurchases of loans guaranteed under the authority of the Trade Act of 1974, as amended, and any related expenses, shall be made from funds available in the "Economic development revolving fund".

SEC. 107. Notwithstanding any other provision of law, the Secretary of Commerce is authorized to negotiate and conclude an agreement to exchange properties with the necessary private and public parties for the purpose of expanding the National Oceanic and Atmospheric Administration marine facility at Pascagoula, Mississippi.

SEC. 108. In order to maintain overseas program activity for the Department of Commerce provided for each fiscal year at the appropriated program levels, the Secretary may establish Buying Power Maintenance accounts for the International Trade Administration, the Export Administration, and the United States Travel and Tourism Administration. There are authorized to be

appropriated for such accounts such sums as may be necessary to offset adverse fluctuations in foreign currency exchange rates, or unbudgeted overseas wage and price changes. To eliminate substantial gains to the approved levels of overseas operations, the Secretary shall transfer to a Buying Power Maintenance account such amounts determined to be excessive to the needs of the approved level of overseas operations because of fluctuations in foreign currency exchange rates or changes in unbudgeted overseas wages and prices, including unobligated balances associated with the overseas program. To offset adverse fluctuations in foreign currency exchange rates or unbudgeted overseas wage and price changes, the Secretary may transfer from a Buying Power Maintenance account such amounts determined to be necessary to maintain the approved level of overseas operations under an appropriation account. Funds transferred by the Secretary to or from a Buying Power Maintenance account to another account shall be merged with and be available for the same purpose, and for the same time period, as the funds in the account into which transferred. Any restriction contained in an appropriation Act or other provision of law limiting the amounts available for the Department of Commerce that may be obligated or expended shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or unbudgeted overseas wage and price changes in order to maintain approved levels.

This title may be cited as the "Department of Commerce Appropriation Act, 1988".

TITLE II—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, **[\$90,400,000]** \$93,580,000.

WORKING CAPITAL FUND

For additional capital, not to exceed \$4,000,000, to remain available until expended, to be derived from current operating income.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, as authorized by law, **[\$12,250,000]** \$12,164,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and rent of private or Government-owned space in the District of Columbia; **[\$284,400,000]** \$254,650,000, of which not to exceed \$6,000,000 for litigation support contracts shall remain available until September 30, 1989: *Provided*, That of the funds available in this appropriation, \$5,000,000 shall be available for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through Salaries and expenses, General Administration, to remain available until expended: *Provided further*, That of the funds appropriated to the Department

of Justice in this Act, not to exceed \$1,000,000, may be transferred to this appropriation to pay expenses related to the activities of any Independent Counsel appointed pursuant to 28 U.S.C. 591, et seq., upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate and approval under said Committees' policies concerning the reprogramming of funds: *Provided further*, That amounts obligated under the heading, Salaries and expenses, Antitrust Division, shall be merged under this appropriation: *Provided [further]*, That the Chief, U.S. National Central Bureau, INTERPOL, may establish and collect fees to process name checks and background records for noncriminal employment, licensing, and humanitarian purposes and, notwithstanding the provisions of 31 U.S.C. 3302, credit not more than \$150,000 of such fees to this appropriation to be used for salaries and other expenses incurred in providing these services.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$48,260,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, [\$391,700,000] \$397,895,000.

UNITED STATES TRUSTEES SYSTEM FUND

For the necessary expenses of the United States Trustees Program, [\$50,600,000] \$39,985,000, for activities authorized by Sec. 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-554): *Provided*, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That the Attorney General may credit to this appropriation not more than \$10,600,000 of fees available pursuant to 28 U.S.C. 589(a).

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those allowed under the Foreign Service Act of 1980 as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters of personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; \$500,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, including acquisition, lease, maintenance, and operation of vehicles and aircraft; [\$182,800,000] \$192,720,000. *Provided*, That notwithstanding the provisions of title 31 U.S.C. 3302, the Director of the United States Marshals Service may collect fees and expenses for the service of civil process, including: complaints, summonses, subpoenas and similar

process; and seizures, levies, and sales associated with judicial orders of execution; and credit not to exceed \$1,000,000 of such fees to this appropriation to be used for salaries and other expenses incurred in providing these services.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, [\$74,800,000] \$76,900,000, which shall remain available until expended; of which not to exceed \$5,000,000 shall be available under the Cooperative Agreement Program for the purposes of renovating, constructing, and equipping State and local correctional facilities: *Provided*, That amounts made available for constructing any local correctional facility shall not exceed the cost of constructing space for the average Federal prisoner population to be housed in the facility, or in other facilities in the same correctional system, as projected by the Attorney General: *Provided further*, That following agreement on or completion of any Federally assisted correctional facility construction, the availability of the space acquired for Federal prisoners with these Federal funds shall be assured and the per diem rate charged for housing Federal prisoners in the assured space shall not exceed operating costs for the period of time specified in the cooperative agreement.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, including advances; [\$56,000,000] \$54,977,000, to remain available until expended, of which not to exceed \$1,350,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safe-sites.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, [\$29,100,000] \$29,050,000, of which [\$21,740,000] \$21,667,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: *Provided*, That notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524, as amended by the Comprehensive Forfeiture Act of 1984 and the Anti-Drug Abuse Act of 1986, such sums as may be necessary to be derived from the Department of Justice Assets Forfeiture Fund: *Provided*, That payments made to reimburse State or local agencies pursuant to section 524(c)(1)(A) of title 28, United States Code may not be made prior to October 1, 1988].

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including pur-

chase for police-type use of not to exceed [1,697] 2,000 passenger motor vehicles of which 1,650 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; [\$1,403,100,000] \$1,440,420,000, of which not to exceed \$10,000,000 for automated data processing and telecommunications and \$1,000,000 for undercover operations shall remain available until September 30, 1989; of which \$3,000,000 for research related to investigative activities shall remain available until expended; of which \$13,000,000 for the construction of the Engineering Research Facility shall remain available until expended; and of which not to exceed \$500,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism: *Provided*, That the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records for noncriminal employment and licensing purposes, and notwithstanding the provisions of 31 U.S.C. 3302, credit [not more than \$17,500,000 of] such fees to this appropriation to be used for salaries and other expenses incurred in providing these services: *Provided further*, That not to exceed \$45,000 shall be available for official reception and representation expenses: *Provided further*, That \$8,000,000 for the expansion and renovation of the New York field office shall remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; purchase of not to exceed 525 passenger motor vehicles of which 489 are for replacement only for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; [\$521,400,000] \$517,800,000, of which not to exceed \$1,200,000 for research shall remain available until expended; not to exceed \$1,700,000 for purchase of evidence and payments for information, not to exceed \$4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed \$2,000,000 for technical equipment shall remain available until September 30, 1989.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed 1,670, of which 490

shall be for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; [\$769,300,000] \$815,300,000, of which not to exceed \$400,000 for research and \$35,000,000 for construction shall remain available until expended: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of \$25,000 except in such instances when the Commissioner makes a determination that this restriction is impossible to implement: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That none of the funds available to the Immigration and Naturalization Service shall be available to administer or implement a nationwide employer telephone verification system unless the Commissioner of Immigration and Naturalization procures such system through sealed bid or competitive proposal procedures, except that this proviso shall not affect the pilot project directed in section 101(d)(4) of the Immigration Reform and Control Act of 1986, Public Law 99-603.

[In addition, \$46,000,000 shall be available for expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration.]

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 142 of which 106 are for replacement only) and hire of law enforcement and passenger motor vehicles; [\$745,700,000] \$750,670,000: *Provided*, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year.

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351-4353 of title 18, United States Code, which established a National Institute of Corrections, \$10,000,000, to remain available until expended.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$210,300,000 to remain available until expended, of which \$1,025,000 shall be granted to the Town of Alderson, West Virginia, to assist in the expansion of the municipal water treatment system serving the Federal Correctional Institution at Alderson, West Virginia: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$2,347,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed \$7,571,000 for the expenses of vocational training of prisoners, both amounts to be available for services as authorized by 5 U.S.C. 3109, and to be computed on an accrual basis to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Justice Assistance Act of 1984, Runaway Youth and Missing Children Act Amendments of 1984, and the Missing Children Assistance Act including salaries and expenses in connection therewith, [\$129,708,000] \$88,080,000, and for grants as authorized by the State and Local Law Enforcement Assistance Act of 1986 (Public Law 99-570, 100 Stat. 3207-42 to 3207-48), including salaries and expenses in connection therewith, \$75,000,000 to remain available until expended, and for grants, contracts, cooperative agreements, and other assistance authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, \$70,692,000 to remain available until expended[, of which not less than \$50,000,000 shall be allotted under Subpart I of Part B of the Act]. In addition, \$5,000,000 for the purpose of making grants to States for their expenses by reason of Mariel Cubans having to be incarcerated in State facilities for terms requiring incarceration for the full period October 1, 1987 through September 30, 1988, following their conviction of a felony committed after having been paroled into the United States by the Attorney General: *Provided*, That within thirty days of enactment of this Act the Attorney General shall announce in the Federal Register that this appropriation will be made available to the States whose Governors certify by February 1, 1988, a listing of names of such Mariel Cubans incarcerated in their respective facilities: *Provided further*, That the Attorney General, not later than April 1, 1988, will complete his review of the certified listings of such incarcerated Mariel Cubans, and make grants

to the States on the basis that the certified number of such incarcerated persons in a State bears to the total certified number of such incarcerated persons: *Provided further*, That the amount of reimbursements per prisoner per annum shall not exceed \$12,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. A total of not to exceed \$75,000 from funds appropriated to the Department of Justice in this title shall be available for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 202. Notwithstanding any other provision of law, materials produced by convict labor may be used in the construction of any highways or portion of highways located on Federal-aid systems, as described in section 103 of title 23, United States Code.

SEC. 203. Appropriations for "Salaries and expenses, General Administration", "Salaries and expenses, United States Marshals Service", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Drug Enforcement Administration", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Federal Prison System", shall be available for uniforms and allowances therefor as authorized by law (5 U.S.C. 5901-5902).

SEC. 204. (a) Subject to subsection (b) of this section, authorities contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

(b)(1) With respect to any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(A) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration, for fiscal year 1988, may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to section 1341 of title 31 of the United States Code, section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3324 of title 31 of the United States Code, section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Service Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c)).

(B) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration, for fiscal year 1988, may be used to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation, and to operate such corporations or business entities on a commercial basis, without regard to section 9102 of title 31 of the United States Code,

(C) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration, for fiscal year 1988, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18 of the United States Code and section 3302 of title 31 of the United States Code, and

(D) proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code,

only, in operations designed to detect and prosecute crimes against the United States, upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, a member of the Undercover Operations Review Committee established by the Attorney General in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, as in effect on July 1, 1983) or the Administrator of the Drug Enforcement Administration, as the case may be, and the Attorney General (or, with respect to Federal Bureau of Investigation undercover operations, if designated by the Attorney General, a member of such Review Committee), that any action authorized by subparagraph (A), (B), (C), or (D) is necessary for the conduct of such undercover operation. If the undercover operation is designed to collect foreign intelligence or counterintelligence, the certification that any action authorized by subparagraph (A), (B), (C), or (D) is necessary for the conduct of such undercover operation shall be by the Director of the Federal Bureau of Investigation (or, if designated by the Director, the Assistant Director, Intelligence Division) and the Attorney General (or, if designated by the Attorney General, the Counsel for Intelligence Policy). Such certification shall continue in effect for the duration of such undercover operation, without regard to fiscal years.

(2) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under subparagraphs (C) and (D) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(3) If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (B) of paragraph (1) with a net value of over \$50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation or the Drug Enforcement Administration, as much in advance as the Director or the Administrator, or the designee of the Director or the Administrator, determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(4)(A) The Federal Bureau of Investigation or the Drug Enforcement Administration, as the case may be, shall conduct a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1988—

(i) submit the results of such audit in writing to the Attorney General, and

(ii) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

(B) The Federal Bureau of Investigation and the Drug Enforcement Administration shall each also submit a report annually to the Congress specifying as to their respective undercover investigative operations—

(i) the number, by programs, of undercover investigative operations pending as of the end of the one-year period for which such report is submitted,

(ii) the number, by programs, of undercover investigative operations commenced in the one-year period preceding the period for which such report is submitted, and

(iii) the number, by programs, of undercover investigative operations closed in the one-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained. With respect to each such closed undercover operation which involves any of the sensitive circumstances specified in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, such report shall contain a detailed description of the operation and related matters, including information pertaining to—

(I) the results,
(II) any civil claims, and
(III) identification of such sensitive circumstances involved, that arose at any time during the course of such undercover operation.

(5) For purposes of paragraph (4)—

(A) the term "closed" refers to the earliest point in time at which—

(i) all criminal proceedings (other than appeals) are conducted, or

(ii) covert activities are concluded, whichever, occurs later.

(B) the term "employees" means employees, as defined in section 2105 of title 5 of the United States Code, of the Federal Bureau of Investigation, and

(C) the terms "undercover investigative operations" and "undercover operation" means any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration (other than a foreign counterintelligence undercover investigative operation)—

(i) in which—

(I) the gross receipts (excluding interest earned) exceed \$50,000, or

(II) expenditures (other than expenditures for salaries of employees) exceed \$150,000, and

(ii) which is exempt from section 3302 or 9102 of title 31 of the United States Code, except that clauses (i) and (ii) shall not apply with respect to the report required under subparagraph (B) of such paragraph.

SEC. 205. None of the funds appropriated or made available by this Act shall be used prior to October 1, 1988, to issue or implement any final rule in the rulemaking proceeding commenced August 8, 1986 (51 Fed. Reg. 28576-28589).

[SEC. 206. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.]

SEC. 206. *Notwithstanding subsections (c) and (d) of section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633), the Administrator of the Office*

of Juvenile Justice and Delinquency Prevention may not—

(1) *terminate any State's eligibility for funding under subpart I of part B of title II of such Act, or*

(2) *determine that the State's plan fails to meet the requirements of such section,*

for fiscal year 1988 because of the failure of such State to comply with the requirements of section 223(a)(14) of such Act before such fiscal year.

This title may be cited as the "Department of Justice Appropriation Act, 1988".

TITLE III—DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945), expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and section 2 of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties and vehicles abroad; permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress; acquisition by exchange or purchase of vehicles as authorized by law, except that special requirement vehicles may be purchased without regard to any price limitation otherwise established by law; **[\$1,688,600,000: *Provided*, That none of these funds shall be available for the Office of Public Diplomacy for Latin America and the Caribbean] \$1,632,840,000.**

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), and for representation by United States missions to the United Nations and the Organization of American States, **[\$4,000,000] \$4,500,000.**

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314), and to provide for the protection of foreign missions in accordance with the provisions of 3 U.S.C. 208, **\$9,000,000.**

ACQUISITION AND MAINTENANCE OF BUILDINGS

ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), **[\$313,100,000] \$288,100,000**, to remain available until expended: *Provided*, That the funds appropriated in this paragraph shall be available subject to the approval of the House and Senate Committees on Appropriations under said Committees' policies concerning the reprogramming of funds contained in House Report 100: *Provided further*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND
CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), **[\$4,000,000]** \$4,500,000, to remain available until expended.

PAYMENT TO THE AMERICAN INSTITUTE IN
TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), \$9,379,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT
AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$86,000,000.

INTERNATIONAL ORGANIZATIONS AND
CONFERENCESCONTRIBUTIONS TO INTERNATIONAL
ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, **[\$382,000,000]** \$416,700,000, to remain available until expended, of which **[\$142,000,000]** \$62,838,000 shall become available for expenditure on October 1, 1988: *Provided*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL
PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, **[\$29,400,000]** \$10,659,000.

INTERNATIONAL CONFERENCES AND
CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, contributions for the United States share of general expenses of international organizations and representation to such organizations, and personal services without regard to civil service and classification laws, \$4,600,000, to remain available until expended, of which not to exceed \$200,000 may be expended for representation as authorized by law.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, conventions, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER
COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the United States and Mexico International Boundary and Water Commission, and to comply with laws applicable to the United States Section; and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, including preliminary surveys,

operation and maintenance of the interceptor system to be constructed to intercept sewage flows from Tijuana and from selected canyon areas as currently planned, and the operation and maintenance upon completion of the proposed Environmental Protection Agency and Corps of Engineers pipeline and plant project to capture Tijuana sewage flows in the event of a major breakdown in Mexico's conveyance system, \$10,700,000: *Provided*, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89): *Provided further*, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the cost of said dam as shall have been allocated to such purposes by the Secretary of State: *Provided further*, That not to exceed \$500,000 of the amount appropriated in this paragraph shall be available to reimburse the city of San Diego, in the State of California, for expenses incurred in treating domestic sewage received from the city of Tijuana, in the State of Baja California, Mexico.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For detailed plan preparation and construction of authorized projects, including the Rio Grande Rectification Improvement project, to remain available until expended, \$3,300,000: *Provided*, That activities for the New River project may be financed from these funds or from carryover balances under the heading, "International Boundary and Water Commission, United States and Mexico, Construction".

AMERICAN SECTIONS, INTERNATIONAL
COMMISSIONS

For necessary expenses, not otherwise provided for, including not to exceed \$6,000 for representation, **[\$3,700,000]** \$4,700,000; for the International Joint Commission, including salaries and expenses of the Commissioners on the part of the United States who shall serve at the pleasure of the President; salaries of employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses; and the International Boundary Commission, for necessary expenses, not otherwise provided for, including expenses required by awards to the Alaskan Boundary Tribunal and existing treaties between the United States and Canada or Great Britain.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, **[\$10,800,000]** \$11,148,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions.

OTHER

UNITED STATES BILATERAL SCIENCE AND
TECHNOLOGY AGREEMENTS

For expenses, not otherwise provided for, to enable the United States to participate in programs of scientific and technological cooperation with Yugoslavia, \$1,900,000, to remain available until expended.

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, \$13,700,000, to remain available until expended.

SOVIET-EAST EUROPEAN RESEARCH AND
TRAINING

For expenses not otherwise provided to enable the Secretary of State to reimburse private firms and American institutions of higher education for research contracts and graduate training for development and maintenance of knowledge about the Soviet Union and Eastern European countries, \$4,600,000.

FISHERMEN'S GUARANTY FUND

For expenses necessary to carry out the provisions of section 7 of the Fishermen's Protective Act of 1967, as amended, \$1,800,000 to be derived from the receipts collected pursuant to that Act, to remain available until expended.

FISHERMEN'S PROTECTIVE FUND

For expenses necessary to carry out the provisions of the Fishermen's Protective Act of 1967, as amended, \$1,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 301. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapters 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger or freight transportation.

SEC. 302. The Secretary of State shall report to the appropriate committees of the Congress on the obligation of funds provided for diplomatic security and related expenses every month beginning November 1, 1987.

SEC. 303. Notwithstanding any other provision of law, no funds appropriated to the Department of State in this or any other Act may be obligated for the new office building in Moscow, except as necessary to demolish the building: *Provided*, That subsection (d) of section 154 of Public Law 99-93 is repealed and subsection (a) of such section is amended in the first sentence, to read as follows: "The Secretary of State shall not permit the Soviet Union to occupy the new chancery building at its new embassy complex in Washington, D.C., or any other new facility in the Washington, D.C. metropolitan area, until a new chancery building is ready for occupancy for the United States embassy in Moscow and until the Soviet Union provides prompt and full reimbursement to the United States for damages incurred as a result of the construction of the new United States embassy in Moscow." *Provided further*, That the Secretary of State is directed to develop and submit to the Speaker of the House of Representatives and the Appropriations and Foreign Relations Committees of the Senate by March 31, 1988, a plan to establish essential parity in the numbers, types, and quality of buildings held by the United States in Moscow and the Soviet Union in Washington, D.C.: *Provided further*, That it is the sense of Congress that no additional funds should be appropriated for new embassy construction, except for the completion of projects, other than Moscow, where construction is now underway until such time as the management of overseas embassy construction is organized under an Under Secretary who shall also have responsibility for the Office of Foreign Missions and the Bureau of Diplomatic Security: *Provided further*, That the Secretary of State and Director of Central Intelligence shall

within thirty days after enactment of this Act convene a panel of outside experts to review and analyze the plans, contracts, and protocols of any construction projects of the Office of Foreign Buildings.

This title may be cited as the "Department of State Appropriation Act, 1988".

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase, or hire, driving, maintenance and operation of an automobile for the Chief Justice and not to exceed \$10,000 for the purpose of transporting Associate Justices, hire of passenger motor vehicles; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; \$15,900,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without regard to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract, and for security installations both without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); \$2,200,000, of which \$75,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for all necessary expenses of the court, [\$7,500,000] \$8,000,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges; salaries of the officers and employees of the court; services as authorized by 5 U.S.C. 3109; and necessary expenses of the court, including exchange of books and traveling expenses, as may be approved by the court; \$8,100,000: *Provided*, That travel expenses of judges of the Court of International Trade shall be paid upon written certificate of the judge.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the Claims Court, bankruptcy judges, magistrates, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and all necessary expenses of the courts, including the purchase of firearms and ammunition, [\$1,105,260,000] \$1,143,583,000: *Provided*, That, of the total amount appropriated, \$500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions: *Provided further*, That the number of staff attorneys to be appointed

in each of the courts of appeals shall not exceed the ratio of one attorney for each authorized judgeship, exclusive of the seven attorneys assigned preargument conference duties: *Provided further*, That such sums as may be available in the fund established pursuant to 28 U.S.C. 1931 may be credited to this appropriation.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by law; [\$90,400,000] \$88,740,000 to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses and refreshments of jurors; compensation of jury commissioners; and compensation of commissioners appointed in condemnation cases pursuant to Rule 71A(h) of the Federal Rules of Civil Procedure; [\$50,400,000] \$46,135,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities; \$42,600,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, hire of a passenger motor vehicle, and rent in the District of Columbia and elsewhere, [\$32,500,000] \$33,000,000, of which an amount not to exceed \$5,000 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, [\$11,000,000] \$11,500,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$5,350,000.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 401. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 402. Appropriations made in this title shall be available for salaries and expenses of the Temporary Emergency Court of Appeals authorized by Public Law 92-210 and the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93-236.

SEC. 403. The position of Trustee Coordinator in the Bankruptcy Courts of the United States shall not be limited to persons with formal legal training.

SEC. 404. Notwithstanding any other provision of law, the Administrative Office of the United States Courts, or any other agency or instrumentality of the United States, is prohibited from restricting solely to staff of the Clerks of the United States Bankruptcy Courts the issuance of notices to creditors and other interested parties. The Administrative Office shall permit and encourage the preparation and mailing of such notices to be performed by or at the expense of the debtors, trustees or such other interested parties as the Court may direct and approve. The Director of the Administrative Office of the United States Courts shall make appropriate provisions for the use of and accounting for any postage required pursuant to such directives. The provisions of this paragraph shall terminate on October 1, 1988.

SEC. 405. Such fees as shall be collected for the preparation and mailing of notices in bankruptcy cases as prescribed by the Judicial Conference of the United States pursuant to 28 U.S.C. 1930(b) shall be deposited to the "Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses" appropriation to be used for salaries and other expenses incurred in providing these services.

SEC. 406. Pursuant to section 140 of Public Law 97-92, during fiscal year 1988, justices and judges of the United States shall receive the same percentage increase in salary accorded to employees paid under the General Schedule (pursuant to 5 U.S.C. 5305).

SEC. 407. Section 1344(b)(1) of title 31, United States Code, is amended by inserting—

"(2) The Chief Justice and Associate Justices of the Supreme Court;" and redesignating subsections (2) and (3) as subsections (3) and (4), respectively.

This title may be cited as "The Judiciary Appropriation Act, 1988".

SEC. 408. (a) Section 153(a) of title 28, United States Code, is amended to read as follows:

"(a) Each bankruptcy judge shall serve on a full-time basis and shall receive as full compensation for his services, a salary at an annual rate that is equal to 92 percent of the salary of a judge of the district court of the United States as determined pursuant to section 135, to be paid at such times as the Judicial Conference of the United States determines."

(b) Section 634(a) of title 28, United States Code, is amended by amending the first sentence to read as follows:

"(a) Officers appointed under this chapter shall receive, as full compensation for their services, salaries to be fixed by the conference pursuant to section 633, at rates for full-time United States magistrates up to an annual rate equal to 92 percent of the salary of a judge of the district court of the United States, as determined pursuant to section 135, and at rates for part-time magistrates of not less than an annual salary of \$100, nor more than one-half the maximum salary payable to a full-time magistrate."

(c) Section 225(C) of the Federal Salary Act of 1967 (2 U.S.C. 356(c)) is amended by striking out "and magistrates and" and inserting in lieu thereof "except bankruptcy judges, but including".

(d) This section shall become effective January 1, 1988, or upon the date of enactment, whichever is later, and any salary affected by the provisions of this section shall be adjusted at the beginning of the first applicable pay period commencing on or after such date of enactment.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, \$250,300,000, to remain available until expended.

OCEAN FREIGHT DIFFERENTIAL

Such sums as may be necessary for fiscal year 1988 and thereafter are hereby appropriated to liquidate debt and pay interest due to the Secretary of the Treasury, as required by section 901d, Merchant Marine Act, 1936.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, [\$69,000,000] \$79,250,000, to remain available until expended: *Provided*, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program: *Provided further*, That in addition to any amount heretofore appropriated, \$10,000,000 of the funds appropriated in this paragraph shall be available for the activation and conversion costs of a training vessel for the State University of New York Maritime College: *Provided further*, That the second sentence of the paragraph under this heading in chapter II of title I of the Act of August 22, 1984 (98 Stat. 1372), is amended by deleting "preconversion" and inserting in lieu thereof "activation and conversion", by inserting a period after the word "expended", and by deleting the remainder of the sentence.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

ARMS CONTROL AND DISARMAMENT AGENCY ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities, including not to exceed \$48,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), [\$27,500,000] \$29,950,000.

BOARD FOR INTERNATIONAL BROADCASTING GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to RFE/RL, Inc., [\$165,000,000] \$200,000,000, of which \$20,000,000, to remain available until expended, shall become available for expenditure on October 1, 1988, and of which not to exceed \$52,000 may be made available for official reception and representation expenses.

CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION SALARIES AND EXPENSES

For the necessary expenses of the Christopher Columbus Quincentenary Jubilee Commission, \$220,000, to remain available until November 15, 1992.

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION SALARIES AND EXPENSES

For necessary expenses of the Commission on the Bicentennial of the United States Constitution authorized by Public Law 98-101 (97 Stat. 719-723), \$14,750,000 to remain available until expended, of which \$5,000,000 is for carrying out the provisions of Public Law 99-194, including \$2,850,000 for implementation of the National Bicentennial Competition on the Constitution and the Bill of Rights and \$2,150,000 for educational programs about the Constitution and the Bill of Rights below the university level as authorized by such Act.

COMMISSION ON CIVIL RIGHTS SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, \$5,950,000, of which \$2,200,000 is for regional offices and State Advisory Committees and \$800,000 is for monitoring civil rights enforcement activities of Federal departments and agencies: *Provided*, That none of the funds made available for regional offices, State Advisory Committees, and monitoring civil rights enforcement activities of Federal departments and agencies may be used to provide benefit for former personnel: *Provided further*, That not to exceed \$20,000 may be used to employ consultants: *Provided further*, That not to exceed \$185,000 may be used to employ temporary or special needs appointees: *Provided further*, That none of the funds shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service: *Provided further*, That each commissioner may employ one special assistant whose compensation shall not exceed 150 billable days at the daily rate of a level 11 salary under the General Schedule without regard to the foregoing limitation on the employment of temporary or Schedule C employees: *Provided further*, That not to exceed \$40,000 shall be available for new, continuing or modifications of contracts for performance of mission-related external services: *Provided further*, That none of the funds shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairman who is permitted 125 billable days: *Provided further*,

That the General Accounting Office shall audit the Commission quarterly to determine compliance with this section and shall report its findings to the Appropriations Committees of the Senate and House of Representatives.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD SALARIES AND EXPENSES

For the necessary expenses of the Commission for the Preservation of America's Heritage Abroad established pursuant to section 1303 of Public Law 99-83, \$200,000.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$731,000, to remain available until expended: *Provided*, That not to exceed \$6,000 of such amount shall be available for official reception and representation expenses.

COMMISSION FOR THE STUDY OF INTERNATIONAL MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT SALARIES AND EXPENSES

For necessary expenses of the Commission for the Study of International Migration and Cooperative Economic Development as authorized by title VI of Public Law 99-603, [\$870,000] \$750,000, to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$22,100,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended, and sections 6 and 14 of the Age Discrimination in Employment Act; [\$187,200,000] \$188,900,000.

FEDERAL COMMUNICATIONS COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-02); not to exceed \$300,000 for land and structures; not to exceed \$300,000 for improvement and care of grounds and repair to buildings; not to exceed \$4,000 for official reception and representation expenses; purchase (not to exceed ten) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; [\$105,600,000] \$104,915,000, of which not to exceed \$300,000 of the foregoing amount shall remain available until September 30, 1989, for research and policy studies: *Provided*, That none of the funds appropriated by this Act shall be used to repeal, to retroactively apply changes in, or to continue a re-examination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority and women ownership of broadcasting licenses, including those established in Statement of Policy on Minority Ownership of Broadcast Facilities, 68 F.C.C. 2d 979 and 69 F.C.C. 2d 1591, as amended 52 R.R. 2d 1313 (1982) and Mid-

Florida Television Corp., 60 F.C.C. 2d 607 Rev. Bd. (1978), which were effective prior to September 12, 1986, other than to close MM Docket No. 86-484 with a reinstatement of prior policy and a lifting of suspension of any sales, licenses, applications, or proceedings, which were suspended pending the conclusion of the inquiry: Provided further, That none of the funds appropriated to the Federal Communications Commission by this Act may be used to diminish the number of VHF channel assignments reserved for noncommercial educational television stations in the Television Table of Assignments (section 73.606 of title 47, Code of Federal Regulations).

FEDERAL MARITIME COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-02; [\$14,250,000] \$14,165,000. Provided, That not to exceed \$1,500 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses; the sum of [\$69,000,000] \$69,075,000. Provided, That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374).

INTERNATIONAL TRADE COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, [\$35,400,000] \$34,400,000.

JAPAN-UNITED STATES FRIENDSHIP
COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, \$1,200,000, to remain available until expended; and an amount of Japanese currency not to exceed the equivalent of \$1,700,000 based on exchange rates at the time of payment of such amounts, to remain available until expended: Provided, That not to exceed a total of \$3,500 of such amounts shall be available for official reception and representation expenses.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, [\$305,500,000] \$310,000,000: Provided, That none of the funds appropriated in this paragraph shall be expended for any purpose prohibited or limited by or contrary to any of the provisions of—

[(1) Public Law 99-500 and Public Law 99-591 unless paragraph (2) or (3) applies;

[(2) authorizing legislation for fiscal year 1988 for the Legal Services Corporation as passed by the House of Representatives unless paragraph (3) applies; or

[(3) authorizing legislation for fiscal year 1988 for the Legal Services Corporation as enacted into law] of which \$264,591,000 is for basic field programs, \$7,022,000 is for Native American programs, \$9,700,000 is for migrant programs, \$1,339,000 is for program development and law school clinics, \$1,000,000 is for supplemental field programs, \$624,000 is for regional training centers, \$376,000 is for training development and technical assistance, \$7,529,000 is for national support, \$7,843,000 is for State support, \$865,000 is for the Clearinghouse, \$511,000 is for computer assisted legal research regional centers, and \$8,600,000 is for Corporation management and administration: Provided, That none of the funds appropriated in this paragraph shall be expended for any purpose prohibited or limited by or contrary to any of the provisions of Public Law 99-180 and section 112 of Public Law 99-190: Provided further, That the funds distributed to each grantee funded in fiscal year 1988 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area shall be distributed in the following order:

(1) grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) shall be maintained in fiscal year 1988 at not less than 1 per centum more than the annual level at which each grantee and contractor was funded in fiscal year 1987 or \$8.60 per poor person within its geographical area under the 1980 Census, whichever is greater; and

(2) each such grantee shall be increased by an equal percentage of the amount by which such grantee's funding, including the increase under the first priority above, falls below \$15 per poor person within its geographical area under the 1980 census:

Provided further, That if a Presidential order pursuant to section 252 of Public Law 99-177 is issued for fiscal year 1988, funds provided to each grantee covered by the second proviso shall be reduced by the percentage specified in the Presidential order: Provided further, That if funds become available because a national support center has been defunded or denied refunding pursuant to section 1011(2) of the Legal Services Corporation Act, as amended by this Act, such funds may be transferred to basic field programs, to be distributed in the manner specified by this paragraph, if the Appropriations Committees of both Houses of Congress have been notified pursuant to section 607 of this Act: Provided further, That the Corporation shall utilize the same formula for distribution of fiscal year 1988 migrant funds as was used in fiscal year 1987: Provided further, That none of the funds appropriated by this Act or prior Acts may be used by an officer, board member, employee or consultant of the Corporation to implement or enforce provisions in the regulation regarding legislative and administrative advocacy and training (Part 1612, 52 FR 28434 (July 29, 1987)) which impose restrictions on private funds received by a recipient for the provision of legal assistance except to the extent that such restrictions are explicitly authorized by sections 1007(a)(5), (b)(6), (b)(7), and 1010(c) of the LSC Act.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, [\$900,000] \$995,000.

OFFICE OF THE UNITED STATES TRADE
REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, [\$16,590,000] \$15,072,000, of which \$1,000,000 shall remain available until expended: Provided, That not to exceed \$69,000 shall be available for official reception and representation expenses.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed [\$3,000] \$9,000 for official reception and representation expenses, [\$145,000,000] \$142,045,000, of which not to exceed \$10,000 may be used toward funding a permanent secretariat for the International Association of Securities Commissioners.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles and not to exceed \$2,500 for official reception and representation expenses, [\$183,800,000] \$184,660,000; and for grants for Small Business Development Centers as authorized by section 21(a) of the Small Business Act, as amended, [\$42,000,000] \$35,000,000: Provided, That not more than \$350,000 of this amount shall be made available to pay the expenses of the National Small Business Development Center Advisory Board and to reimburse centers for participating in evaluations as provided in section 20(a) of such Act, and to maintain a clearinghouse as provided in section 21(g)(2) of such Act. In addition, \$92,000,000 for disaster loan-making activities, including loan servicing, shall be transferred to this appropriation from the "Disaster Loan Fund".

REVOLVING FUNDS

The Small Business Administration is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to its revolving funds, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for the "Disaster Loan Fund", the "Business Loan and Investment Fund", the "Lease Guarantees Revolving Fund", the "Pollution Control Equipment Contract Guarantees Revolving Fund", and the "Surety Bond Guarantees Revolving Fund".

BUSINESS LOAN AND INVESTMENT FUND

For additional capital for the "Business Loan and Investment Fund", \$139,000,000, to remain available without fiscal year limitation; and for additional capital for new direct loan obligations to be incurred by the "Business Loan and Investment Fund".

[\$97,000,000] \$85,000,000, to remain available without fiscal year limitation.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, \$9,497,000, to remain available without fiscal year limitation.

POLLUTION CONTROL EQUIPMENT CONTRACT GUARANTEE REVOLVING FUND

For additional capital for the "Pollution control equipment contract guarantee revolving fund" authorized by the Small Business Investment Act, as amended, \$14,240,000, to remain available without fiscal year limitation.

STATE JUSTICE INSTITUTE SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by Public Law 98-620, [\$12,900,000] \$10,000,000, to remain available until expended.

UNITED STATES INFORMATION AGENCY SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 2 of 1977, the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), to carry out international communication, educational and cultural activities, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$270,000, of which \$250,000 is to facilitate United States participation in international expositions abroad); expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921-5928 and 22 U.S.C. 287e-1; and entertainment, including official receptions, within the United States, not to exceed \$20,000; [\$620,700,000] \$617,906,000, none of which shall be restricted from use for the purposes appropriated herein: *Provided*, That not to exceed [\$1,000,000] \$1,070,000 may be used for representation abroad: *Provided further*, That not to exceed \$14,557,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided further*, That receipts not to exceed \$1,150,000 may be credited to this appropriation from fees or other payments received from or in connection with English-teaching programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended: *Provided further*, That not to exceed \$500,000 shall remain available until expended, for expenses (including those authorized by the Foreign Service Act of 1980) and equipment necessary for maintenance and operation of such data processing and administrative services as the Director determines may be performed advantageously and more economically as central services: *Provided further*, That not to exceed \$3,650,000 may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion picture, and television programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended:

Provided further, That not less than \$100,000 of the moneys appropriated pursuant to this paragraph shall be used by the Advisory Board on Radio Broadcasting to Cuba for a feasibility study on television broadcasting to Cuba.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship and Congress-Bundestag Exchange Programs, as authorized by Reorganization Plan No. 2 of 1977 and the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), [\$139,770,000] \$144,310,000: *Provided*, That not less than \$540,000 shall be made available to the Institute for Representative Government for a pilot program for exchanges of persons and other exchange-related activities with legislators and legislatures of developing democracies: *Provided further*, That not less than \$2,000,000 shall be made available for a grant to the Oregon Historical Society to assist in the establishment of the North Pacific Research Center in Portland, Oregon. For the Private Sector Exchange Programs, \$7,230,000, of which not to exceed \$1,500,000, to remain available until expended, is for the Eisenhower Exchange Fellowship Program.

RADIO BROADCASTING TO CUBA

For an additional amount, necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act (providing for the Radio Marti program or Cuba Service of the Voice of America), including the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, [\$12,652,000] \$12,759,000, to remain available until expended.

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate recipient in the State of Hawaii, \$20,000,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949, as amended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, [\$16,000,000] \$17,500,000.

ADMINISTRATIVE PROVISION—UNITED STATES INFORMATION AGENCY

The United States Information Agency and the Voice of America shall pursue all relevant information relating to the availability of transmitters and antennas, spare parts, and other technical equipment to determine whether such items can be procured at reasonable prices and in a timely manner under all foreseeable circumstances. The agency and the Voice of America shall purchase American-manufactured equipment and materials to the fullest extent reasonably possible under the law in carrying out the facilities modernization program.

TITLE VI—GENERAL PROVISIONS

Sec. 601. No part of any appropriation contained in this Act shall be used for pub-

licity or propaganda purposes not authorized by the Congress.

Sec. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Sec. 605. None of the funds appropriated in titles II and V of this Act may be used for any activity to alter the per se prohibition on resale price maintenance in effect under Federal antitrust laws: *Provided*, That nothing in this provision shall prohibit any employee of a department or agency for which funds are provided in titles II and V of this Act from presenting testimony on this matter before appropriate committees of the House and Senate.

Sec. 606. None of the funds appropriated by this Act to the Legal Services Corporation may be used by the Corporation or any recipient to participate in any litigation with respect to abortion.

Sec. 607. No funds appropriated under this Act may be used to procure any item or service from a foreign entity which engages, directly or indirectly, in activities which, if it were a United States person, would violate section 8 of the Export Administration Act of 1979 (50 U.S.C. Appendix, section 2401 et seq.).

[Sec. 608. None of the funds appropriated or made available by this or any other Act or otherwise appropriated or made available to the Secretary of Transportation or the Maritime Administrator for purposes of administering the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.) shall be used by the United States Department of Transportation or the United States Maritime Administration to propose, promulgate, or implement any rule or regulation, or, with regard to vessels which repaid subsidy pursuant to the rule promulgated by the Secretary May 3, 1985, and vacated by order of the United States Court of Appeals for the D.C. Circuit January 16, 1987, conduct any adjudicatory or other regulatory proceeding, execute or perform any contract, or participate in any judicial action, with respect to the repayment of construction differential subsidy for the permanent release of vessels from the restrictions in section 506 of the Merchant Marine Act, 1936, as amended: *Provided*, That such funds may be used to the extent such expenditure relates to a rule which conforms to statutory standards hereafter enacted by Congress.

[Sec. 609. Notwithstanding any other provision of this Act, each amount appropriated or otherwise made available by this Act which is not required to be appropriated or otherwise made available by law shall be reduced by 2.4 percent; except that this section shall not apply to amounts appropriated or otherwise made available for the Drug Enforcement Administration, the Fed-

eral Bureau of Investigation, and the Immigration and Naturalization Service.]

SEC. 608. (a) None of the funds provided under this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$250,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 609. No funds appropriated under this Act may be used to sell direct loans which are held by the Small Business Administration or any loan guaranty or debenture guaranty made by the Small Business Administration under the authority contained in the Small Business Investment Company Act of 1958, and which was held by the Federal Financing Bank on September 30, 1987.

SEC. 610. (a) None of the funds appropriated or made available by this Act to the Small Business Administration may be used—

(1) to impose a user fee in connection with a Small Business Administration program or service for which no user fee was in effect on September 1, 1987, or

(2) to increase a user fee which was in effect in connection with such a program or service on such date.

TITLE VII—CUBAN POLITICAL PRISONERS AND IMMIGRANTS

SECTION 701. (a) On and after the date of enactment of this Act, consular officers of the Department of State employed in the United States interest section in Havana, Cuba, and appropriate officers of the Immigration and Naturalization Service shall, in accordance with the procedures applicable to such cases in other countries, process any application for admission to the United States as a refugee from any Cuban national who was imprisoned for political reasons by the Government of Cuba on or after January 1, 1959, without regard to the duration of such imprisonment, except as may be necessary to insure the orderly process of available applicants.

(b) For purposes of this section—

(1) the term "process" means the acceptance and review of applications and the preparation of necessary documents and the making of appropriate determinations with respect to such applications; and

(2) the term "refugee" has the same meaning as is given to such term by section

101(a)(42) of the Immigration and Nationality Act.

SEC. 702. On and after the date of enactment of this Act, consular officers of the Department of State, wherever situated, shall issue immigrant visas under section 203(a) or 202(e) of the Immigration and Nationality Act to Cuban nationals—

(1) without regard to section 212(f) or 243(g) of the Immigration and Nationality Act (relating to the refusal to accept the return of nationals);

(2) whether within or outside Cuba; in such cities as immigration visas may be issued to Cuban nationals; and

(3) without regard for the date of departure from Cuba of such applicants in the case of applications for such visas outside Cuba.

TITLE VIII—INDOCHINESE REFUGEE RESETTLEMENT AND PROTECTION ACT OF 1987

SECTION 801. This title may be cited as the "Indochinese Refugee Resettlement and Protection Act of 1987".

CONGRESSIONAL FINDINGS

SEC. 802. The Congress finds that—

(1) because of our past military and political involvement in the region, the United States has a continued, special responsibility to the persons who have fled and continue to flee the countries of Cambodia, Laos, and Vietnam;

(2) in view of this special responsibility, the United States has placed special priority on the resettlement and protection needs of the Indochinese refugees;

(3) the continued occupation of Cambodia by Vietnam and the instability of the governments of Vietnam, Cambodia, and Laos have led to a steady flight of refugees from those countries;

(4) Hong Kong, Indonesia, Malaysia, Singapore, the Philippines, and Thailand, have been the front line countries bearing tremendous burdens caused by the flight of these refugees, distinguishing themselves as the leaders of an unprecedented humanitarian response to the plight of Indochinese refugees;

(5) largely in response to a lessened commitment among resettlement countries to the refugees of the region, these countries of first asylum have recently taken steps to close refugee camps. Such camp closings would seriously undermine the continuation of a humane refugee policy and are inimical to the resolution of refugee problems in the region;

(6) the United States bears a share of the responsibility for the deterioration in the refugee first asylum situation in Southeast Asia because of unnecessarily slow and complex resettlement procedures; prolonged and often questionable adjudications in humanitarian parole, immigration and refugee cases; failure to implement effective policies for the region's "long-stayer" populations; failure to adequately monitor refugee protection and screening systems along the Thai-Cambodian and Thai-Laotian borders; a policy of allocating admissions numbers to "carryover" refugees approved in previous years rather than qualified new cases; and the virtual collapse of the Orderly Departure Program (ODP) from Vietnam which has served as the only safe, legal means of departure for refugees from that country, including Amerasians and long-held "re-education camp" prisoners;

(7) The United Nations High Commissioner for Refugees (UNHCR) shares responsibility for the hardening of attitudes in first asylum countries. The UNHCR should be

pressed to upgrade its staff presence and level of advocacy to revive the international commitment with regard to the problems facing Indochinese refugees in the region; and

(8) the United States must renew its commitment to an ongoing, generous refugee resettlement and protection program for Indochinese refugees, including urgently needed educational programs for refugees along the Thai-Cambodian and Thai-Laotian borders, until the underlying causes of refugee flight are addressed and resolved.

PERIOD FOR CONSULTATION WITH THE CONGRESS ON REFUGEE ADMISSIONS

SEC. 803. Section 207 of the Immigration and Nationality Act is amended—

(1) by adding at the end of subsection (a), the following new paragraph:

"(4) For purposes of this subsection, appropriate consultation shall be held not later than May 1 preceding the start of the fiscal year for which the President is making a determination under this subsection."

(2) by redesignating clauses (1), (2), and (3) of subsection (b) as clauses (A), (B), and (C), respectively, of such subsection;

(3) by redesignating subsection (b) as subsection (b)(1);

(4) by adding at the end of subsection (b)(1), as redesignated by paragraph (3) of this section, the following new paragraph:

"(2) For purposes of this subsection, appropriate consultation shall be held not later than thirty days after an unforeseen emergency refugee situation exists;" and

(5) in subsection (d)(1), by inserting "but not later than May 1," after "start of each fiscal year".

AUTHORITY OF THE SECRETARY OF STATE

SEC. 804. Section 207 of the Immigration and Nationality Act, as amended by section 803, is further amended—

(1) by redesignating subsection (c)(1) as subsection (c)(1)(A);

(2) in subsection (c)(1)(A), as designated, by inserting "and except as provided in subparagraph (B)" after "subsection (a) and (b)";

(3) by adding at the end of subsection (c)(1)(A), as redesignated, the following new subparagraph:

"(B)(i) Notwithstanding subparagraph (A), subject to the numerical limitations established pursuant to subsections (a) and (b), the Secretary of State, in his discretion and pursuant to such regulations as he may prescribe, may authorize admission under this section of any refugee from Southeast Asia who is not firmly resettled in a foreign country, is determined to be of special humanitarian concern to the United States, and is admissible (except as otherwise provided under paragraph (3)) as an immigrant under this Act.

"(ii) To the extent not inconsistent with a specific provision of this Act, an authorization of admission of a refugee by the Secretary of State under this subparagraph shall be conclusive with respect to any determination by the Attorney General or any officer or employee of the Department of Justice under this Act."

ELIGIBILITY FOR REFUGEE STATUS

SEC. 805. Section 207(c)(1) of the Immigration and Nationality Act, as amended by section 804, is further amended by adding at the end thereof the following:

"(C) Notwithstanding any other provision of this Act, or any regulation issued thereunder, any refugee who—

"(i) is eligible for classification under any of paragraphs (1) through (7) of section 203(a), and

"(ii) for whom a visa number is available or is likely to become available within 12 months,

may not be denied refugee status by virtue of that eligibility."

ALLOCATIONS OF REFUGEE ADMISSIONS

SEC. 806. (a) Notwithstanding section 207 of the Immigration and Nationality Act—

(1) within the worldwide refugee admissions ceiling determined by the President, the President shall allocate—

(A) at least 28,000 admissions from East Asia, and

(B) at least 8,500 admissions for the Orderly Departure Program, for each of the fiscal years 1988, 1989, and 1990; and

(2) within the allocation made by the President for the Orderly Departure Program from Vietnam pursuant to paragraph (1)(B), a number of admissions allocated in a fiscal year under priorities II and III of the Program (as defined in the Department of State Bureau for Refugee Programs worldwide processing priorities) and the number of admissions allocated for Amerasians and their immediate family members under priority I, shall be at least 1,500.

LONG-STAYER RESETTLEMENT

(b)(1) It is the sense of the Congress that under the leadership of the United States renewed international efforts should be made to resettle Indochinese refugees who have lived in camps for three years or longer, as proposed in the Report of the Secretary of State's Indochinese Refugee Panel in April 1986.

(2) Of the refugee admissions allocated under subsection (a)(1)(A), for each of the fiscal years 1988, 1989, and 1990, at least 9,000 shall be admissions of persons who have lived in refugee camps for at least three years.

HUMANITARIAN PAROLE AUTHORITY FOR EAST ASIANS

SEC. 807. Notwithstanding subparagraph (B) of section 212(d)(5) of the Immigration and Nationality Act, the Attorney General shall in accordance with section 212(d)(5)(A) of such Act, parole into the United States, for humanitarian reasons and without regard to family reunification considerations, not less than 150 persons who have lived in refugee camps from East Asia for each of the fiscal years 1988, 1989, and 1990.

ALLOCATION OF EDUCATIONAL ASSISTANCE FOR THAILAND

SEC. 808. Section 105 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(c) Of the amounts authorized to be appropriated to carry out this section, \$5,000,000 for each of the fiscal years 1988 and 1989 may be available for educational programs, projects, or activities along the Thai-Laotian border and the Thai-Cambodian border which are carried out by Thai non-governmental organizations in conjunction with relief organizations and civilian camp leadership."

ALLOCATION OF ECONOMIC SUPPORT FUND ASSISTANCE FOR THAILAND

SEC. 809. Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) is amended by adding at the end thereof the following new section:

"SEC. 536. ALLOCATION FOR THAILAND.—(a) The Congress finds that many Thai resi-

dents of villages located close to the border with Laos and Cambodia have been adversely affected by civil strife and refugee migrations.

"(b) Of the amounts authorized to be appropriated to carry out this chapter for the fiscal years 1988 and 1989, \$5,000,000 for each such fiscal year may be available to provide financial assistance for Thai villages within close proximity to Indochinese refugee camps."

ALLOCATION OF INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR THAILAND

SEC. 810. Chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training) is amended by adding at the end thereof the following new section:

"SEC. 546. ALLOCATION FOR THAILAND.—Of the amounts authorized to be appropriated to carry out this chapter for the fiscal years 1988 and 1989, \$1,000,000 for each of such fiscal years may be available to train the armed forces of Thailand to provide protection to Indochinese refugee camps within Thailand against attacks originating across the border with Laos or Cambodia."

POLICY TOWARD PROTECTION OF REFUGEE CAMPS

SEC. 811. It is the sense of the Congress that the international community should increase its efforts to assure that Indochinese refugee camps within Thailand are protected against attacks and that international observers and relief personnel should be present on a twenty-four hours a day basis at camp "Site 2" in Thailand.

TITLE IX—POLISH PERMANENT RESIDENT ADJUSTMENT ACT OF 1987 SECTION 901. SHORT TITLE.

This Title may be cited as the "Polish Permanent Resident Adjustment Act of 1987".

SEC. 902. ADJUSTMENT TO PERMANENT RESIDENCE OF CERTAIN NATIONALS OF POLAND.

(a) ADJUSTMENT OF STATUS.—The status of any alien described in subsection (b) may be adjusted by the Attorney General, in the Attorney General's discretion and under such regulations as the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

(1) the alien applies for such adjustment within two years after the date of the enactment of this Act;

(2) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (14), (20), (21), and (32) of section 212(a) of the Immigration and Nationality Act shall not apply;

(3) the alien is not an alien described in section 243(h)(2) of such Act;

(4) the alien is physically present in the United States on the date the application for such adjustment is filed; and

(5) the alien has continuously resided in the United States since July 21, 1984.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien only if—

(1) the alien is a national of Poland;

(2) the alien arrived in the United States before July 21, 1984;

(3) the Immigration and Naturalization Service established a record of entry or other record with respect to the alien before July 21, 1984; and

(4) in the case of an alien who was admitted to the United States as a nonimmigrant, the alien's period of authorized stay as such a nonimmigrant expired not later than 6 months after July 21, 1984, through the pas-

sage of time or the alien applied for asylum under section 207 before July 21, 1984.

(c) RECORD OF PERMANENT RESIDENCE AS OF JULY 21, 1984.—Upon approval of an alien's application for adjustment of status under subsection (a), the Attorney General shall establish a record of the alien's admission for permanent residence as of July 21, 1984.

(d) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act and the Attorney General shall not be required to charge the alien any fee.

(e) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1988".

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I indicated to the distinguished Republican leader during the last rollcall that I wanted to have a discussion with respect to the schedule for a vote on the Bork nomination, and he indicated that he had people waiting in the office, but he asked that he be sent for when I was ready. So I am ready.

Mr. President, I hope the distinguished Republican leader will come to the floor at this time.

COMMITTEE MEETINGS

Mr. BYRD. Mr. President, if I might momentarily be indulged while I am waiting on the Republican leader, I ask unanimous consent that two committee requests that bear the initials of the Republican leader be considered en bloc, approved en bloc, and spread severally on the RECORD.

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

(The requests are printed later in the RECORD under Authority for Committees to Meet.)

COMMERCE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION, 1988

The Senate continued with the consideration of H.R. 2763.

Mr. HUMPHREY. Mr. President—
Mr. BYRD. Mr. President—

The PRESIDING OFFICER. The majority leader has the floor.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

Mr. BYRD. Mr. President, I yield for a parliamentary inquiry, with the understanding that I keep my right to the floor.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. Mr. President, the Senator rose to speak about the unanimous request pending.

The PRESIDING OFFICER. The request was agreed to.

Mr. HUMPHREY. The Senator rose to object, and the Chair disregarded the Senator standing.

Mr. BYRD. Mr. President, the Senator is too late. He slept on his rights. He has been a little hard to get along with today.

The PRESIDING OFFICER. The majority leader is correct.

The majority leader.

Mr. BYRD. Mr. President, I hope that the Senate can complete action on the State, Justice, Commerce appropriation bill today.

The two managers have indicated their willingness and their desire, as a matter of fact, to finish this bill today and to stay into the evening, if necessary.

The Senate has completed action now on six appropriations bills, and there remain on the calendar, I believe, two other appropriations bills, the transportation appropriation bill and the energy-water appropriation bill.

I am told that the Appropriations Committee will report out the military construction bill early next week.

So that will make a total of 10 appropriations bills that the House will have sent over. The Senate has acted on six. The Appropriations Committee has acted on eight. It seems to me that hopefully we could complete action on these other appropriations bills and send them to conference within the next few days.

I hope that the House will appoint conferees on these appropriations bills, the four in conference, and I am made to understand that the House has not yet appointed conferees on these four that the Senate has passed.

Mr. President, I am advised that the House today did appoint conferees on the four appropriations bills.

THE BORK NOMINATION

Mr. BYRD. Mr. President, I do not want to delay the Senate, but I think we should try to reach some understanding as to when the Senate is going to vote on the Bork nomination if we could do that.

I am planning on coming in on Monday to give the Senate an oppor-

tunity to debate the nomination. The report is on the desks of Senators.

I cannot under the rules take that report up without unanimous consent or the waiver of the 2-day rule of the two leaders until the expiration of the 2 days or 48 hours. This would mean that it would be Saturday at around noon before I could move to take up the nomination.

I can move to take up the nomination on Monday if I cannot get the consent today or the distinguished Republican leader cannot join with me in waiving the 2-day rule.

Mr. President, I am advised that the Republican leader is having a press conference. It will be 15 minutes before he can reach the floor.

I ask unanimous consent that I may yield the floor and be recognized again at the hour of 4:30 p.m. today.

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

The Senator from Washington.

Mr. EVANS. I thank the President.

Mr. President, perhaps I will help in my own small way at least to indicate to my colleagues what the final outcome, if there is ever any outcome, of the Bork nomination might be.

I have taken the privilege, which I suspect has not been shared by a good many of my colleagues, at least to read all 730 pages of the testimony of Judge Bork's hearing before the Judiciary Committee. It was an interesting exercise. I must say that without identifying any of my colleagues there were times during that exercise when my eyes got heavy; there were other times during the exercise when my bile raised a little, but I was always brought back to a sense of proportion by running across the comments of the distinguished Senator from Wyoming, Senator SIMPSON, who always in his own way successfully and in language that only a Wyomingite can use, brought us back to that reality.

During the course of the last few months we have had a virtual feeding frenzy of press demanding to know where each Senator stood, that starting virtually with the day the nomination was submitted.

I have had in my office over 15,000 letters which probably, if you measure them by for and against, give me little solace for they are split almost precisely evenly.

What was more distinguished about those letters were that most, an extraordinary high percentage argued either for or against Judge Bork from either distorted or misunderstood concepts.

I had an opportunity just a day or two ago to go back and read a little history, the history of the golden days of the Senate, which the majority leader I am sure has researched well. Three out of the five Members of the Senate who are honored in our reception room all served together during

that period of time, Senators Clay, Calhoun, and Webster.

I wonder, Mr. President, whether there was ever a time in the early 1800's when the 1850 version of Sam Donaldson in his stentorian tones would shout at the Members asking where they stood on the Missouri Compromise, long before any speech was given on the floor, long before any debate was entered into, and I can see the news report on television, if it existed then, saying the latest report is that the Senate is divided; there are three who have not yet made up their minds, as if there was something evil about that, and that the bill is dead.

Mr. President, that might very well have been an accurate report if they had known prior to the debate on the Senate floor the persuasions of each Member of the Senate prior to that time, but I suspect they did not.

I suspect that on that occasion and on other occasions in this Senate some minds have been changed, but it is extraordinarily hard, Mr. President, to change a mind once it has been made up whether on accurate and total or inaccurate and incomplete information and the decision has been announced.

Mr. President, the power of the Senate to advise the President about judicial nominations and either consent to or reject them, as many Senators have noted in recent days, is a profound responsibility. By vesting such power in the Senate and, of course, the nominating power in the President, the framers intended that on this one occasion the executive and legislative branches would join together in a limited partnership to appoint members to the third and independent branch of Government.

The President, as we all know, and a majority of Members of the Senate, must all agree before a judicial nomination can be complete. This check by elected representatives is essential if an equilibrium among branches of the Federal Government is to be maintained.

It is, therefore, incumbent, as we all know, on every Senator to evaluate each nominee with care and to seek out such advice and counsel which is necessary to reach a sound principle decision.

Soon, I hope—and I know the majority leader devoutly wishes that—we will vote on the Bork nomination. I assume, Mr. President, at this time that all Senators who have stated publicly their position on this nomination will vote as they have said they will vote, regardless of any debate which exists between now and the moment of that vote. If so, Robert Bork will not become an Associate Justice of the Supreme Court.

From the very beginning, Mr. President, I was inclined to oppose the

Bork nomination. Although I had little personal knowledge of the record of the nominee and had never met him, I had extraordinarily close ties, and have had throughout my public life, to many of the groups who opposed him from the first moment.

As Governor, I have been extraordinarily proud of the work we were able to accomplish on behalf of the expansion of civil rights, the opportunities for minorities in our State to make additional progress. We engaged in one of the very first education for all bills in this entire Nation providing extra resources for the developmentally disabled. We expanded opportunities and began to reach a partnership with tribal members of our Indian nations. We made substantial movement forward in the complete civil rights for women. And I believe took one of the earliest steps as a State to move strongly in the environmental field.

Well, Mr. President, virtually all of the organized groups representing those people have opposed from the beginning Judge Bork's nomination.

But, if I can digress for a moment, Mr. President, I also had the opportunity as Governor to appoint judges. During the 12 years I was Governor, we instituted a new court of appeals and I had the opportunity to appoint 102 judges. I felt very strongly that that was a unique opportunity. Many of those 102 judges are still sitting in the State of Washington. Not one Governor I served with in 1976 is still governing his or her State.

I turned to the Bar Association on many instances to ask their opinions. I remember vividly one particular opportunity where I was recommending a circuit court judge to the Federal district court in Seattle. The Bar Association came back and said that he was unqualified, and in doing so they kept him from advancing to that position. They said he was unqualified because he had not been directly practicing law for the previous 10 years. And that is correct. He had not been. He had been my chief of staff in the Governor's office for the previous 10 years and had spent more time in the real life problems of people than almost any attorney practicing in that area.

I might say that when I had the next opportunity, I appointed him to the supreme court of the State of Washington, where I did not have to listen to the Bar Association. And he, by everyone's determination, has turned out to be absolutely the best justice sitting on the supreme court and one of the finest we have ever had, having just finished his term as chief justice.

So the analysts are not always right. And you cannot always pay attention to even a group as distinguished as the American Bar Association.

And if not, who should we pay attention to? Well, I think it is important

for us to pay primary attention to the person who is before us.

The easy course, then, early on, would be to not listen. I do not serve on the Judiciary Committee, so I could have spent time not reading 730 pages—just declare early, add my voice to the chorus which began to call for the rejection of Judge Bork, even before the ink on the nomination papers had dried. But I could not do that.

Mr. President, Edmund Burke said that a "representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion." Of course this does not mean that we are to ignore the views of those we represent. But it does mean that we should not be here if all we expect to do is act as a megaphone for the majority of the moment.

To fulfill what I felt were my obligations, I chose not to amplify the voices of those opposing the nomination but to undertake a study of the nominee. Because I was unable to sit and watch all of the hearings, I had to wait until I could obtain a copy of the hearing record—made available early last week.

It is dog-eared now, but it is still the 730-page document; and, in addition, the recently made available report of the Judiciary Committee.

Mr. President, I know that at times we tend to make comments which are not always accurately reported in the press. And I would say, seeing that the senior Senator from California is in the Chamber, that I was rather downcast in at least reading of his statement regarding those who had not yet made up their minds or who had not yet announced their opinions, when the Senator said "They don't want to walk the plank. They have not been counted publicly. They have not alienated anyone on one side or the other and they would like to keep it that way."

Perhaps, but not this Senator. I have never backed away from a decision. I have never backed away from a tough fight.

And I am amazed, frankly, that we have been driven to this point, that once again we will enter into a debate in this Senate—maybe even a real one this time. And it would be a joy for this Senator to see a real debate instead of a series of speeches to a half-empty Chamber. But what good is a real debate now with almost all Senators already declared?

From the day the Bork nomination was announced, the least responsible opponents have sought to portray him as a neanderthal; someone so hostile to civil liberties that no civilized society could survive the venom of his judicial pen. If the record supported that contention in any way, I would do everything in my power as a U.S. Sena-

tor to make certain that he was not confirmed.

It is certainly the case that Judge Bork has been a prolific writer. Therefore, his record is long. But Judge Bork stands mute as Quasimodo when compared with the most tendentious and outspoken advocates and opponents of his nomination. They have churned out a veritable blizzard of analyses—many of them distorted, too few of them of much use.

This is not to deny that there was thoughtful analysis and assessment completed by many on both sides of this issue. In my own State, the organized opposition took pains to advocate their position in an objective way. They went so far as to ask that the inflammatory advertising which has run in many parts of the country not run in the State of Washington.

Mr. President, I saw on a number of occasions the television ads run by the People for the American Way. And while I admire much of what they attempt to do, those television ads were demeaning and misleading, not up to the kind of quality you would expect from the people running that organization.

Unfortunately, the efforts of responsible critics and responsible proponents alike have in many respects gone unrecognized because of the obnoxious few who have sought to turn the nominating process into a pitched and partisan political circus.

For me, the most enlightening information was that presented by Judge Bork himself, in his testimony and writings. Without doubt, the record supports the conclusion that Robert Bork is a profoundly conservative man. It also supports the conclusion that he is a highly intelligent man with superior legal skills. But it does not support the conclusion that he would use those skills to incorporate an unprincipled, results-oriented legal philosophy into the decisions of the Supreme Court.

Judge Bork has criticized several watershed Supreme Court decisions. Most of them were decided by one vote and most dealt with issues which have been exceedingly painful for our society. But my review has turned up no instance in which he criticized the result achieved by the Court in any of those cases. Rather, he found fault with the reasoning used to support the decision. That is a significant distinction.

Mr. President, at this point, let me turn to a mailing I just received. It is the last in a long list of some of the misleading things which have been utilized in this campaign. I was astonished to find that the covering letter was signed by some rather distinguished attorneys in our State; some retired judges in our State. But what was attached to it was a flyer saying:

"Ten Reasons to Block Bork from the United States Supreme Court."

The PRESIDING OFFICER. If the Senator will suspend, under the previous order, the hour of 4:30 having arrived, the majority leader is recognized.

Mr. BYRD. Mr. President, how much time does the Senator—

Mr. EVANS. Five to seven minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that in view of the fact that the distinguished Republican leader is tied up for the moment, the Senator proceed for an additional 5 minutes and then I be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Washington.

Mr. EVANS. They should have been ashamed of themselves for adding to the letter the flyer which claims that Judge Bork would let States ban birth control, he would let them ban all abortions, he would support tax dollars to be used to help religious schools, and on and on and on; none of them accurate or complete in telling why of any of those determinations.

Any of us subjected to such a drumbeat of political negative advertising would suffer personally and, I might add, in popularity.

Edna St. Vincent Millay wrote:

Safe upon the solid rock, the ugly houses stand; come and see my shining palace built upon the sand.

Certainly Judge Bork advocates that we build our framework of constitutional law on the bedrock of the Constitution itself. That, to me, is a virtue. Liberals and conservatives alike should be uneasy with decisions which can be grounded only partially on our constitutional foundation. While it may well be the case that insistence on sound reasoning in constitutional cases will not allow us to move toward some goals as quickly as some people might advocate, it is also the case that decisions hewn of constitutional timber will long survive the eroding forces of shifting political winds.

Judge Bork probably has a somewhat narrower view of the Constitution than I do. He has—and will continue—to reach decisions I disagree with. But only if I were the nominee could I ensure that every decision would be made my way.

How Judge Bork has ruled in various cases is instructive. It gives us a sense of how he approaches the decision-making process and enlightens our understanding of his judicial philosophy. But, specific rulings in themselves are not determinative unless they show a pattern of decisionmaking wholly at odds with the Constitution or with precedent. The record of this nominee does not show that he is hostile either to the Constitution or to precedent. He is hostile, however, to the concept of a runaway judiciary.

And on this point, Judge Bork and I agree. Nothing will so quickly undermine the public trust in our independent judiciary than judges who seek to impose their own vision of social justice. Imperial Presidents can be voted out after 4 years, imperial Senators after 6, but an imperial judge reigns for life.

Let me refer at this point to a recent order handed down by a U.S. district court judge in Kansas City. It is exemplary of the dangers of a judiciary which exceeds its authority to apply the law to specific facts in a given case by creating new laws of its own choosing. In that order, the judge mandated an increase in property taxes and a surcharge in State income taxes for those living and working within the geographical boundaries of a school district after voters in the school district repeatedly failed to pass a special levy to provide more school funding.

That, it seems to me, Mr. President, is what some in this Chamber would advocate: A judge who expanded liberties for all; who would do good things. Certainly this judge purported to do that. All for the constitutional rights of children; all for good purposes.

How many here in this Chamber are willing to support the action he took to correct that unconstitutional element? Judges should not seek to stand in the shoes of either political executives or legislators. To perform their function properly, judges may require that unconstitutional actions stop or that those who have been harmed by unconstitutional actions be compensated. But only rarely should they substitute their judgment for the judgment of elected officials when fashioning specific remedies.

I reject out of hand the concern expressed by some that Judge Bork's America is a world of poll taxes and segregated inns and that Judge Bork's Constitution has no room for women. I also reject out of hand that Judge Bork "believes the Government has the right to regulate the family life and sex life of every American" or that "the Government can make it a crime for married adults to use birth control." These assertions have absolutely no basis in fact.

Facts are actually something which have become somewhat difficult to discern through the steamy mist generated by the overheated rhetoric of the confirmation campaign. People on both sides have stepped beyond the appropriate limits of debate on a judicial nominee. But I decry particularly those opponents who hypocritically cloak themselves in the mantle of tolerance while at the same time mounting a vicious campaign of intolerance and demagoguery.

Those in this Senate who proclaim Judge Bork to be a radical now bear the burden of explaining why this body voted unanimously to name him

to the Federal bench just 5 years ago. They bear the burden of naming for the American people which four other sitting justices would have joined with Judge Bork in promoting a radical agenda on the Court. Would the group include Justice Scalia, who was confirmed unanimously? Would it include Justice O'Connor, who, likewise, was confirmed unanimously? Who else?

Who else on the Court would join in making a majority to create a radical agenda for the United States?

Mr. President, I suggest the answer is there are not any. There is no radical agenda which in this country could be or would be instituted by the Supreme Court of this Nation.

Mr. President, at least in this Senator's view, Mr. Bork is not a radical. He is not an extremist. He is not a coldly rational, intellectual automaton who has no empathy for others.

He is a man who has a more conservative, more restrictive view of the world than I do. He would not have been my nominee for the Court. Yet, the evidence simply does not support the claim that he has views so extreme that he should be disqualified from service on the Court. For these reasons, I will vote to support the Bork nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. SASSER). The majority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that the two managers may begin their statements and I ask to be recognized within 10 minutes. Hopefully the Republican leader and I can have an exchange with reference to the Bork nomination and other matters in the schedule.

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

COMMERCE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION, 1988

The Senate continued with the consideration of H.R. 2763.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, on behalf of the distinguished ranking minority member, the junior Senator from New Hampshire, Senator RUDMAN and myself, I am pleased to present the recommendations of the Committee on Appropriations with respect to the Departments of Commerce, Justice, and State, the Judiciary and 22 related agencies for fiscal 1988. The subcommittee reported the bill on September 25. This has truly been a bipartisan effort as we have worked closely together to develop a balanced bill that is responsive to the

requirements of the Departments and agencies and within our allocations.

In summary, we recommend appropriations amounting to \$14,275,122,933. This is some \$165,000,000 under the subcommittee's 302(b) allocation, because we ran up against our outlay ceiling of \$14,760,000,000. When we reported the bill we were \$2,000,000 under our outlay ceiling, but due to the score-keeping changes in the Gramm-Rudman-Hollings amendments, I will offer a modification to conform the bill.

The amounts recommended reflect longstanding congressional priorities to retain EDA; trade adjustment assistance; tourism; Sea Grant; Coastal Zone Management and other NOAA marine research programs; public TV grants; juvenile justice and delinquency prevention; and legal services. We also provide for mandatory increases such as preparing for the 1990 census; the upcoming Uruguay round of GATT negotiations; the expansion of the United States trustee program and the Immigration Service in response to the legislation enacted last year; and construction funds for two additional prisons, as well as funds to plan two more as we now have 44,000 Federal prisoners, or 55 percent more than the rated capacity.

In Justice, I might note, the House deferred the payments to the States for their share of the Assets Forfeiture Fund until October 1, 1988. We think this is the most vital tool in the war on drug traffickers and have restored the \$30,000,000 necessary to maintain the effective Federal partnership with the State and local law enforcement agencies.

Our recommendation for State will cause no joy and, incidentally, caused the chairman no joy either because we are into ideological warfare and they really need an increase in their appropriations.

We have provided none of the program increases requested and just one new building, the replacement of our earthquake-devastated Embassy in El Salvador. We have provided for approximately 73 percent of the amount assessed the United States for contributions to international organizations, and have reduced the House outlay deferral from \$142,000,000 to \$62,838,000. No funds are provided for UNIFIL.

Perhaps the most controversial recommendation is that the remaining funds for the new Embassy complex in Moscow only to be used to demolish the building. The language recommended is the same that the Senate enacted in the supplemental appropriations bill, and unanimously approved by both the Appropriations Committee and Intelligence Commit-

tee. For the Judiciary, we are \$145,400,000 over last year and \$55,570,000 under the requests. The Judiciary does not make their workload and they would have liked a little more, but we went as far as we could go. We have also provided for a salary increase for the bankruptcy judges and magistrates as recommended by the Judicial Conference and increased the FBI work force by some 127 agents.

We provided increases for legal services, the Trade Representative and SEC of the related agencies. We have \$6.5 million more for Fulbrights and the exchanges, but overall we cut the requests for USIA by \$122,152,000, largely by deferring \$90,000,000 for radio construction, eliminating all the increases for salaries and expenses, and reducing the television program, including "Worldnet" by \$2,600,000 below the current level.

We have just worked out an arrangement with the director of USIA to start work under the appropriated amounts within this bill for the Israeli broadcast programs.

Mr. President, when we get into the bill I intend to offer an amendment to implement the agreement recently reached with the Government of Israel to establish a shortwave transmitter site in the Arava region of eastern Israel, south of the Dead Sea. This transmitter will be used jointly by the Voice of America and Radio Free Europe and Radio Liberty to enhance their broadcast signals to Eastern Europe, the European Soviet Union, the Central Asian Soviet Union, South Asia, and East Africa.

Finally, we have made some selected program increases.

For example, in the enactment of the trade bill we have authorized \$50 million but we have only been able to include some \$20 million for competitiveness in accordance with that trade bill for three regional research centers for the commercialization of our manufacturing technology.

We have \$1,700,000 to have a peace-satellite to establish a communications system for the Pacific Basin. Additional funds are also recommended to help the Asia Foundation assist the new nations in the Pacific area. We are also getting the Commission on the Preservation of America's Heritage Abroad underway.

I do thank and emphasize my gratitude to the distinguished Senator from New Hampshire for his leadership as well as constant cooperation. I yield to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, the Subcommittee on Commerce, Justice, and State, the Judiciary and Related Agencies faced a very difficult job in fashioning a bill that meets important

national priorities, including law enforcement; ocean, coastal, and fishery programs; foreign policy and public diplomacy; and legal services for the poor. That we have been able to do so is a tribute to the skill and intelligence of subcommittee chairman, Senator HOLLINGS, and the majority clerk, Warren Kane.

The development of this bill was a bipartisan effort, and I can offer my full support to the bill that emerged from the Appropriations Committee. While I may have misgivings about certain provisions or funding levels, I am satisfied the bill represents a balanced attempt to meet the needs of the agencies under the jurisdiction of the subcommittee.

I am particularly pleased the committee was able to take positive actions in a number of areas, including:

Restoring the U.S. Travel and Tourism Administration at a level of nearly \$13 million, after the agency was eliminated in the House bill.

Creating a new appropriations account for Export Administration in the Department of Commerce.

Protecting ocean, coastal, and fishery programs important to the Nation and New England, including the Sea Grant Program.

Providing approximately \$100 million above the House-passed level for the law enforcement programs of the Department of Justice, including an additional \$37.3 million for the FBI and the removal of the House imposed cap on the assets forfeiture fund which prohibited the sharing of seized assets with State and local law enforcement agencies.

Mr. President, once again, I congratulate the chairman of the subcommittee on a fine bill and urge its adoption.

Mr. President, I would say that the distinguished Senator from South Carolina and I have played a game of musical chairs with the chairmanship and ranking member of this subcommittee for the last 4 years. It has always worked out well because the Senator from South Carolina is a pleasure to work with.

Mr. President, this is a bipartisan piece of legislation and I think it is what the Senate ought to do on this kind of legislation. We are within our allocation from the Budget Committee and have met our targets.

There are some things in this bill that some people might disagree with. I disagree with some myself. Nevertheless, it represents a consensus of the members of the Appropriations Committee. I dare say, Mr. President, we ought to be able to finish this bill in very short order, particularly since it is my understanding, I will advise the chairman, that we now do not have to our knowledge any contested amend-

ments that would require a rollover vote.

If that is so, I would urge any of our colleagues who are observing the proceedings in their offices to come to the floor if they have statements to make or language they wish to insert into the bill. It will be our hope to comport with the request of the majority leader and the Republican leader and get through this business forthwith. There is much to be done between now and adjournment time.

Again, let me thank my friend from South Carolina for his genuine spirit of cooperation as we worked through this bill again for the sixth year.

Mr. CHILES. Mr. President, each appropriations bill is subject to a spending limit known as a 302(b) allocation. While the authors of the Commerce-Justice-State appropriations bill worked very hard to stay within those limits, a problem has arisen with regard to scoring. I understand the authors will offer an amendment which will keep the bill within its allocation, but let me explain the nature of the problem so as to clear up any confusion.

As reported from the Appropriations Committee, the bill was under its 302(b) budget authority ceiling by \$158 million and under its outlay ceiling by less than \$50 million. Since the bill was reported, however, the new Gramm-Rudman-Hollings law was enacted.

Section 202 of that law prohibits "counting as savings the transfer of Government actions from one year to another." Three exceptions are provided: The law making the transfer must stipulate that the transfer: first, is a necessary—but secondary—result of a significant policy change; second, provides for contingencies; or third, achieves savings made possible by changes in program requirements or by greater efficiency of operations. The Commerce-Justice-State bill contains a provision which defers obligation of \$50 million in "contributions to international organizations." That deferral is subject to section 202, since the purpose of the deferral is to reduce 1988 outlays. Consequently, the deferral, some \$59 million, will be scored as having an outlay impact in fiscal year 1988.

I commend the distinguished chairman of the subcommittee, Senator HOLLINGS and the ranking minority member, Senator RUDMAN for their efforts in crafting this bill.

However, in order to bring the bill within its allocation, budget authority sufficient to reduce outlays by \$58 million must be removed from the bill. I understand that such an amendment will be offered.

Mr. President, I have a table from the Budget Committee showing the official scoring of the Commerce-Justice-State appropriations bill and I ask

unanimous consent that it be inserted in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 2763

COMMERCE-JUSTICE-STATE SPENDING TOTALS

[Senate-reported; in billions of dollars]

	Fiscal year 1988	
	Budget authority	Outlays
Bill scoring		
H.R. 2763, Senate-reported (new budget authority and outlays)	14.3	11.0
Outlays from prior-year budget authority and permanent appropriations		3.5
Bills enacted this session: 1987 supplemental (Public Law 100-71)	+ (*)	.2
Adjustment to conform mandatory programs to resolution assumptions	+ (*)	+ (*)
Adjustment for contributions to international organizations ¹		+1
Bill total	14.3	14.8
Subcommittee 302(b) allocation	14.4	14.8
Difference	-2	+1
Comparisons		
Bill total above (+) or below (-):		
President's request	-3	-2
House-passed bill	+4	+4

¹ The bill defers a portion of the contribution to the international organizations account from fiscal year 1988 to fiscal year 1989. Section 202 of the Balanced Budget and Emergency Deficit Control Act, as amended, prohibits counting the transfer of Government actions from one year to another as budgetary savings.

Note.—Details may not add to totals due to rounding. (*)—less than \$50 million.

Prepared by the Senate Budget Committee.

Mr. HOLLINGS. Mr. President, on behalf of the Committee on Appropriations, I submit a modification to the committee amendment with regard to Contributions to International Organizations.

The amendments to Gramm-Rudman-Hollings that were signed into law by the President on September 30, now prohibit the outlay deferral of \$62,838,000 that we included in this account from counting as savings against our outlay allocation. Accordingly, it is necessary to modify the amount recommended to be appropriated to conform to the new scorekeeping rules. This modification really has no programmatic effect as the international organizations will receive the same amount of cash, one way or the other, in 1988, but they have lost the leg up they had for 1989.

The PRESIDING OFFICER (Mr. HARKIN). This is a modification of a committee amendment?

Mr. HOLLINGS. That is correct.

The PRESIDING OFFICER. The amendment is so modified.

The modification is as follows:

Modify the Committee amendment under Contributions to International Organizations on page 40 as follows: on line 10 strike all the House language beginning with "\$382,000,000" through "1988" on line 13, and insert in lieu thereof the following:

"\$355,300,000, to remain available until expended".

Mr. RUDMAN. Mr. President, the modification as offered by the chairman is acceptable to this side.

Mr. HOLLINGS. Mr. President, I send another modification to the desk.

Mr. RUDMAN. Mr. President, this modification is also acceptable to this side.

The PRESIDING OFFICER. The amendment is so modified.

The modification is as follows:

On page 78 line 1 strike "Company".

Mr. HOLLINGS. Mr. President, on behalf of the committee, I submit revisions to the committee amendments adding titles VII, VIII, and IX to the bill. These modifications conform these titles to the action taken by the Senate with respect to these matters during consideration of S. 1394, the foreign relations authorization bill.

Mr. RUDMAN. Mr. President, those modifications have, in fact, been cleared on this side.

The PRESIDING OFFICER. The committee amendment is so modified.

The modification is as follows:

On page 78 after line 13 strike all that follows through line 5 of page 91 and insert in lieu thereof the following:

TITLE VII—CUBAN POLITICAL PRISONERS AND IMMIGRANTS

This title may be cited as "Cuban Political Prisoners and Immigrants".

That (a) on and after the date of enactment of this Act, consular officers of the Department of State employed in the United States interest section in Havana, Cuba, and appropriate officers of the Immigration and Naturalization Service shall, in accordance with the procedures applicable to such cases in other countries, process any application for admission to the United States as a refugee from any Cuban national who was imprisoned for political reasons by the Government of Cuba on or after January 1, 1959, without regard to the duration of such imprisonment, except as may be necessary to insure the orderly process of available applicants.

(b) For purposes of this section—

(1) the term "process" means the acceptance and review of applications and the preparation of necessary documents and the making of appropriate determinations with respect to such applications; and

(2) the term "refugee" has the same meaning as is given to such term by section 101(a)(42) of the Immigration and Nationality Act.

SEC. 2. On and after the date of enactment of this Act, consular officers of the Department of State, wherever situated, shall issue immigrant visas under section 203(a) or 202(e) of the Immigration and Nationality Act to Cuban nationals—

(1) without regard to section 212(f) or 243(g) of the Immigration and Nationality Act (relating to the refusal to accept the return of nationals);

(2) whether within or outside Cuba; in such cities as immigration visas may be issued to Cuban nationals; and

(3) without regard for the date of departure from Cuba of such applicants in the case of applications for such visas outside Cuba.

TITLE VIII—INDOCHINESE REFUGEE RESETTLEMENT AND PROTECTION ACT OF 1987

SHORT TITLE

SEC. 801. This Title may be cited as the "Indochinese Refugee Resettlement and Protection Act of 1987".

CONGRESSIONAL FINDINGS

SEC. 802. The Congress finds that—

(1) the continued occupation of Cambodia by Vietnam and the instability of the governments of Vietnam, Cambodia, and Laos have led to a steady flight of refugees from those countries, and the likelihood for the safe repatriation of the hundreds of thousands of refugees in the region's camps is negligible for the foreseeable future;

(2) because of our past military and political involvement in the region, the United States has a continued, special responsibility to the persons who have fled and continue to flee the countries of Cambodia, Laos, and Vietnam;

(3) in view of this special responsibility, the United States has placed a special priority on the resettlement and protection needs of the Indochinese refugees;

(4) Hong Kong, Indonesia, Malaysia, Singapore, the Philippines, and Thailand, have been the front line countries bearing tremendous burdens caused by the flight of these refugees, distinguishing themselves as the leaders of an unprecedented humanitarian response to the plight of Indochinese refugees;

(5) largely in response to a lessened commitment among resettlement countries to the refugees of the region, these countries of first asylum have recently taken steps to close refugee camps. Such camp closings would seriously undermine the continuation of a humane refugee policy and are inimical to the resolution of refugee problems in the region;

(6) the United States bears a share of the responsibility for the deterioration in the refugee first asylum situation in Southeast Asia because of unnecessarily slow and complex resettlement procedures; prolonged and often questionable adjudications in humanitarian parole, immigration and refugee cases; failure to implement effective policies for the region's "long-stayer" populations; failure to adequately monitor refugee protection and screening systems along the Thai-Cambodian and Thai-Laotian borders; a policy of allocating admissions numbers to "carryover" refugees approved in previous years rather than qualified new cases; and the instability of the Orderly Departure Program (ODP) from Vietnam which has served as the only safe, legal means of departure for refugees from that country, including Amerasians and long-held "re-education camp" prisoners;

(7) the United Nations High Commissioner for Refugees (UNHCR) shares responsibility for the hardening of attitudes in first asylum countries. The UNHCR should be pressed to upgrade its staff presence and level of advocacy to revive the international commitment with regard to the problems facing Indochinese refugees in the region; to pursue voluntary repatriation possibilities, but only in cases where monitoring is available and the safety of the refugees assured; and

(8) given the serious protection problems in Southeast Asian first asylum countries, and the need to preserve first asylum in the region, the United States must renew its commitment to an ongoing, generous refugee resettlement and protection program

for Indochinese refugees, including urgently needed educational programs for refugees along the Thai-Cambodian and Thai-Laotian borders, until the underlying causes of refugee flight are addressed and resolved.

CONGRESSIONAL FINDINGS ON INDOCHINESE REFUGEE PROCESSING

SEC. 803. The Congress finds that—

(1) there have been numerous diplomatic problems arising from inconsistent refugee processing by the Immigration and Naturalization Service, most recently with respect to processing of Cambodian refugees at Khao I Dang, and also to the processing of Lowland Lao;

(2) there have been questionable documentation requirements of Indochinese refugees by the INS, leading to unjust adjudications to the detriment of deserving refugee cases;

(3) there have been historic problems with INS staffing commitments in the region, frequently precipitating delays and necessitating the assignment of temporary duty officers who lack expertise in Indochinese refugee processing;

(4) while the overall approval rates of Indochinese refugees has been acceptable, it has been achieved at the expense of multitudes of rejected cases which are contributing to a growing "long stayer" population in the region;

(5) the INS is an immigration service and is not well-suited to the sensitive area of refugee processing, particularly as it involves the fulfillment of commitments made by the Secretary of State in the conduct of United States foreign policy; and

(6) given the longstanding problems associated with INS processing, dating back to the disturbing INS performance in 1982-83 which led to the issuance of National Security Decision Directive Number 93 and to new INS processing guidelines, the United States must consider the possibility of denying the INS any further role in the processing of refugees.

REPORTING REQUIREMENT

SEC. 804. The President shall submit a report within 120 days of enactment of this Act assessing the merit of transferring the authority to admit all refugees under the Immigration and Nationality Act from the Attorney General to the Secretary of State.

ALLOCATIONS OF REFUGEE ADMISSIONS

SEC. 805 (a) Given the existing connection between ongoing resettlement and the preservation of first asylum, and to provide a stable and secure environment for refugees while dialogue is pursued on other long-range solutions, including voluntary repatriation and local settlement, it is the sense of the Congress that—

(1) within the worldwide refugee admissions ceiling determined by the President, the President should allocate—

(A) at least 28,000 admissions from East Asia, first-asylum camps, and

(B) at least 8,500 admissions for the Orderly Departure Program, for each of the fiscal years 1988, 1989, and 1990; and

(2) within the allocation made by the President for the Orderly Departure Program from Vietnam pursuant to paragraph (1)(B), a number of admissions allocated in a fiscal year under priorities II and III of the Program (as defined in the Department of State Bureau for Refugee Programs worldwide processing priorities) and the number of admissions allocated for Amerasians and their immediate family members under priority I, should be at least 1,500.

LONG-STAYER RESETTLEMENT

(b)(1) It is the sense of the Congress that Indochinese refugees who have lived in camps for three years or longer are of special humanitarian concern to the United States and should be considered as eligible for refugee processing. Under the leadership of the United States, renewed international efforts should be made to resettle these long-stayers, as proposed in the Report of the Secretary of State's Indochinese Refugee Panel in April 1986.

ALLOCATION OF EDUCATIONAL ASSISTANCE FOR THAILAND

SEC. 806. Section 105 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(c) Of the amounts authorized to be appropriated to carry out this section, \$5,000,000 for each of the fiscal years 1988 and 1989 may be available for educational programs, projects, or activities along the Thai-Laotian border and the Thai-Cambodian border which are carried out by Thai or other non-governmental organizations in conjunction with relief organizations and civilian camp leadership."

ALLOCATION OF ECONOMIC SUPPORT FUND ASSISTANCE FOR THAILAND

SEC. 807. Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) is amended by adding at the end thereof the following new section:

"SEC. 536. ALLOCATION FOR THAILAND.—(a) The Congress finds that many Thai residents of villages located near the border with Laos and Cambodia have been adversely affected by artillery shelling and refugee migrations.

"(b) Of the amounts authorized to be appropriated to carry out this chapter for the fiscal years 1988 and 1989, \$5,000,000 for each such fiscal year may be available to provide financial assistance for Thai villages affected by Indochinese refugee camps."

ALLOCATION OF INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR THAILAND

SEC. 808. Chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training) is amended by adding at the end thereof the following new section:

"SEC. 546. ALLOCATION FOR THAILAND.—Of the amounts to be appropriated to carry out this chapter for the fiscal year 1988 and 1989, \$2,000,000 for each of such fiscal years may be available to train and deploy the Royal Thai Army to protect Indochinese refugees and those in refugee-like situations in Thailand."

POLICY TOWARD PROTECTION OF REFUGEE CAMPS

SEC. 809. It is the sense of the Congress that the international community should increase its efforts to assure that Indochinese refugee camps are protected and that international observers and relief personnel should be present on a twenty-four hours a day basis at camp "Site 2" and any other camp where it is deemed necessary.

TITLE IX.—POLISH PERMANENT RESIDENT ADJUSTMENT ACT OF 1987

SEC. 901. This Title may be cited as the "Polish Permanent Resident Adjustment Act of 1987".

SEC. 902. ADJUSTMENT TO PERMANENT RESIDENCE OF CERTAIN NATIONALS OF POLAND.

(a) ADJUSTMENT OF STATUS.—The status of any alien described in subsection (b) shall

be adjusted by the Attorney General, to that of an alien lawfully admitted for permanent residence if—

(1) the alien applies for such adjustment within two years after the date of the enactment of this Act;

(2) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility on the grounds for exclusion specified in paragraphs (14), (20), (21), and (32) of section 212(a) of the Immigration and Nationality Act shall not apply;

(3) the alien is not an alien described in section 243(h)(2) of such Act;

(4) the alien is physically present in the United States on the date the application for such adjustment is filed; and

(5) the alien has continuously resided in the United States since July 21, 1984.

(b) **ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.**—The benefits provided by subsection (a) shall apply to any alien only if—

(1) The alien is a national of Poland;

(2) the alien arrived in the United States before July 21, 1984;

(3) the Immigration and Naturalization Service established a record of entry or other record with respect to the alien before July 21, 1984; and

(4) in the case of an alien who was admitted to the United States as a nonimmigrant, the alien's period of authorized stay as such a nonimmigrant expired not later than 6 months after July 21, 1984, through the passage of time or the alien applied for asylum under section 207 before July 21, 1984.

(c) **RECORD OF PERMANENT RESIDENCE AS OF JULY 21, 1984.**—Upon approval of an alien's application for adjustment of status under subsection (a), the Attorney General shall establish a record of the alien's admission for permanent residence as of July 21, 1984.

(d) **NO OFFSET IN NUMBER OF VISAS AVAILABLE.**—When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act and the Attorney General shall not be required to charge the alien any fee.

(e) **APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.**—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the committee amendments, as modified, be considered and agreed to en bloc and the bill, as amended, be considered as original text for the purpose of further amendment, with the understanding that no points of order shall be waived by reason thereof.

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

Mr. BUMPERS. Mr. President, I would like to address the provisions in the bill making appropriations for the Small Business Administration.

Mr. President, the Small Business Administration has suffered through a rather tumultuous existence over the last 3 years as the White House attempted in several ways to dismantle the agency. In both his fiscal year 1986 and fiscal year 1987 budgets, President Reagan proposed to abolish most of SBA's programs and transfer the rest to the Commerce Department. Fortunately, those efforts have been resoundingly unsuccessful. SBA is currently operating under a 3-year authorization which Senator WEICKER and I coauthored in 1985, to conclude at the end of 1988, which reduced and restructured a number of SBA lending programs and produced \$2.5 billion in outlay reductions over 3 years.

Despite our past successful efforts to produce budget savings, the Reagan administration, in its fiscal year 1988 budget proposal for SBA, sought an additional reduction in SBA's budget authority of 28 percent over the 1987 estimated levels. Although the Appropriations Committee has agreed to reductions in some SBA program levels, we have attempted to retain essential funding to support vital SBA programs. This bill provides for a total of \$467,397,000 in new budget authority for the SBA. That amount is approximately \$14 million less than the 1987 enacted level and \$18 million less than the House level, but over \$88 million more than the President's 1988 budget estimate.

Under the salaries and expense account, the committee provides for a total of \$219,660,000 in new budget authority and for \$92 million by transfer from the disaster loan fund for disaster loan-making activities and portfolio management. That amount is \$6,140,000 less than the House allowance. Senator WEICKER and I, as chairman and ranking member of the authorizing committee, recommended several changes in the House levels, including those for the Small Business Development Centers, procurement assistance, and international trade programs, and for the Offices of Finance and Investment and Inspector General.

We recommended \$35 million for the SBDC Program, the 1987 funding level, as opposed to the \$42 million which was proposed by the House without any showing that the program was suffering under the previous funding level. We also recommended that the funding for the Office of Finance and Investment be slightly reduced so that the Procurement Assistance Program and the Inspector General's Office could receive additional fund-

ing. Those offices have an increased workload as a result of the Wedtech scandal and 8(a) program reform. Finally, we recommended that the Office of International Trade receive an additional \$500,000 over the House level as part of effort to improve the SBA's ability to offer assistance to its small business clients in the area of international trade.

The bill also provides for funding totaling \$224 million for the business loan and investment fund. Under that fund, the committee recommends a level of \$450 million for the Development Company Loan Program, or \$77 million more than the House bill. That increase is warranted by the full utilization of the Section 503/504 Development Company Program in the past year, for which the authorizing committee provided additional funding authority in Public Law 100-72. The two remaining funds in the bill, the disaster loan and pollution control funds, are funded at the House levels of \$9,497,000 and \$14,240,000, respectively.

An important amendment has been added to this bill which prohibits the sale of certain SBA loan assets. The SBA proposes to sell \$2.3 billion worth of SBA loan assets at the projected return of less than 36 percent of face value. In many cases, the proposed sale could bring as low as 15 cents on the dollar, according to projections in the President's budget. Selling these loans at such fire-sale prices is irresponsible and unnecessary.

Although such loan asset sales are recommended by the Reagan administration as quick deficit reducers, the long-term results are negative. If the SBA retains these loans, the yield on repayments is expected to be as high as 93 percent on disaster loans and 80 percent on SBA-originated direct loans. Therefore, if the SBA foregoes the benefit of these future loan repayments to its programs, it will require Congress to recapitalize these revolving funds through appropriations within 2 years. Mr. President, selling the assets of these revolving funds in order to make the deficit appear smaller is like a dairy farmer selling his milk cows in order to pay his mortgage.

Provisions included in the bill at my request prohibit the sale of direct loans made by the Small Business Administration under the authority of the Small Business Act and the sale of loan guarantees made by the SBA under the authority of the Small Business Investment Act. The restriction is intended to apply only to sales to third parties of general business loans, disaster assistance direct loans, and debentures issued by the Certified Development Companies and Small Business Investment Companies which were guaranteed by SBA and held by the

Federal Financing Bank on September 30, 1987. The restriction has no application to any plan concerning prepayment of loans by borrowers, nor does it affect sales of section 7(a) loan guarantees in the secondary market or sales of new debenture guarantees which were not held by the Federal Financing Bank on September 30, 1987.

I would like to mention another important amendment to the bill which prohibits the SBA from imposing any new or increased user fees, guaranty fees or examination fees in connection with an SBA program or service in excess of that in effect on September 1, 1987. The administration has proposed to implement substantial user fees for certain SBA counseling and training programs, for which no fees have been imposed in the past, at the risk of seriously curtailing program participation. Although user fees might be appropriate for certain programs, because the SBA's proposal includes a mix of everything from very objectionable increased loan guarantee fees to inconsequential publication fees, and because the agency plans to introduce some of these fees under current administrative authority without seeking the comments of affected small businesses, the authorizing committee recommended a prohibition on all new user fees. The authorizing committee will explore the user fee issue thoroughly next year in hearings during the reauthorization process.

Finally, the report accompanying this bill directs the SBA to expedite its study of the Section 7(a) Loan Guaranty Program to evaluate the impact of the program on tax revenues and job creation, which was mandated in Senate Report 99-425 accompanying the fiscal year 1987 Commerce, Justice, State appropriations bill. The Agency is working with the Internal Revenue Service to produce the data needed to make the study. The report is long overdue, and the SBA has asked the committee for an extension of its original June 1, 1987, reporting date to allow the IRS sufficient time to compile the loan information. We strongly encourage the SBA to have an interim report to the authorizing committee by April 1, 1988, to facilitate the committee's consideration of reauthorization legislation for the SBA and for use during the fiscal year 1988 appropriations cycle. We direct the IRS to report its findings to SBA no later than August 1, 1988, and we urge the SBA to issue its report to this committee as soon thereafter as possible, but no later than September 1, 1988. Any further delay will severely hamper both the authorizing committee and the Appropriations Committee in their attempt to obtain full and accurate information for use in crucial policy decisions affecting Federal spending.

Mr. RUDMAN addressed the Chair.

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

Mr. BYRD. Mr. President, as a courtesy to the Republican leader, I ask unanimous consent that that order be extended for 10 minutes.

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

Mr. DeCONCINI addressed the Chair.

Mr. RUDMAN. Mr. President, could I just have one moment, please?

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I advise my senior colleague from New Hampshire that the amendments were just considered en bloc and accepted en bloc. That, of course, does not preclude him from offering his amendment or the amendment of the Senator from North Carolina. There had been a previous understanding that they would not be so accepted, but they were. But we have an agreement on those amendments, and I just want to make that clear to my two colleagues.

Mr. HOLLINGS. The agreement and understanding is correct.

AMENDMENT NO. 987

Mr. DeCONCINI. Mr. President, I send an amendment to the desk on behalf of myself and my colleague, Senator McCain, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. DeCONCINI) for himself and Mr. McCain, proposes an amendment numbered 987.

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

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

The amendment is as follows:

On page 29, after line 13, insert the following new paragraph:

"Of the amount appropriated for section 1309 of the Drug Law Enforcement Grant Program, an amount not to exceed \$500,000 is to be allocated to drug law enforcement programs in any state where the legislature has appropriated funds on or prior to August 18, 1987, in anticipation of an appropriation equivalent to the authorization level."

Mr. DeCONCINI. Mr. President, the State of Arizona has adopted maybe the toughest, most comprehensive, antidrug abuse program in the United States. Under the Arizona plan, the State legislature appropriated \$7.5 million dollars for the drug strategy plan. The State funds only become available if the Federal Government provides \$5 million in matching funds over a 2-year period. Today I offer an amendment that would allow my State and other States to be eligible for Fed-

eral funds under section 1309 of the Drug Law Enforcement Grant Program if they meet the criteria spelled out in the amendment. This amendment was made possible by the combined efforts of my distinguished colleagues Senators HOLLINGS and RUDMAN and their staff members Warren Kane, John Shank, and Santel Manos. Senators HOLLINGS and RUDMAN carry a reputation in this body of being tough on crime and tough on drug abuse. In crafting this amendment, these two Senators had the foresight to recognize that to be successful in combating the drug abuse epidemic in this country, individual State's must be encouraged to develop tough, innovative antidrug abuse programs.

As chairman of the Senate Appropriations Subcommittee on the Treasury, Postal Service, and General Government, I understand how tight money is for fiscal year 1988 programs. But I believe States which have made the effort to get tough on drugs and are willing to spend a great deal of the their own taxpayer dollars, must be given Federal cooperative support in these efforts.

On May 15, 1987, the State of Arizona adopted what I believe is the toughest, most comprehensive anti-drug abuse bill in the country. The legislation is a unique plan that calls for joint cooperation between the Federal Government and the State of Arizona. Under the Arizona plan, the State legislature appropriated \$7 million for the drug strategy program. The State funds only become available if the Federal Government provides \$5 million in matching funds over a 2-year period.

At a narcotics control hearing I chaired in Phoenix in August, Arizona Attorney General Bob Corbin emphasized that Arizona's new drug bill could self-destruct if Federal dollars don't come through.

Presently, the Arizona Criminal Justice Commission has collected approximately \$3.5 million in Federal anti-drug abuse grants. With the funding Arizona will receive from the Federal Government this year, the State will still fall \$500,000 short of the \$5 million in matching funds needed to trigger the \$7.5 million in State funds.

I am forced to propose this amendment today because President Reagan abandoned his commitment to State and local law enforcement when he introduced his fiscal year 1988 budget. Instead of earmarking \$230 million for grants for State and local drug enforcement efforts as was authorized in the Anti-Drug Abuse Act of 1986, the President slashed all funding for this program in fiscal year 1988. The House and the Senate Appropriations Committees recently added \$75 million

back into the Anti-Drug Abuse Grant program.

I think you will agree, Arizona is a unique situation. Because of the 360-mile border it shares with Mexico, the State has become one of the major corridors for drugs coming into the United States. In fact, Mexico is the number one source of marijuana and heroin coming into the United States. Arizona has become the largest single port-of-entry for South American cocaine trafficking, transhipped through Mexico.

During a recent visit to Phoenix, Attorney General Edwin Meese noted that Arizona is experiencing the same problems Florida faced a few years ago before agents cracked down on the drug trade. The Attorney General said, "Arizona is a State that concerns us very much. When we ruin one route for drug dealers, as we did in Florida, they'll try a new way all the time. That's why we're now targeting the Mexican border."

We in Arizona are ready to meet the challenge. The State's antidrug program provides tougher criminal penalties, new courts, additional law enforcement personnel, and a statewide education program.

The challenge will not be an easy one. Arizona has the second highest crime rate in the Nation, exceeded only by Florida. The total number of murders associated with drug use in the city of Phoenix rose from 7 in 1985 to 24 in 1986—an increase of 243 percent.

The Arizona Anti-Drug Program can be looked at as a model for the entire Nation. The cooperative efforts of the Federal Government and the State of Arizona will provide a program for the entire Nation to learn from.

We cannot afford to let Arizona's Anti-Drug Abuse Program go unfunded. This country is losing the war on the drugs. We continue to talk tough, but we fail to back our rhetoric with action. The State of Arizona is ready to demonstrate what getting tough is all about. I ask my colleagues to give Arizona the chance by supporting this amendment.

Mr. McCAIN. Mr. President, I rise in strong support of the amendment offered by my distinguished colleague, Senator DeCONCINI, and to which I am a cosponsor. Several years ago our Nation made a commitment to address the problems created by illegal narcotics. Drug abuse and its virulent offspring—violent crime, corruption, and the loss of human life—have threatened to unravel our social fabric. We have known for many years the death and destruction brought about by this plague, and Congress responded to this menace by enacting the Omnibus Drug Bill of 1986. This much-needed legislation provided the Federal resources to support efforts on all facets

of the drug abuse problem, including drug law enforcement.

As you know, based on last year's funding level, the fiscal year 1988 appropriation for the Drug Law Enforcement Grant Program is significantly lower than what we anticipated. This has caused a regrettable problem which threatens to undermine certain vital law enforcement activities, particularly drug interdiction efforts. My State of Arizona, for example, committed itself to a vigorous and tenacious campaign against drugs. The Arizona State Legislature knew that if substantive strides were to be made on the war against drugs, it had to be undertaken in cooperation with Federal and local authorities. Therefore, the State legislature appropriated several million dollars for drug interdiction activities. This additional \$500,000 Federal appropriation will enhance Arizona's antidrug campaign.

Mr. President, enactment of the DeConcini-McCain amendment will ensure that those State legislatures who have appropriated funds based upon certain levels of Federal assistance will not be undermined. It is vitally important we continue to provide State and local authorities with the resources that are needed to stem the flow of illegal narcotics into our country. Arizona seeks to create a model for the rest of the Nation in drug law enforcement. Our success in our drug interdiction effort will determine to what extent drug supplies will reach other areas of our Nation. For the sake of our children, let us hope our efforts will be successful.

Mr. DeCONCINI. Mr. President, I commend Senator McCain for his strong support of this amendment and other items that relate to the drug program in Arizona in combination with the Federal Government. I thank my distinguished colleagues.

Mr. HOLLINGS. Mr. President, the amendment of the distinguished Senator from Arizona is merely an allocation under the drug enforcement program. The distinguished Senator as a member of the Judiciary Committee and also of our subcommittee has been a leader in this particular regard. We have checked it with the other side and I move adoption of the amendment.

The PRESIDING OFFICER (Mr. EXON). Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 987) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, may I ask the managers of the bill if they did accept the Senate amendment on page 36 beginning at line 21 running through line 14 on page 37?

Mr. HOLLINGS. In response to the question of the distinguished Senator from North Carolina, we are prepared to accept his amendment.

Mr. HELMS. I guess I ought to ask this as a parliamentary inquiry. Then it would be in order for me to table the Senate amendment on page 36, beginning at line 21, running through line 14 of page 37?

Mr. HOLLINGS. Right. I believe that is appropriate. The House language is what we enacted before. We have checked that with the Bureau of Prisons, and I think the distinguished Senator from North Carolina and the Senator from New Hampshire, Mr. HUMPHREY, are both correct in this particular regard, and I join in the motion that our committee amendment be tabled.

The PRESIDING OFFICER. In answer to the question raised by the Senator from North Carolina, the Chair would advise that the amendment that he has reference to was approved en bloc and therefore cannot be tabled. The Chair would further advise that, of course, the Senator from North Carolina could exercise an option by a motion to strike.

Mr. HELMS. Mr. President, let me do it another way. Let me ask unanimous consent that the Senate provision, section 206, as previously stated, be excepted out.

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

The excepted section follows:

Sec. 206. Notwithstanding subsections (c) and (d) of section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633), the Administrator of the Office of Juvenile Justice and Delinquency Prevention may not—

(1) terminate any State's eligibility for funding under subpart I of part B of title II of such Act, or

(2) determine that the State's plan fails to meet the requirements of such section,

for fiscal year 1988 because of the failure of such State to comply with the requirements of section 223(a)(14) of such Act before such fiscal year.

Mr. HELMS. Mr. President, the problem of abortions in prisons was first brought to my attention when I received a letter a few years ago from a constituent complaining about the abortion practices in the Bureau of Prisons, under the jurisdiction of the Attorney General and the Justice Department.

Last year, for the first time, Congress approved a State, Justice, Commerce bill containing language restricting abortions in Federal prisons. It was a step in the right direction,

Mr. President, and that language was included in the bill passed by the House again this year.

The Senate committee, however, as it always does, removed all the restrictions on abortions in Federal prisons. If the committee prevails, Mr. President, taxpayers once again, will be required to furnish the money to fund abortions on demand in Federal prisons.

Mr. President, this Senate must place restrictions on the tax funding of abortions, as this Congress has in other Federal programs. In the Medicaid Program, in health insurance for Federal employees, and in other areas, Congress has firmly established the principle that U.S. taxpayers are not going to be forced to pay for the deliberate termination of innocent human life with their tax dollars.

I ask Senators, why should we not apply this same principle in prisons that we apply elsewhere? In each and every case, what is at stake is the same: an innocent unborn child with a God-given right to live. We must not allow the use of taxpayer dollars to take that right away in prisons or anywhere else.

Now I move to table the Senate amendment earlier received.

The PRESIDING OFFICER. The question then is on agreeing to the motion to table.

The motion was agreed to.

Mr. HELMS. I thank the Chair.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. RUDMAN. I move to table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. HELMS. I thank the distinguished managers of the bill.

AMENDMENT NO. 988

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] for himself, Mr. DANFORTH, Mr. DURENBERGER, Mr. HECHT, Mr. KARNES, Mr. MCCONNELL, Mr. NICKLES, and Mr. PRESSLER, proposes an amendment numbered 988.

Mr. HUMPHREY. Mr. President, I ask that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Insert the following new section in the appropriate place:

"Sec. . . None of the funds appropriated under this Act shall be used to require any person to perform, or facilitate in any way the performance of, any abortion."

Mr. HUMPHREY. Mr. President, this amendment would provide conscience clause protection for employ-

ees of the Bureau of Prisons who refuse to assist in the provision of abortions.

Conscience clause protection for many individuals and entities who refuse to engage in abortion-related activity is standard in most States. Currently, 44 States protect doctors or organizations who refuse to participate in abortion procedures.

There are also Federal precedents for abortion conscience clause protection. The most extensive Federal statutory protection can be found under the Public Health Service Act. The Church Amendment passed in 1973, protects personnel and organizations which directly receive funds under the Public Health Service Act—including Hill-Burton funds—under the community mental health centers, and under the Developmental Disabilities Services and Facilities Construction Act.

Specifically, the Church amendment prohibits officials from compelling PHS recipients to perform abortions or sterilization procedures if doing so would be contrary to the recipient's religious beliefs or moral convictions. The Church amendment also prohibits discrimination against personnel for participation or lack of participation in abortion. Finally, the Public Health Service Act Amendments of 1979 bar recipients of Federal funds from denying admission or otherwise discriminating against any applicant for training or study because of the applicant's unwillingness to participate in performing abortions because of the applicant's religious beliefs or moral convictions.

However, Federal employees and military personnel have no statutory abortion conscience clause protection. In particular, the Federal Bureau of Prisons now requires its personnel to process inmates for abortions. Bureau employees may also be called on to escort an inmate to an abortion clinic for an abortion, or they may be asked to counsel and make a referral for the abortion.

Conscience clauses have generally been upheld by the courts as legitimate protections of individuals. The Supreme Court, in its 1973 decision in *Doe versus Bolton*, the companion case to *Roe versus Wade*, recognized the right of individuals and of private hospitals to refuse to perform abortions. The Court noted:

Under section 26-1202(e) the hospital is free not to admit a patient for an abortion. It is even free not to have an abortion committee. Further, a physician or any other employee has the right to refrain, for moral or religious reasons, from participating in the abortion procedure. These provisions obviously are in the statute in order to afford appropriate protection to the individual and to denominational hospitals.

In *Poelker versus Doe*, The U.S. Supreme Court held that the city of St. Louis' policy of refusing to allow the performance of non-therapeutic abor-

tions in its public hospitals, and of staffing those hospitals with personnel opposed to the performance of abortions, did not violate the equal protection clause of the Constitution.

In *Greco versus Orange Memorial Hospital Corp.*, a 1975 Fifth Circuit Court of Appeals Texas decision held that a hospital's policy prohibiting performance of elective abortions did not amount to State action, even though the hospital received Government funding—including Hill-Burton funds—and was a nonprofit, tax-exempt charitable organization. The district court rules that without State action it lacked jurisdiction under the Civil Rights Act of 1871.

In *Jones versus Eastern Maine Medical Center*, a U.S. district court in Maine upheld such a conscience clause on similar grounds.

It is time that Federal employees have similar protection—particularly Bureau of Prisons employees who have been documented to be compelled to engage in abortion related activities against their will.

There is ample precedent in prison practice for this respect for the religious and moral tradition of employees and inmates. Employees are authorized to abstain from work for certain periods of time in order to comply with personal religious beliefs, or engage in religious activities.

Regarding inmates, section 548.10(a) of prison regulations states that, within certain constraints:

The Bureau of Prisons provides inmates of all religious faiths with reasonable and equitable opportunities to pursue individual religious beliefs and practices.

This includes general freedom to participate in religious activities, including diet, services, ceremonies, and meetings. It also includes the freedom to wear or use personal religious items, and freedom from certain work assignments.

But most striking and relevant are prison regulations found in section 548.14, titled "Institution Work Assignment," which state:

Except where necessary for maintaining security, safety, and good order in the institution, an inmate may not be given a work assignment which violates the specific requirements of that inmate's religious belief.

And yet, the Bureau of Prisons provides no protection to employees who refuse to participate in abortions procured by inmates. This policy came to light with the punitive reassignment of Mr. Richard Phillips from his assistant warden position at a Lexington, KY women's prison. The former warden had reached an agreement with Phillips that Phillips would not be required to process abortion papers for inmates, and that the other assistant warden would do so. The subsequent warden at Lexington refused to abide by this agreement, and com-

pelled Phillips to process the papers. When Phillips refused on religious grounds, the warden transferred Phillips to a dead-end desk job in Washington. Phillips has noted that other prison employees were put in similarly compromising situations by authorities.

My amendment protecting these employees is modeled after the Church amendment described above. The amendment provides protection in three categories:

First, the Bureau may not discriminate in the employment, promotion, or termination of any person, because the person refused to facilitate an abortion;

Second, the Bureau may not discriminate in the extension of staff or other privileges to any person, because such person refused to facilitate the performance of an abortion; and

Third, the Bureau may not require any person to perform, or facilitate the performance of, any abortion.

The term "facilitate the performance of an abortion" is intended to be construed broadly so as to include any activity related to the abortion, including processing abortion papers, counseling or referral, or escorting inmates to abortion clinics.

Mr. President, this amendment has been accepted and agreed to by both sides. It is a conscience clause amendment to the HUD bill that will provide needed protection to employees of the Bureau of Prisons who for reasons of conscience refuse to assist in providing abortions to inmates.

I want to point out that this is not simply an abstract concern which we seek to address. Indeed, there has already been one case where an assistant warden in the prison at Lexington, KY, was reassigned and sent into a dead-end job because he refused to participate in arrangements which were to provide an abortion for an inmate. There is ample precedent for the amendment which I assume is why it was so readily accepted. There are many State laws, indeed Federal regulations, that apply to private organizations receiving Federal funds that provide for a conscience exception, conscience protection of personnel of those organizations. What we seek to do here is simply extend the logic and fairness and justice of those provisions to a class of employees who have demonstrated a need for it.

I thank the floor managers for accepting the amendment.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

Mr. RUDMAN. Mr. President, we want to say that the committee is certainly in favor of accepting this. The Senator from New Hampshire, my senior colleague, makes the point that regardless of the issue of abortion no one working for the Federal Prison

System ought to be forced to participate in the procurement of abortion. The managers agree with that. I believe Senator HOLLINGS agrees with that.

We are going to accept this portion of this amendment.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Hampshire [Mr. HUMPHREY].

The amendment (No. 988) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I yield to our distinguished committee chairman, the Senator from Mississippi.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I thank the Senator.

Mr. President, I am very happy that we are here today to present before the Senate the Commerce, Justice, State, Judiciary and related agencies appropriation bill for fiscal year 1988. This bill, which provides a total of approximately \$14.2 billion in new budget authority for fiscal year 1988, reflects the diligent care and able effort which our entire committee has rendered. In particular, however, it is evidence of the hard work and excellent leadership of Subcommittee Chairman HOLLINGS and the ranking minority member, Senator RUDMAN. I also wish to compliment the highly skilled work of the staff of their subcommittee: Mr. Warren Kane, Mr. John Shank, Miss Terry Olson, and Mrs. Judee Klepec.

I now wish to briefly highlight a few important items regarding this bill.

First and foremost, I am pleased to report that this bill is below the 302(b) allocation for budget authority and, after a correcting amendment to be offered today, will also be below the 302(b) allocation for outlays. As I have previously indicated, this is essential for all appropriation bills which are to be taken up for consideration on the Senate floor.

Second, the committee's recommended \$14.2 billion in budget authority is \$600 million below the President's request and is only slightly above the House-passed level of \$13.9 billion.

Finally, I would ask my colleagues to resist any further amendments adding additional funds which would violate the bill's spending ceiling set by the subcommittee's 302(b) allocation. Let me also mention that the Senate

Rules do not permit legislative amendments on appropriation bills.

Mr. President, splendid work has been done during this session this year on this bill. The contents of it were drawn by our chairman, the Senator from South Carolina and by Senator RUDMAN, each of whom have great capacity for fine work. I am very proud of the quality of their work and their hard work, and of the approval it has had by those who have examined it. That applies also to the work done by their staff members who carried this load.

It is a credit to the Senate. It is a credit to the administration, and to those who contributed directly to it.

In conclusion, I firmly support this bill and ask that it be adopted so that we can proceed to conference with our House counterparts in a timely manner.

Mr. President, I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished majority leader, Mr. BYRD, is recognized.

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

THE BORK NOMINATION

Mr. BYRD. Mr. President, the distinguished Republican leader and I have been for the last day or so discussing the Bork nomination, and when the vote might be scheduled thereon.

I noted an AP wire earlier today, and I will read therefrom. It has reference to a response by our distinguished junior Senator from North Carolina, Mr. SANFORD, to the President's remarks of yesterday on CNN regarding the Bork nomination.

On Wednesday, Sen. Terry Sanford, D-N.C., said, "We are tired of having our integrity impugned. We are tired of having our sincerity questioned. We are tired of having our intelligence insulted. It is time for that corrosive dialogue to stop."

Reagan, asked by a reporter about Sanford's comments as he met with Republican senators today, said, "Well, there is some debate about what constitutes intelligence."

Mr. President, I suppose that one should not be surprised at that kind of comment coming from a President of the United States who grossly underestimated the intelligence of the American people in the arms-for-hostage deal. I regret it when statements like that are made. I do not think they are helpful. I do not think they are productive. I think they are only counterproductive.

I would hope that the President, in the interest of getting on with filling the vacancy on the Supreme Court, would try to restrain himself from

such wisecracks. They do not add anything of value to the debate.

Mr. President, we Democrats want to vote on this nomination. We want to vote on Tuesday, as I indicated on yesterday. The committee report is on the desk of all Senators. I cannot move to take up that nomination—without getting unanimous consent otherwise, or a waiver of the 2-day rule—until approximately noon on Saturday, if the Senate were to be in session on Saturday.

Mr. President, I do not propose to bring the Senate in on Saturday. I could do so. But I hope we can vote on this nomination of Tuesday next. I could ask the Senate to come in on Monday and we could debate as late into the evening as Senators wish to debate. I would not want to bring the Senate in before 12 o'clock noon or 12:30 on Monday so as to give Senators time to return from far away places, and they could be back in time for a good afternoon discussion. We could go that evening as late as Senators wish, 10 o'clock, 11 o'clock, whatever, come in on Tuesday, and begin early and vote by 6 o'clock. That was my original proposal. I do not see any reason why that would not be a reasonable approach, and under the circumstances, not only logical, but also one that recommends itself. The outcome on this Bork nomination is foreordained. I think that is pretty obvious. Maybe we could get on then with other matters and be ready for the subsequent nomination that will be coming up from the White House, and not string out a debate, which in the final analysis is not going to change anything.

So I ask the distinguished Republican leader if we might agree to vote at no later than 6 p.m. on Tuesday next on the nomination of Mr. Bork.

Mr. DOLE. If the majority leader will yield—

Mr. BYRD. Yes.

Mr. DOLE. As the majority leader knows, we have been making inquiries on this side. I am not in the position to say we could vote by 6 o'clock on Tuesday. I can indicate that, with perhaps one or two exceptions, there is a strong inclination that we could vote perhaps by mid-afternoon on Wednesday. But I am not in a position to get a unanimous consent agreement. I think there are still one or two Members on this side who are not certain that a vote on Tuesday would be enough time.

Some have indicated they believe there should be debate. But those who support the Bork nomination should not be required to stay up until 10, 11, or 12 o'clock at night to make their points. It ought to be done during the regular course of business—say 8 to 8 which is 12 hours. We will get 6 or 7 hours in on Monday, 12 hours on

Tuesday, and another 7 hours on Wednesday.

It seems to me that we would cover a lot of ground in that time. I cannot yet tell the majority leader, but I do know that Members are prepared to be here on Monday. The distinguished ranking member of the committee, Senator THURMOND, has indicated he will be here. I have been notified by the Senator from Wyoming, Senator SIMPSON, that there will be people here prepared to talk. So there is not going to be any delay once it starts. That would be Monday and Tuesday, and it would be my hope that sometime mid-afternoon on Wednesday there could be a vote.

Mr. BYRD. Mr. President, as I indicated yesterday, I stand in a rather phenomenal position. I suppose I am entitled to as much credit as anybody in helping the administration pull the nomination of Melissa Wells out of the fire. I certainly did my share in getting the Verity nomination up and getting that acted on. I do not know whether I am entitled to any medals from this administration or not. They were, after all, the administration's nominations, but I feel a responsibility, as the majority leader, to try to move them along.

I thank the distinguished Republican leader for his help. It was not his fault that the Verity nomination was held up so long. In that instance, another Senator presented himself to demonstrate that there was real flesh and blood behind the distinguished Republican leader's objection, of which I did not need living evidence. I knew the Republican leader was being forthright in saying that someone else on that side was objecting.

However, Mr. President, I do not understand the delay on the Bork nomination. Yesterday, it was Thursday or Friday. Perhaps we are making some progress. But I cannot understand the need for delay over until Wednesday.

I noted today in the Washington Times an ad that uses the Bork nomination to raise money. Here it is.

Here is the exciting, little lower right-hand corner. That little box reads as follows: "Congressional Majority Committee, Ralph J. Galliano, Chairman, Washington, D.C."

In a little box in which the reader can check his mark, it says: "I've mailed the coupons"—there are coupons in the ad—"or called my Senators and told them to vote for Judge Bork's confirmation."

Then there is another little box, and it reads as follows:

I'm enclosing my contribution to help CMC support Robert Bork and President Reagan's goals of a healthy, strong, safe, and secure America.

Then there are four little boxes—one in which the contributor can check \$15, another in which he can check \$25, another in which he can

check \$50, and another in which he can check \$100.

Then he adds his name and his address, city, State, and zip.

Mr. President, I am rather mystified by this ad. In the first place, I think it is misleading because it attempts to mislead the readers and contributors into thinking that the Bork nomination is something that is going to be turned around if they will just contribute.

Mr. President, I hope the American people will not be fooled by this advertisement and will not contribute their hard-earned moneys to this false effort that is going to fail.

A good many Senators here have indicated how they are going to vote. They have indicated their position on the basis of their study of the nominee's record and on the basis of their constituents' concerns, and I do not envision a turning around on this nomination, no matter how much money is contributed to this Congressional Majority Committee.

I understand, also, that NCPAC has been making some fundraising calls around the country today, using the Bork nomination as a gimmick in several States. I would just say that, having had some experience with that outfit in my own State of West Virginia 5 years ago, people ought not waste their money on that gimmick.

I wonder if the delay has anything to do with this fundraising effort. How much money do the NCPAC want? At what point do we get a Tuesday vote? How much money do they have to raise to get a Tuesday vote? How much money do they have to raise to get a Wednesday vote? We have not been assured yet that we will have a Wednesday vote. How much money do they have to raise to get a Thursday vote?

Mr. President, I am not implying anything—

[Laughter.]

Mr. BYRD. Wait until I finish my sentence.

I am not implying anything with reference to the Republican leader. He does not have anything to do with this ad.

I am wondering how the two might tie together. Does this fundraising effort have something to do with the delay?

I wonder, also, if, in the opinion of some, fundraising is more important than getting on with the business of selecting a judge to fill the vacancy on the Supreme Court.

Mr. President, I hope we can vote on Tuesday. I think that we mislead the American people if any of us hold out expectations to the contrary—it has been stated on both sides of the aisle, Republicans and Democrats—everybody agrees to the fact that Judge Bork is going down. He is entitled to a

vote. But there is nothing to be gained by stretching out that vote.

So I want to ask the distinguished Republican leader if he will give us a vote on Tuesday, at 6 o'clock. Let us defeat this fundraising effort, this fundraising gimmick.

I know that he does not approve of this kind of approach. Why do we cloud the Bork nomination with a fundraising gimmick? That should turn the stomachs of all those who have been wanting to wait until Wednesday, Thursday, or Friday for a vote. Let us defeat the motives of those who would mislead the American people into making contributions which are not going to change anything.

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. DOLE. I do not disagree with the majority leader. I think that is the problem with this whole nomination. It has been treated as a political campaign. There have been fundraising solicitations. I must say there are far more anti-Bork solicitations.

I noted today in the Wall Street Journal, "Bogeyman Fund-Raising." Maybe the one the majority leader referred to would fit in that category.

It reads:

"Dear Friend," said Joanne Woodward's mass mailing on behalf of the National Abortion Rights Action League, "\$500,000 is needed immediately. . . ." Norman Lear's people People for the American Way mailed out 3.8 million anti-Bork solicitations; its Arthur Kropp boasts, "We wanted to raise \$1 million but now it looks like closer to \$2 million."

I think that may be in response to these mailings.

I can only say that this whole thing has gotten out of hand.

Mr. BYRD. May I say to the distinguished Republican leader that that money was not being used to delay a vote. This money is being used to delay a vote and to mislead the American people into thinking that this vote can be turned around somehow if they will only contribute \$15, \$25, \$50, or \$100.

Mr. DOLE. I think you can make the same argument. This would make certain there would never be a vote.

[Disturbance in the galleries.]

Mr. BYRD. Mr. President, may we have order?

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will instruct the gallery to refrain from any statements.

Mr. BYRD. Mr. President, who is holding up the vote now? Not this Senator.

Mr. DOLE. Will the majority leader yield?

Mr. BYRD. I yield.

Mr. DOLE. I think we are going to have a good debate on this nomination. And I would say millions of dollars have been spent in an effort to

defeat Judge Bork. This is unprecedented, I do not quarrel with the majority leader. Certainly as the majority leader indicated I am not saying when we ought to vote.

But I have to believe that millions of dollars were raised to make certain we would never get a favorable vote if we got a vote at all on Judge Bork.

Now there might be some counter-reaction. It comes too late. They are not going to change any votes. The majority leader is right. Unfortunately, the Bork nomination is probably not going to succeed. But whether it is 6 o'clock on Thursday or 3 o'clock Wednesday in my view is not really the issue.

The issue is fairness. We may not be for Judge Bork but most Americans believe in fairness.

All I am going by is the number of my colleagues who are well respected and who have leveled with me from the start. They do not want to filibuster. They do not want to frustrate the majority leader or the majority. They know they are in the minority when it comes to this vote. But, they do want to lay out a program that addresses some of the distortions and questions and/or solicitations, the antisolicitations, about his civil liberties record, the right to privacy, and it is going to take some time.

Maybe we could get consent we would vote no later than a certain time, and I would be happy to discuss that with the majority leader. Maybe it would come on Tuesday, maybe it would come early Wednesday morning.

But I can assure the majority leader of two things. I do not know anything about the ad the majority leader referred to.

Second, it is not going to succeed if somebody out there is saying "Well, if we send enough money we can postpone the vote."

We do not want to postpone the vote for any other purpose than to lay out the Bork record and to make certain the American people will have the facts. It is not going to change any votes that I know of. I wish it would, but I do not believe there will be any changes in votes.

I will continue to work with the majority leader to see if we can set a fixed time. But I think in fairness to those who support Judge Bork, we are going to come to this floor on Monday, prepared to speak, no long gaps, no long quorum calls, no delays, one speaker after another, and that may end well before Wednesday.

Mr. BYRD. Mr. President, in the effort to spare the American people from being bilked of their hard-earned moneys by making these contributions, why not shut off the debate Tuesday, so that they will not continue to have such gimmicks as these on Wednesday and Thursday.

I ask unanimous consent that the Senate vote on—which precludes a tabling motion—on the Bork nomination at no later than 6 o'clock p.m. next Tuesday.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DECONCINI. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. DECONCINI. Mr. President, listening to the debate here or the discussion between the minority and majority leaders, of course, I regret that anybody would give money for or against Bork. I made up my mind, and I am sorry that the People for the American Way or NCPAC or anybody will get any money for this because this is not a profit situation and a business.

This is indeed a decision that has to be made under the Constitution by this body.

What disturbs me today is the NCPAC organization with the introduction of a Member of this Senate is raising money in Arizona to attempt to coordinate an effort to influence Senator DECONCINI to turn his vote around.

This Senator's vote is not going to turn around. I sat through 12 days of hearings. I listened to Judge Bork, and I made a decision. Some may not agree with it, and I respect them. But I would hope that NCPAC and Members of this body who feel differently about the position that I take would not go and make calls in my State trying to raise money to try to influence Senator DECONCINI. I am not for sale and they are going to waste their money, and I hope the good people in Arizona who may disagree with me do not go write checks to the National Conservative Committee, known as NCPAC, because it is a waste of time and quite frankly it is an insult.

I do not do that to other Members, Members who have decided to support Judge Bork. I respect that judgment. You do not see me calling or writing into their State saying, "Gee, why don't you give some money to this organization to try to turn their vote around?"

To me, it is an insult, and I do not know about other Members of the Senate, but I resent it.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. BIDEN. Mr. President, will the Senator yield a moment?

Mr. BYRD. Yes, I yield.

Mr. BIDEN. Mr. President, it is obvious, at least at this moment, that we are not going to get an agreement as to precisely when to vote.

Just having spoken to a Member from the other side, a comment was made that the thing that is disturbing

some people is that people from the outside, outside this Chamber, have politicized this debate and have engaged in the use of advertising.

As has been mentioned here, and the minority leader acknowledges, that maybe this recent fundraising effort is a response to what was done before.

It is beginning to come clear to this Senator that thus far at least, no one in the Senate has suggested that anyone else in the Senate has misrepresented, intentionally misstated, or unfairly maligned the judge. No one in the committee, Democrat or Republican, in the 12 days, in the 120 witnesses, suggested, to the best of my knowledge, at any time that anything was untoward, unfavorable, not done fairly.

And, folks, I say to my colleagues, it seems what is developing here is we may get ourselves in a fight on this floor about what people beyond any of our control have done outside this Chamber and do it in such a way that scars are left for a while around this body.

We are all grown adults. We are all used to the rough and tumble of politics. We all understand that we are all at risk all the time in this body. But in the past, in the 15 years that I have been here with rare exception have there ever been personal attacks by one Senator upon another. It has happened, but rarely has that occurred.

In the past, we have found that when those rare occurrences come about, they do not fade quickly from the memory of Members. If I can make a homely analogy, it is a little bit like when you get in a fight in the family and you say something in anger that later you wish you had not said but it takes a long time for the family member to forget the hurt that was inflicted.

I say this with all the sincerity in my being. I am truly worried that if we let this go on and we do not hold ourselves in check, some things will be said in this body that no one really means to say in the first instance, or if they mean it they will regret it after having said it and we will find ourselves making it more difficult to do the Nation's business than not when everyone thus far has acknowledged that the thing that makes them the angriest for or against Bork is what someone outside this Chamber has said, what someone who is not a Member of this Chamber has said, what someone who none of us can control.

The Senators on this side of the aisle can no more control the interest groups that are interested in this than the Senators on that side of the aisle can control NCPAC. We all understand that.

There was one Member of this body who walked out on the steps of the U.S. Senate and personally attacked in

the most scurrilous way two Members of this body. I could not believe when I heard it. I do not believe he meant it. I believe he was angry and he said it, but I must tell you that two Members of this side are not likely to forget it as much as they want to be good, decent people. These things leave scars.

We have always worked around here on a handshake, we have always worked here in accepting one another's word, and I would hope that unless there is in fact a feeling on the part of those who are supporting Judge Bork that this Senator, the chairman of the Judiciary Committee, or any other Senator, did not give Judge Bork a fair shot when he was before the committee, or that Judge Bork was somehow not given the opportunities to which he was entitled, unless they believe that, and they may, and if they do then fine, then we should debate that. But for Lord's sake let us not get ourselves in the position here where each of us are debating in this body what people outside this body who did not run for office and are not elected to this body have said about a nominee or about any Member of this Chamber.

As one of the former majority leaders used to say, "I hain't got no dog in this fight." It seems to me we are fighting over something that none of us can control. We can control our own votes. We do control our own integrity. We do control what we say on this floor.

And whether it takes a day, or 2 days, or there are some who support Judge Bork want to make it 10 days, it is difficult to control that, but I just make a plea, please let us try to control our tongues as this debate which is rapidly, rapidly devolving into an exchange like none I have seen in a long time around here.

Let us deal with what each of us have said about Judge Bork for and against him, not with what other people have said. And if the purpose of this delay—or let me not be pejorative—if the purpose of this debate that is going to be forthcoming is to debate whether or not Judge Bork was rightly or wrongly treated outside this Chamber, I respectfully suggest there is a lot of time to do that. You can do that every single morning in morning business for the next month, for the next year, and in no way will it impact upon whether or not we are going to be able to begin to fill the vacancy.

I apologize for rising. I had no intention of doing it. But I have been here long enough to know and, to use the vernacular, to smell what direction this is moving in. I do not think anyone really intends it to move in this direction. And, before it gets out of control, please let us all think about it. Debate one another on the merits of Judge Bork being on the Court or

not being on the Court, but let us not each hold one another responsible for what people outside this Chamber say unless there is some evidence that we have directed them to say that, in which case then it can be a debatable issue.

I thank the majority leader for allowing me a moment on the floor.

Mr. BYRD. I thank the distinguished Senator.

Mr. ARMSTRONG. Mr. President, will the Senator yield?

Mr. BYRD. Yes, I yield to the distinguished Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I thank the majority leader for yielding.

I had not expected to say more about the nomination or the process at this time, but I am attracted to do so by the statement of the chairman of the Judiciary Committee. I think there is much in what he has said that we ought to seriously consider.

And if it is his representation that the groups which have spoken in such strident terms in the newspaper and on television are not coordinated with the activities and statements and thoughts and plans and strategies of Senators, then I think that is something which I would like to consider and would like to hear from him on further at the right time. Because, indeed, as a person who is not a member of the Judiciary Committee, who has been going about my business as a member of other committees here and has not watched the hearings on television but has only read about it in the press, that is exactly my impression. And I will at some time bring to the floor, and be glad to go over with the Senator, the news accounts on which I have reached this conclusion.

In fact, it is my recollection that responsible publications indicate that, in fact, Senators and outside persons met together to discuss polling data which formed the basis on which issues were raised in the committee. Now, I do not suggest that that is improper. But, if I understand the Senator's point, he is suggesting that it would thereby be improper for Senators to respond to that. And I think it is of whole cloth, let me say to the Senator, and that is a fact question.

If the Senator is telling us that the news reports, the published accounts of this, are inaccurate, then that is an issue which we will want to explore. And since I was not a party to any of it, I am just basing it on what the published accounts are.

Let me make this second point, however. If the Senator's point is that the outcome of this vote on confirmation of Judge Bork hinges primarily on what has been said and will be said in this Chamber and in committee, then I would submit that the Senator is mistaken. I respectfully disagree with

that. We do not know for sure what the outcome is going to be.

But there is a strong belief in many quarters that many, many votes, perhaps most of the votes, of Senators who have thus far declared against Judge Bork have been influenced not by what was said in committee, not by what has been said on the floor, not by the exchanges privately among Senators in the cloakrooms or the hallways or in offices, but, indeed, by newspaper ads and television commercials and demonstrations and extraordinarily florid rhetoric by outside groups, by what someone has called the fear merchants and by what one writer in the Washington Post termed the sort of "twaddle"—an interesting word, is it not—"the sort of twaddle which Adlai Stevenson used to call McCarthyism." Not my words, not my observations, but that of Edwin Yoder, writing for the Washington Post. And the kind of proceeding the Wall Street Journal headlined as the Frankenstein of Judge Bork and the Colorado Daily Sentinel called the lynching of Judge Bork and the Chicago Tribune called a national disgrace.

Now, I am 1 of the 86 Senators who is not a member of the Judiciary Committee and was not in on all of that. So, for us, the real debate is just beginning now or will begin as soon as the committee report is available and we are ready to sink into it.

Most of us, many of us, at least, have withheld our comments and our discussion until we had a chance to do so in the forum which we think is appropriate, which is this Chamber. But if it is the Senator's representation and point that the outside activities were unrelated or uncoordinated or have had no effect on what is going to happen in this Chamber, then I would just respectfully submit that the Senator is in error.

I would like, before I yield the floor, to make this final point.

Mr. BYRD. Mr. President, I have the floor and I yield to the distinguished Senator further.

Mr. ARMSTRONG. Mr. President, the majority leader is, of course, correct.

On one other matter, I do agree. It would be a great pity if, out of zeal or emotion or anger or pique or for any reason, if Senators let their own emotions get away with them. This is a matter about which feelings run very strong, particularly among those who feel Judge Bork has been done a great injustice and who feel, in addition, that something precious has been compromised in the uncharacteristically rough handling of Judge Bork.

It would be easy on our side to take so much offense that we would lose sight of the traditions of which the Senator has spoken. And I think all of us would be well advised to remember what he has said about that. I wish it

had been observed at all times prior to today. But, if that is not the case, and I believe it has not always been the case, it nonetheless is the correct rule, the right tradition, and I think all of us would do well to heed his words in that respect.

I thank the majority leader.

Mr. BIDEN. Will the Senator yield. I will use 2 minutes and I promise I will not take longer.

Mr. BYRD. I yield to the Senator.

Mr. BIDEN. The point I would make is not whether or not anyone spoke with any outside interest or outside group. In every single piece of legislation on every single matter that comes before us, we speak to people who have been lobbying and have an interest.

The point I was making is that none of us control the words that any outside group uses. None of us control what they say. And what seems to be at issue here is what was said by various groups, whether it is the advertisement referred to here today or the advertisement that was referred to earlier prior to the Bork hearing starting.

The second point I was making is that it seems to me that we are really indicting ourselves as a body if, in fact, we conclude that Senators who have spoken at length for and against in detail on the record have done so as a consequence of advertisements that they have read in the newspaper and/or as a consequence of television ads that they have seen. Those are the only two points I make.

Mr. BYRD. Mr. President, I do not want to hold the floor longer. Our two managers are here and ready to proceed.

I think all of this that we hear today simply goes to prove my point that this debate promises to be divisive. It is not going to be helpful. I will be pleasantly surprised if it turns out otherwise. But it seems to me that we ought to start the process of healing instead of the process of etching the wounds deeper.

I told the White House what they could expect if this particular nominee came up here. I said that I might vote for him. I might vote against him. In my opinion, at that time, he would probably be confirmed, but there would be a big fight and I did not think that could be avoided. But the White House did not listen.

There is nobody here to whom I take a back seat in wanting to see a conservative Court. I think a court should be conservative. The legislative branch is the liberal branch.

But be that as it may, we need to get on with the process of voting on the nomination and heeding our responsibilities to consider the qualifications of the subsequent nominee whose name will be sent to the Senate by the White House. We ought to avoid all the divisiveness and charges of McCar-

thyism and lynching. I want to know what Senators participated in a lynch-mob. That is the charge. I would like to know who those Senators are who participated in the lynching.

I have not asked a single Senator: "How are you going to vote?" I have not asked any Senator to vote against Mr. Bork. I have not asked any Senator about nose counts.

That is the responsibility of our respective whips, not mine. I have not asked for a count and nobody has volunteered to show me one.

I have said in my caucus, however, at least twice, beginning when this nomination was first sent to the Senate, that we should avoid making this vote a test of party loyalty; avoid making this the litmus test of party loyalty. "Let us not politicize this nomination," I said. We are not electing a Republican Court. We are not electing a Democratic Court. We are filling a vacancy on the Supreme Court of the United States.

That has been my position.

I think of the Scriptures which say:

No man, having put his hand to the plough, and looking back, is fit for the kingdom of God.

It is about time we put our hands to the plow and looked ahead and quit looking backward, give Mr. Bork his vote, and get on, before the wounds become deeper, with the next nomination.

After all, I am going to be importuned, beseeched, adjured, and urged to get the next nomination to the floor, get it voted on, and I am going to be urged to support it. Those who advise delay today will then want to rush the next nomination through.

I hope we will look ahead to the time when we will be asked to give our attention to another nominee. Let us act in the interests of the Court and the interests of the country.

Mr. President, I apologize to the two managers. They were making good headway on their bill and I hope that they will be able to continue.

I thank the distinguished Republican leader and I thank all Senators.

COMMERCE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1988

The Senate continued with the consideration of the bill.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, Senator KENNEDY has an amendment that we are prepared to accept. It involves a matter of education under the Immigration and Naturalization Act whereby private organizations and local entities will also be included in the advertising relative to the legalization program and those granted amnesty.

AMENDMENT NO. 989

(Purpose: To require the use by the Immigration and Naturalization Service of public education funds in order to promote the role of qualified designated entities in the legalization program)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk on behalf of Senator KENNEDY and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] for Mr. KENNEDY, proposes an amendment numbered 989.

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

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

The amendment is as follows:

On page 25, line 6, insert before the period at the end thereof the following: "Provided further, That the amounts appropriated or otherwise made available to the Immigration and Naturalization Service which are allocated for public education activities in connection with the legalization program shall be used in a manner which significantly promotes the role of qualified designated entities (as designated under section 245A(c)(2) of the Immigration and Nationality Act), and such public education programs shall be developed in consultation with such entities, both national and local, and with other appropriate community-based organizations".

Mr. KENNEDY. Mr. President, we are now almost half way through the Legalization Program—the so-called immigration amnesty—mandated under last year's landmark new immigration law. I think we all acknowledge that without the tireless leadership of Senator SIMPSON, the Senate sponsor, as well as Chairman RODINO, Congressman MAZZOLI, and others in the House, we would never have arrived at this point.

The Immigration and Naturalization Service informs me that they anticipate at the halfway mark of the 1-year legalization effort—which we will reach on November 6—over 1 million legalization applications will have been received. This is a milestone which we should all pause and celebrate and for which the Immigration Service is to be commended for the public education effort which it has conducted thus far.

But we are only half way there, and there is much work yet to be done. Common sense suggests that those with simple, straightforward applications would come forward first. The Immigration and Naturalization Service now is going to be faced increasingly with the more complex or difficult cases which will take considerable time and counseling.

My amendment anticipates this inevitable transition in the complexity of the legalization program. As mandated in last year's immigration bill, appli-

cants—particularly those with time-consuming cases—should be aware of the availability of legalization assistance for voluntary agencies and other church and community groups.

There are many within the Immigration Service who agree that these community groups should be mentioned in the ongoing public education campaign for the Legalization Program. I think it's important that the Immigration Service receive instruction from the Congress on this matter in order to erase any doubt that this is the direction in which we should proceed. It would be my intent that not only should the community groups be mentioned in the public education materials, but that these groups—both nationally and locally—be consulted regarding their content.

After all, these voluntary agencies already have an official relationship with the Immigration and Naturalization Service. They have been reviewed by the Immigration Service and designated by the Attorney General, under a procedure required in the new immigration law, as qualified to assist persons in completing their legalization applications.

My amendment would require no additional funding. It simply provides needed instruction to the Immigration Service that, consistent with the provisions of last year's new law, the role of voluntary agencies should be highlighted at this critical time. And I urge my colleagues to support it.

Mr. RUDMAN. Mr. President, this amendment is accepted on this side.

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

The amendment (No. 989) was agreed to.

Mr. HOLLING. Mr. President, the distinguished Senator from New Hampshire, on behalf of Mrs. KASSEBAUM, has an amendment relative to a study with respect to assessed contributions to international organizations. I yield to the distinguished Senator.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

AMENDMENT NO. 990

(Purpose: To provide for the coordinate policy on assessed contributions to international organizations)

Mr. RUDMAN. Mr. President, on behalf of the Senator from Kansas, Mrs. KASSEBAUM, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. RUDMAN], for Mrs. KASSEBAUM, proposes an amendment numbered 990.

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

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

The amendment is as follows:

On page 78, between lines 13 and 14, insert the following new section:

Sec. 611. (a) It is the sense of the Congress that—

(1) at least six Members of the Congress, designated as provided for in subsection (b), should meet on an ad-hoc basis for the purpose of developing a coordinated congressional policy toward assessed contributions to international organizations; and

(2) the Secretary of State should provide such cooperation as may be required by such Members.

(b) The Members described in subsection (a)(1) should be designated as follows:

(1) The Speaker of the House of Representatives, upon the recommendation of the Majority Leader and the Minority Leader, should designate at least three Members of the House as follows:

(A) one Member of the Committee on Foreign Affairs;

(B) one Member of the Committee on Appropriations, from the subcommittee handling activities of the Department of State; and

(C) one Member of the Committee on the Budget.

(2) The President pro tempore of the Senate, upon the recommendation of the Majority Leader and the Minority Leader, should designate at least three Members of the Senate as follows:

(A) one Member of the Committee on Foreign Relations;

(B) one Member of the Committee on Appropriations, from the subcommittee handling activities of the Department of State; and

(C) one Member of the Committee on the Budget.

(c) Not later than March 1, 1988, the Members of Congress designated under this section shall prepare and transmit to the committees of Congress referred to in subsection (b) a report on the findings and conclusions of the Members made pursuant to this section, together with any recommendations for appropriate action by such committees.

Mr. RUDMAN. Mr. President, I ask unanimous consent that a statement by Mrs. KASSEBAUM be placed in the RECORD.

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

STATEMENT

Mrs. KASSEBAUM. Mr. Chairman, there is a lot of confusion and disarray with respect to payment of the U.S. assessed contribution to international organizations. In recent years, the large shortfalls in funding for this account have caused arrearages to accumulate. This, in turn, has created a general climate of uncertainty which has greatly hampered the morale and operations of the various organizations funded under the International Organizations account.

The International Organizations account covers the U.S. contribution to 46 agencies—not only the United Nations and its affiliated, specialized agencies, but also Inter-American organizations such as the Organization of American States and the Pan American Health Organization, regional organizations such as the North American

Treaty Organization, and 23 other small, but nevertheless important, organizations such as the General Agreement on Tariffs and Trade. The U.S. contribution to these organizations is important, if not critical, to their survival.

Yet, funding for the 10 account continues to fall short of the amount required to fulfill our assessed obligations, and, as long as our deficit problems continue, our arrearages are likely to increase steadily. The situation is already serious. The most recent figures available, which were compiled six months ago, showed an estimated \$350 million in arrearages for this account. For the United Nations system alone, comprising the UN in New York and 11 affiliated agencies, we were approximately \$319 million in arrears as of six months ago.

Our practice of deferring or withholding funds in this particular account until the next fiscal year has added to the confusion. The House Foreign Affairs Committee has requested a Government Accounting Office study of the impact of such deferrals of payments on selected organizations, including the United Nations. This could provide helpful information and guidelines. But I believe a broader effort is needed.

Mr. President, a congressional review of the 10 account is needed in order to clear up the confusion about our assessed contributions and to come up with options for the future, in view of the probable continued shortfall in funds. For that purpose, I am proposing the formation of an ad-hoc panel of concerned members of the committees that have jurisdiction over U.S. assessed contributions to international organizations. This panel would be asked to study U.S. obligations to fund international organizations, including our treaty obligations, and present options for improving the present situation.

The members of the panel would provide appropriate staff for this work, and the Department of State would be asked to supply such documents and information as may be needed for the panel to complete its review. The panel's report should be completed by March 1, 1988, so that it can be addressed in hearings during the upcoming legislative process.

Mr. RUDMAN. This amendment, which is acceptable to both sides, deals with establishing a commission to determine the proper U.S. contribution to international agencies. It is acceptable to both sides.

The ACTING PRESIDENT pro tempore. Is there any further debate on this amendment?

Mr. HOLLINGS. I move the adoption of the amendment.

Mr. COCHRAN. Would the Senator yield for a question? I have no objection, I am sure, to the amendment. But I recall in the full Committee on Appropriations, we had discussions about the allocation of funds to international organizations. One that was specifically mentioned by this Senator in the meeting was the International Atomic Energy Agency and I think the distinguished Senator from Maryland [Ms. MIKULSKI] mentioned her interest in the World Health Organization. Those have been specifically mentioned in the report as being agencies that should be given priority by the

Department of State in the allocation of whatever funds are appropriated.

My question is, simply, Does this amendment in any way modify or affect the language that is included in the report about priority being given to certain selective organizations?

Mr. HOLLINGS. No, Senator, the answer is "No." This deals mainly with the arrearages. We are in arrears with the majority of these organizations and the distinguished Senator from Kansas is asking for a study and report back by March of next year so we can find out exactly where we are. It does not affect the preference established for those organizations.

Mr. RUDMAN. I will say to my friend from Mississippi, it is precisely the kind of discussions we have had in the Appropriations Committee on these organizations that has brought the Senator from Kansas to the point that she believes there ought to be some rational way of establishing what the contribution ought to be. This would establish that kind of group to make that assessment.

Mr. COCHRAN. I am really happy to see some kind of attention being paid to this area of concern because, as an example, this International Atomic Energy Agency almost came to a halt this month because it was running out of money. This is an agency that is providing very important work in the international community in the Nuclear Nonproliferation Treaty enforcement, monitoring whether or not member states are complying with safeguards that are designed to keep the spread of nuclear weapons under control so that that would not be possible.

In the area of international safety of nuclear power generation plants, the Agency is playing a very important role.

So I hope that we will take a very careful look at the effect that our contributions to some of these agencies will be having in the future on helping to protect U.S. interests.

I have some other comments about this particular problem and they are contained in a colloquy which I think the managers will be prepared to put into the RECORD; a colloquy that includes a discussion of these contributions by the Senator from Idaho, Senator McCLURE, as well as the managers of the bill.

I trust that will be placed in the RECORD at the appropriate time.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

Mr. COCHRAN. I thank the distinguished manager for yielding on that point.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment? The Senator from Minnesota.

Mr. BOSCHWITZ. I understand that this is an amendment that the managers are trying to bring to a conclusion but yet, the amendment bears on the amendment that I was asked to offer and only asked to offer a couple of hours ago in the middle of this afternoon by the State Department in regard to UNIFIL.

I understand in order to offer such an amendment I would have to find an offset and I believe that this bill will move along fairly quickly, from all I gather. Am I correct? I would ask the manager of the bill.

Mr. HOLLINGS. That is correct.

Mr. RUDMAN. Can we ask the Senator to yield the floor for a question? What is the nature of the amendment?

Mr. BOSCHWITZ. The nature of the amendment, I would say to my friend from New Hampshire, is to restore the moneys for UNIFIL and to include the language in this appropriation that is found in the House bill; House appropriations bill.

I know that the Senator from New Hampshire and I have discussed UNIFIL at other times.

I only say to the manager and my friend from New Hampshire, how long before you would expect to finish this appropriations bill?

Mr. RUDMAN. Before we respond to that, I would rather ask a question. Could the Senator advise the managers of the bill where the offset comes from?

Mr. BOSCHWITZ. No, I cannot. As I said, I was only asked a couple of hours ago to offer this amendment. I was at a markup on the Farm Credit System. I have not been able to focus on it at all.

This appropriations bill came up rather suddenly. The result is I am not prepared to offer the amendment. One of the things that makes it difficult for me to prepare is that I do not have the offset. However, I would say to my friend from New Hampshire, inasmuch as this amendment concerns the Kassebaum amendment and concerns an international organization, and UNIFIL certainly is that, I would say to my friend, are we going to conclude this bill within the next hour?

Mr. RUDMAN. I believe the Senator from Minnesota hopefully is correct.

Mr. BOSCHWITZ. It is not clear to me that I will be able to prepare the amendment, have the offset, and have the language, all prepared by that time, or even find the offset because I know the bill is already quite constrained with respect to the appropriations to the State Department.

Mr. RUDMAN. If the Senator will yield further, I might suggest to my friend that, of course, the money that the Senator addresses is in the House legislation. Therefore, it will be a con-

ference item irrespective of whether the Senator considers it or not.

The second point I would make is that there are a number of amendments that were not specifically ready for this legislation. There are a number of reasons we want to move this legislation. Several Members have informed us that amendments of a general nature, not of a specific nature but generally related to this bill will be offered on the continuing resolution which, of course, is another option if the Senator is not ready.

Mr. BOSCHWITZ. Indeed, I may use that vehicle for this amendment.

I would say to my friend from New Hampshire and also the distinguished manager of the bill that we will talk to both of them about UNIFIL prior to their going to conference. We may draft a letter and submit it with respect to UNIFIL. I believe it serves a useful purpose. We are making some progress in that part of the world. Not only is it an important symbol of our commitment to work for a return to peace and tranquility and secure supporters, but also UNIFIL performs very useful purposes with respect to controlling the traffic of terrorism between north and south Lebanon. While we understand we have previously discussed it, it is not perfect but its absence would be quite a signal.

So I will be talking, I say, to my friend from South Carolina and my friend from New Hampshire in an effort to try to get this restored so that the Senators may be able to recede from the House position. While we will not offer an amendment, because I do not believe we will be able to put it together before this bill is passed, we do have other opportunities, as has been pointed out. Nevertheless, we will be able to make an effort to get you to recede to the House on this matter.

Mr. RUDMAN. Our problem is that we are at our 302(b) allocation at this point. That is the problem the chairman and I have. We would like to work with anyone if they can tell us where we can find the funds which we do not have at this time.

Mr. HOLLINGS. Mr. President, I move adoption of the Kassebaum amendment.

The ACTING PRESIDENT pro tempore. If there is no further debate, the question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 990) was agreed to.

AMENDMENT NO. 991

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. BENTSEN], for himself, Mr. DOLE, Mr. KENNEDY, Mr.

HATCH, Mr. CRANSTON, Mr. GRAHAM, Mr. KERRY, Mr. MCCAIN, Mr. MCCONNELL, and Mr. DURENBERGER, proposes an amendment numbered 991.

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

The ACTING PRESIDENT pro tempore. Without objection, it is ordered. The amendment is as follows:

On page 73, line 20, strike "\$17,500,000" and insert "\$17,750,000, of which not less than \$250,000 shall be used to support elements of the free press, including free radio, and the democratic civic opposition inside Nicaragua which espouse democratic principles and objectives. As is the case with all programs of the National Endowment for Democracy, no employee of any department, agency, or other component of the United States government may participate directly or indirectly in controlling, directing, or providing these funds to the free press and democratic civic opposition inside Nicaragua" and on page 70, line 25 strike "\$617,906,000" and insert "\$617,747,000".

Mr. BENTSEN. Mr. President. Recently, by voice vote and without opposition, the Senate adopted an amendment to the State Department authorization bill I offered on behalf of myself and nine cosponsors. This amendment increased the amount of funding authorized for the National Endowment for Democracy by \$250,000, the increase to be used specifically to support the free press, free radio, and peaceful civic opposition in Nicaragua for the next few months.

I am today offering that same amendment, with the same cosponsors—Senators DOLE, KENNEDY, HATCH, CRANSTON, GRAHAM, KERRY, MCCAIN, MCCONNELL, and DURENBERGER—to increase the amount appropriated for the National Endowment. The amount of increase in the appropriation is the same as was approved by the Senate for the authorization—\$250,000. This raises the amount appropriated for the Endowment to \$17,775,000.

The Budget Act requires an offset for this additional appropriation, though in this instance it is not one for one. This amendment therefore includes a reduction of \$159,000, which is what the Congressional Budget Office says is necessary, in the \$618 million salaries and expenses appropriation for the U.S. Information Agency. That seems to me to be the logical place to obtain the needed funds, for in an appropriation of \$619 million, a \$159,000 reduction will hardly show up at all.

If we are to provide specific financial support for democracy and democratic institutions in Nicaragua, and if our recent action is not to be merely words, then this additional appropriation is necessary.

This issue was discussed at length at the time of the authorization, so I will not repeat the points that I made at that time. I would like to emphasize just a couple of very important consid-

erations: these funds will be available only to members of the peaceful civic opposition in Nicaragua and to the free news media, including press, radio, and television. No one will be compelled to take these funds from the Endowment or from the National Democratic or Republican Institutes. Any of these groups that feels uncomfortable accepting funding that has been voted by the U.S. Congress does not have to apply for it.

I urge the adoption of this amendment.

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

The amendment (No. 991) was agreed to.

The ACTING PRESIDENT pro tempore. Are there further amendments?

AMENDMENT NO. 992

(Purpose: To allow the Assets Forfeiture Fund deposits to be used for Federal prison construction)

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

The PRESIDING OFFICER (Mr. ADAMS). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. CHILES] for himself, Mr. BIDEN, Mr. THURMOND, and Mr. GRAHAM proposes an amendment numbered 992.

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

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

The amendment is as follows:

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

() Section 524(c)(1) of title 28 of the U.S. Code is amended by deleting "and" at the end of subparagraph (F), by striking out the period at the end of (G) and inserting in lieu thereof "; and", by inserting the following new subparagraph:

(H) after all reimbursements and program-related expenses have been met at the end of each fiscal year, the Attorney General may transfer deposits from the Assets Forfeiture Fund to the Building and Facilities account of the Federal prison system for the construction of correctional institutions. The Attorney General shall report to the appropriate committees of the Congress any amount proposed to be transferred under this subparagraph.

Mr. CHILES. Mr. President, today I am offering an amendment with Senators BIDEN, THURMOND, and GRAHAM to the State, Justice, Commerce appropriations bill which addresses a crisis in the United States.

The Federal prison system is 56 percent over capacity; 58 of the 59 Federal prisons are overcrowded—seriously overcrowded. The one exception is the maximum security facility at Marion, IL, which was last rated at 12 percent

undercapacity. Marion houses the most violent of inmates.

The Federal system is bursting at the seams and cannot be supported by our State and local correctional facilities. At least 34 States, including my State of Florida, are under court order to address overcrowding in their correctional facilities. Such systems cannot help with the Federal crisis and similarly, the Federal prison system has no spare rooms to let.

Yes, there is a prison crisis in this country. And, it is soon to get worse—much worse.

Recently, I chaired hearings on prison population projections before a Governmental Affairs Subcommittee. The U.S. Sentencing Commission and the General Accounting Office agreed on estimates for the future prison population. These estimates are based on mandatory sentences and uniform sentences contained in the Comprehensive Crime Control Act of 1984, the Sentencing Guidelines, and the Anti-Drug Abuse Act of 1986. The American people have let us know that they want stiffer penalties for drug dealers. We have complied with penalties but not with prison space. The Commission and GAO testified that the current U.S. prison population of 43,000 could increase as high as 118,000 by 1997 and 156,000 by 2002. In simple math, we are facing three to four times the number of prisoners within the next 15 years.

Where will the United States house them? This country is going to have to face the costs associated with new prison construction which are estimated as high as \$6 billion. In addition, an overall policy including alternatives to institutionalization must be developed. But this will take time, time we do not have.

Therefore, I offer an amendment that will provide for a supplemental source of prison funds. The amendment I offer today would allow surplus in the assets forfeiture fund to be used for construction of Federal prisons. I say "surplus" because my amendment protects the other authorized purposes for forfeiture funds by emphasizing that the Attorney General can only transfer funds from the forfeiture fund to the building and facilities account of the Federal prison system after all reimbursements and program-related expenses have been met in the forfeiture program.

This means that at the end of the fiscal year, after all local and State law enforcement agencies have been reimbursed for assistance they have provided in forfeiture cases, and after all expenses associated with seizing, maintaining, and processing of seized cash and properties are met, only then can any surplus in the fund be used by the Attorney General for supplementing the prison construction account.

At the end of fiscal year 1987, there was an \$88 million balance in the fund after all expenses and reimbursements were made. According to the GAO, there are also millions of additional dollars to be transferred to the fund upon completion of forfeiture proceedings on properties. In addition, the GAO estimates approximately \$122.6 million in seized cash soon to be released to the forfeiture fund.

Under the Anti-Drug Abuse Act of 1986, the Congress eliminated the requirement for the Justice Department to transfer surplus funds at the end of the fiscal year to the Treasury general fund. This is the reason for the \$88 million reserve which is likely to increase over the years. My amendment would simply allow the Attorney General to use such reserve funds at the end of the fiscal year to supplement the Federal prison account.

Mr. President, I have been concerned about the management and processing of both the cash and property assets under the forfeiture program. The Subcommittee on Federal Spending, Budget and Accounting, which I chair, has held a series of hearings on the programs and worked with the GAO to point out the deficiencies. I am happy to report that both the U.S. Customs Service and the Justice Department have taken steps to correct these deficiencies.

Both Customs and Justice have taken steps to improve their seized cash management. Customs has established a seized cash inventory and is now using an interest bearing account for the cash awaiting forfeiture.

The Justice Department has implemented a new policy requiring seized cash to be delivered to U.S. Marshals Service within 60 days of seizure, or 10 days after indictment, whichever occurs first. In addition, the Department has taken steps to reduce the backlog of forfeiture cases.

Mr. President, I believe forfeiture funds are a logical and lucrative source for essential prison construction. The Anti-Drug Abuse Act's mandatory sentences could eventually result in half of the U.S. prison population being drug offenders. Since much of the forfeited cash and property comes from drug traffickers, we will be using their own dollars to help pay for their incarceration. I think my amendment presents us with an irresistible situation—let the druggers pay for their jails. I believe the American people will think such a policy makes good sense. I hope my colleagues agree.

Mr. HOLLINGS. On this side, Mr. President, we are prepared to accept the amendment.

I yield to the Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I join the chairman. This is a very good idea. This is a problem. This amendment

addresses it. We are delighted to accept it.

Mr. CHILES. Mr. President, I ask unanimous consent Senator DOLE be added as an original cosponsor.

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

Mr. HOLLINGS. I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question occurs upon the amendment of the Senator from Florida.

The amendment (No. 992) was agreed to.

Mr. CHILES. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 993

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

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Florida [Mr. CHILES] proposes an amendment numbered 993.

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

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

The amendment is as follows:

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

The Secretary of State is directed to develop and submit to the Speaker of the House of Representatives and the Appropriations and Foreign Relations committees of the Senate by February 15, 1988, a plan to complete a new office building in Moscow ready for occupancy by December 31, 1990: *Provided*, That the plan shall provide for all work on the project to be performed by appropriately-cleared U.S. citizens: *Provided further*, That if on December 31, 1990 a new office building in Moscow is not ready for occupancy, due in whole or in part to the failure by the Soviet Union to provide prompt and full support to the Department of State to carry out the provisions under this Act, the Secretary of State is directed to use the authorities contained in the Office of Foreign Missions Act to evict the Soviet Union from its current chancery in Washington, D.C., and relocate the Soviet embassy in Washington, D.C. to a facility with physical standards essentially equivalent to the present chancery occupied by the United States embassy in Moscow and to make the unoccupied Soviet chancery building on Mount Alto available to the United States Government for its use.

Mr. CHILES. Mr. President, 2 years ago, Senator LEAHY, Senator JOHNSTON, and I sponsored legislation requiring the Soviet Union to reimburse the United States for all damages and costs incurred due to Soviet-caused delays in the construction. Our legislation prohibited the Soviets from occupying any new facilities in Washing-

ton, DC, until the United States has received compensation for these damages. This legislation was signed into law in 1985.

Last year, Senators LEAHY, JOHNSTON, and I again passed legislation requiring the National Bureau of Standards to independently evaluate the construction project in Moscow. It also required the Secretary of State to report every 6 months on Soviet behavior toward American diplomats in the Soviet Union and what the State Department has done to redress any damages.

Well Mr. President, the National Bureau of Standards confirmed that significant safety problems exist in our new Embassy office building. And, as we all know, Secretary Shultz, himself, has concluded is "honeycombed with bugs."

I am personally convinced that the new office building in Moscow must be torn down for security and safety reasons.

Senator HOLLINGS' bill makes it clear that we cannot accept the existing structure in Moscow. The new chancery building, which has been under construction since 1979, must go.

But, this process has already gone on too long. What this amendment does is to create the necessary conditions to make sure that this problem—which has already gone on for 20 years—is solved. It even gives a date by which it must be solved—December 31, 1990.

My amendment will put an end to the annual ritual of bashing the State Department on the Moscow Embassy question. It requires the State Department to come forward with a plan which will complete a new office building in Moscow within 3 years. This plan must provide for all work to be completed by appropriately cleared U.S. citizens.

To ensure that the Soviets help in this process, my amendment provides a little incentive. If for any reason the Soviets delay this effort and a building is not ready for our occupancy by the last day of December 1990, then the Secretary of State is directed to use the authorities contained in the Foreign Missions Act to remove the Soviets from their present Embassy in Washington to a building with the same physical standards as the dilapidated structure we currently use in Moscow.

Furthermore, if the Soviets do not comply, my amendment would turn the new Soviet office building on Mount Alto over to the United States Government for its use until the situation is resolved.

Mr. BIDEN. Mr. President, I am pleased to cosponsor this amendment offered by the Senator from Florida, Senator CHILES, Senator CHILES and I have been working for sometime on using the seized assets of criminals to

finance drug enforcement and abuse initiatives. In fact, a similar provision is included in the National Narcotics Leadership Act of 1987, which I introduced along with Senator CHILES. The amendment offered by Senator CHILES today is entirely consistent with our past efforts.

Simply put, this amendment provides that the Attorney General may transfer any moneys remaining in the Justice Department's asset forfeiture fund at the end of the year—after the payment of all reimbursements and expenses—into the building and facilities account of the Federal prison system.

I was an original sponsor of the legislation that created the asset forfeiture fund in the Comprehensive Crime Control Act of 1984. The primary purpose of the fund was to reimburse the Justice Department and State and local law enforcement agencies for expenses related to forfeiture operations. In this way, law enforcement agencies would have a direct incentive to strike at the financial underpinnings of organized crime.

This amendment, would not—in any way—undermine the operation of this fund. This amendment would not:

First, effect whether State and local law enforcement agencies receive their fair share of the proceeds of joint Federal/State forfeiture operations; or

Second, limit the amount of money available to the Justice Department for reimbursement of forfeiture-related expenses.

This amendment would not take effect until after all forfeiture-related expenses have been made at the end of each fiscal year. Rather, after all expenses have been paid, any remaining funds would be made available to the Attorney General for prison construction.

This amendment is especially important in light of the new U.S. sentencing guidelines. For the last 3 years, the Sentencing Commission has developed a set of comprehensive guidelines to ensure that Federal criminal sentences are fair and consistent.

One of the concerns about the guidelines is that they may increase the prison overcrowding problem. Last year, we also increased penalties for virtually all drug-related crimes in the Anti-Drug Abuse Act of 1986, and this too will increase the burden on the already strained prison system.

This amendment would directly address the prison overcrowding problem. By using moneys from the forfeiture fund, we would be using the assets of organized criminals and drug traffickers to build the prisons where they will eventually be housed. I can't think of a better way of financing prison construction.

In the past several years, Congress has literally rewritten the Federal organized crime and drug trafficking

laws. One result of the success of these efforts has been an increase in the number of criminals going to jail. But these successes also entail burdens, namely building the prisons to put these criminals behind bars. In the near future, we must develop new ways to deal with the increase in the number of criminals going to jail. One way is to use Federal surplus military property to house low-security prisoners. Senator CHILES has been working on this issue for several years now, and recently the Defense Department issued a report detailing which facilities could be turned over to the Justice Department for prison facilities. This is one way to deal with the problem. Another is to pass this amendment, which would use the assets seized from criminals to pay for prison construction.

I commend the Senator from Florida, Senator CHILES, for offering this amendment, and I urge my colleagues to support it.

Mr. HOLLINGS. Mr. President, this matter, as the distinguished Senator from Florida has pointed out, has been under discussion and consideration since 1979. It is well in order that we try to prevent this dillying around and being misled again. This is a good follow-on to the language already in the bill. I have just confirmed that with the chairman of the Senate Intelligence Committee. We would be glad to accept the amendment.

Mr. RUDMAN. Mr. President, the Senator from Florida and the distinguished chairman, Senator HOLLINGS from South Carolina, have taken a leadership role in this matter for the last several years. This is a very good amendment. It follows on the committee amendment which was introduced earlier and I support it.

The PRESIDING OFFICER. Is there further debate? There being no further debate, the question occurs upon the amendment by the Senator from Florida.

The amendment (No. 993) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 994

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

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from California [Mr. WILSON], for himself, Mr. CRANSTON, and Mr. GRAHAM, proposes an amendment numbered 994.

Mr. WILSON. Mr. President, I ask unanimous consent that further read-

ing of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

Sec. . No monies appropriated by this Act shall be used by the Department of Commerce prior to February 1, 1988, to initiate proceedings under section 312 (d) and (e) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1458) against the State of California's Coastal Management Program. Further, the Secretary of Commerce is directed to release to the California Coastal Commission the Fiscal Year 1987 administrative grant for operations and equipment authorized under Section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455).

Mr. WILSON. Mr. President, I am joined by my distinguished colleague from California in offering this amendment which is intended to give the State of California and the Commerce Department a little breathing room in resolving what has become a complicated matter relating to the California Coastal Management Program authorized by the Coastal Zone Management Act of 1972.

Last August 19, the Commerce Department's Office of Ocean and Coastal Resource Management released their draft evaluation of the California Coastal Management Program pursuant to section 312 of CZMA. This draft report was highly critical of the California Coastal Commission and concluded that they were "deviating" in the implementation of their own federally approved Coastal Management Program.

If this conclusion remains in the final evaluation report when it is released sometime in the next few weeks, the Commerce Department will have to begin decertification of the California Coastal Program. First, all CZMA grant awards to California will be cut off. These grant awards finance approximately 25 percent of the annual budget for the California Coastal Commission.

Second, and even more important, the California Coastal Commission will be stripped of its authority under CZMA to exercise its "consistency review" powers. This means that California will no longer be able to participate with Federal agencies in permitting Federal activities that directly affect its coastal zone area.

Since release of the draft evaluation report, the Coastal Commission and the Commerce Department have been meeting and exchanging correspondence to try to resolve the issues raised in the draft report. I am hopeful that these communications will prove to be successful in this regard.

However, if no agreement is reached, the Commerce Department may find themselves in a position where they

will have to begin decertification proceedings on the California program.

My concern, and the reason for this amendment, is that a decision to initiate decertification proceedings could be made within a matter of weeks before our new Secretary of Commerce, Mr. Williams Verity, and a new Administrator of NOAA—a position which is currently vacant—have had an opportunity to familiarize themselves with this vitally important matter.

This amendment simply puts on hold until February 1 of next year any decisions by Commerce as to whether decertification proceedings should be initiated. By early next year, we will hopefully have confirmed a new Administrator of NOAA. It should be this individual working with the new Secretary of Commerce—not those who are acting in their capacity in the interim—who should be making the crucial decisions on the future of the California Coastal Management Program.

The second part of this amendment directs the Commerce Department to release fiscal year 1987 CZMA grant moneys to the California Coastal Commission that are used to finance day-to-day operations. Most of these moneys—and those funds that will finance significant improvements—are currently being withheld by Commerce as a means of encouraging the Commission to make concessions in their ongoing negotiations regarding issues raised in the draft evaluation report.

Instead of withholding these operational funds, it makes better sense to simply withhold those funds that one earmarked for significant improvements. Withholding operational funds leaves the Coastal Commission without the ability to contract for the most basic support level services it needs to operate.

Mr. President, this amendment is not intended to provide some reasonable parameters within which disagreements over the implementation of the California Coastal Program can be resolved. I hope that I can count on my colleagues' support.

Mr. CRANSTON. Mr. President, I rise in support of this amendment dealing with the State of California's Coastal Zone Management Program.

At the present time, the Office of Ocean and Coastal Resource Management, Department of Commerce, is reviewing California's performance in implementing its federally approved coastal zone management plan.

This amendment prohibits the Department of Commerce from spending fiscal year 1988 moneys prior to February 1, 1988, to initiate proceedings to decertify California's Coastal Program in the event the final evaluation findings of the Office of Ocean and Coastal Resource Management support such action. The purpose of the

amendment is to provide sufficient time for the new Secretary of Commerce to review the issues that could lead to decertification and be directly involved in any decision.

Additionally, this amendment directs the Department of Commerce to release fiscal year 1987 operating funds which have been awarded to the California Coastal Commission under the Coastal Zone Management Act. This is to ensure the California Coastal Commission has the funds it needs to continue its core program while the OCRM continues its evaluation of California's performance. It is not intended that the release of these funds would affect the outcome of the evaluation. Under the amendment, Commerce could continue to withhold that portion of the fiscal year 1987 grant identified for significant improvements that would be necessary to implement any recommendations resulting from the final program evaluation.

I urge my colleagues to support the amendment.

Mr. HOLLINGS. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from California [Mr. WILSON].

The amendment (No. 994) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 995

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment numbered 995.

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

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

The amendment is as follows:

On page 21, after line 21, insert the following: "Provided, That within 60 days after the date of enactment, the Attorney General shall submit to the Senate and the House of Representatives a report on the status of all pending requests under the Equitable Sharing Program and on the implementation of administrative changes provided for in the "Anti-Drug Abuse Act of 1986" (P.L. 99-570), and provided further that such report shall also include recommendations on any action necessary to eliminate any backlog in the Equitable Sharing Pro-

gram and the timetable for implementing the recommendations."

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. Thank you, Mr. President.

Mr. President, first of all, I should, and I do congratulate and thank the distinguished managers of the legislation that is before us, the chairman and the ranking member of the Subcommittee on Appropriations for the Departments of Commerce, State, and Justice because through their active cooperation, they have removed a spectacularly ill-advised provision that was inserted by the House that would have undone a great deal of good work done by the Senate last year when we removed several of the kinks in the pipeline through which flow funds from the asset forfeiture fund to local law enforcement officials.

As many of my colleagues know, there is a certain poetic justice in operation here because the funds that are deposited into the asset forfeiture fund under the Equitable Sharing Program are those that have been received by the action of law enforcement, either through confiscation of the ill-gotten gain of those involved in drug trafficking, other illegalities, or through forfeitures. And it has brought literally millions of dollars in needed supplementary funds to local law enforcement. It has proved singularly useful and I think most of us have received letters of thanks, letters expressing the very great value which local law enforcement officials attach to receipt of these funds from the asset forfeiture fund through the Equitable Sharing Program.

I thank Senators HOLLINGS and RUDMAN for their very good work in seeing to it that an amendment that would have prevented the further operation of that very valuable program was deleted.

Mr. President, last year at the time that we did remove those kinks from the pipeline, we were requested by the Department of Justice to make some of the funding available for administrative purposes so that additional personnel could be hired to assist in processing the claims received from local government officials, and from local law enforcement officials seeking to participate in the Equitable Sharing Program.

I regret that notwithstanding our action to accommodate that request there has been for reasons that I do not understand undue delay, the people requested have not been hired, and there has been a backup of the kind that I do not think is really tolerable.

Therefore, the amendment would provide very simply that within 60 days after the date of enactment, the Attorney General shall submit to the

Senate and to the House a report on the status of all pending requests under the Equitable Sharing Program, and with respect to implementation of administrative changes provided for in last year's Anti-Drug Abuse Act, Public Law 99-570; and it further provides that that report shall include recommendations for any action necessary to assure once and for all that we eliminate any backlog in the Equitable Sharing Program so that the timetable for implementing the recommendations can in fact be observed.

This money is important. It is important to the safety of our communities. There is no reasonable excuse in my judgment for holding it up. If we do not have enough people to process the claims, then for heaven's sake, let us get them and let us get this money moving into the hands of local law enforcement where it can do some good.

Mr. President, as far as I know, there is no objection on either side.

The PRESIDING OFFICER. Is there further debate on the amendment of the Senator from California?

Mr. HOLLINGS. We move its adoption, Mr. President.

The PRESIDING OFFICER. Is there further debate on the amendment of the Senator from California?

The question is on agreeing to the amendment of the Senator from California [Mr. WILSON].

The amendment (No. 995) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 996

(Purpose: To suspend during fiscal year 1988 a rule issued by the Equal Employment Opportunity Commission relating to age discrimination)

Mr. MELCHER. Mr. President, as chairman of the Special Committee on Aging, I recently held a hearing regarding the effectiveness of the Equal Employment Opportunity Commission [EEOC] in enforcing and administering the Age Discrimination in Employment Act [ADEA]. During the hearing, I was disturbed to hear testimony regarding the widespread failure by the EEOC to administer the ADEA effectively. The committee heard evidence that the EEOC has not been living up to its responsibilities in several areas, including complaint processing, litigation, and rulemaking.

One of the Commission's most shocking failures involved a new rule which took effect on September 28 of this year. The new regulation reverses longstanding policy by allowing workers to "voluntarily and knowingly"

waive their rights under the Age Discrimination in Employment Act without supervision by the EEOC.

This new rule is contrary to the intent of Congress. To correct that I, along with the distinguished chairman of the Subcommittee on Labor, Senator METZENBAUM, am offering an amendment to this appropriation bill which will prevent the Commission from using this mistaken regulation.

Mr. President, I ask for the amendment to be considered immediately. I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. MELCHER], for himself and Mr. METZENBAUM, proposes an amendment numbered 996.

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

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

The amendment is as follows:

On page 60, line 22, after "\$188,900,000" insert the following: "Provided, That the final rule regarding unsupervised waivers under the Age Discrimination in Employment Act, issued by the Commission on August 27, 1987 (29 CFR sections 1627.16 (c) (1)-(3)), shall not have effect during Fiscal Year 1988; Provided further, That none of the funds may be obligated or expended by the Commission to give effect to any policy or practice pertaining to unsupervised waivers under the Age Discrimination in Employment Act.

Mr. MELCHER. Mr. President, this new rule will make it easier for an employer to extract waivers of rights from employees. This could result in employees losing benefits they are legally entitled to receive.

The Commission's decision is not only irresponsible, but contrary to the spirit of the Age Discrimination in Employment Act. When the ADEA was passed in 1967, Congress expressly incorporated certain enforcement procedures contained in the Fair Labor Standards Act, including a requirement that a valid waiver by an employee of his or her rights must be supervised. By issuing the new rule, EEOC has chosen to ignore this congressional mandate. That mandate is to protect employees against age discrimination.

The new rule creates an additional hurdle for those who may have been forced to sign a waiver. Not only must employees attempt to prove their age discrimination claims, but they will now have the added burden of proving that they did not voluntarily or knowingly sign away their rights.

This is important because of the inherently different bargaining power of employers and employees. There will always be employees who feel that if they do not sign a waiver they will not only be out of a job, but also will for-

felt any present or future benefits to which they may otherwise be entitled. On top of this, surveys have shown that most older workers don't know their rights under the ADEA. Nobody can knowingly waive his or her rights if he or she is unaware of what they involve.

Mr. President, this amendment will prevent the Equal Employment Opportunity Commission from enforcing this regulation for the coming fiscal year. It is absolutely essential. We do this because otherwise, employees can be badgered into doing something which is not to their best benefit.

The regulation adopted by the Commission goes contrary to that, so the amendment is necessary. It is strongly advocated by such organizations as the American Association of Retired Persons, the National Council of Senior Citizens, the National Council on Aging and the National Senior Citizens Law Center, as well as Older Women's League.

Mr. President, during the year that this cannot be enforced, Congress will have a chance to study whatever advantages the Commission was seeking by adopting the regulation. I think they are completely off base. I think this is a completely, totally bad regulation.

This will also give us a chance to inform the Commission about how bad we think it is, and for the Senate Special Committee on Aging to issue a specific report on this matter to provide factual information for all Senators, and for all older Americans.

Mr. METZENBAUM. Mr. President, I am pleased to offer this amendment with the distinguished Senator from Montana. As chairman of the Labor Subcommittee responsible for EEOC authorizations, I am very troubled by the EEOC's issuance of a rule permitting employees to waive their rights under the Age Discrimination in Employment Act in the absence of agency supervision. This rule is both bad law and bad policy in that it runs directly counter to the statutory scheme adopted by Congress.

The EEOC applied the waiver provisions of title VII, which prohibits race, sex, and national origin discrimination by employers, to the ADEA. But Congress expressly rejected the enforcement procedures used in title VII when it enacted the ADEA in 1967. Instead, Congress specifically incorporated enforcement procedures from the Fair Labor Standards Act into the ADEA, including section 16(C) which requires Federal supervision of the waiver of any rights.

As a policy matter, the EEOC's waiver rule jeopardizes a worker's ability to understand what rights he or she is waiving. Thousands of older workers may well waive rights to pensions and other benefits because of inadequate supervision. Under the

EEOC's rule, older workers would have the almost impossible task of proving that a waiver was not knowing and voluntary.

The Commissioners of the EEOC have overstepped and abused their authority by adopting this waiver rule. They have flouted the will of Congress by ignoring the terms of the statute. They have no authority to substitute their own judgment for the judgment of Congress. I believe Congress should inform the Commissioners of the EEOC, in no uncertain terms, that the new waiver rule should be suspended immediately. That is exactly what this amendment does.

Congress cannot stand by while the rights of older workers are jettisoned by their supposed guardian. I think the chairman for agreeing to accept this amendment.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. The Senator from Montana is on target. This should be put over, the regulation, until the end of this fiscal year until next September. We move the adoption of the amendment.

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

If not, the question is on agreeing to the amendment of the Senator from Montana [Mr. MELCHER].

The amendment (No. 996) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HELMS address the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I have an amendment which I will shortly send to the desk and ask it be stated. But I want to say to the managers of the bill that if there are other amendments which they wish to clear I will defer because perhaps this will require a rollcall vote. They probably will want to have two rollcall votes in a row.

AMENDMENT NO. 997

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HELMS. I yield the floor.

Mr. WARNER. Mr. President, I have an amendment which will take but a few moments.

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 997.

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

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

The amendment is as follows:

On page 58, line 7 after "Act" insert:

Provided, That under the authority of the Bicentennial Commission on the Constitution a grant to the National Trust for Historic Preservation for the purpose of making urgently needed repairs necessary to preserve James Madison's Montpelier from the threat of destruction by fire, structural and security flaws and provide for necessary public health and safety, \$1,665,000, from available funds, to remain available until expended.

Mr. WARNER. Mr. President, the National Trust for Historic Preservation is now the current owner of a historic home named "Montpelier." It is the home of James Madison, the father of our Constitution and our Nation's fourth President.

I have had the privilege, together with many others in this Chamber, to visit on a number of occasions. Most recently, I was there for the purpose of certain dedication, not more than several months ago, and the directors of the National Trust took me through and showed me the state of disrepair. It is very serious.

The purpose of this amendment is to appropriate funds to the National Trust for Historic Preservation out of the account now earmarked for the Bicentennial Commission, in the hope that the estate may be restored to a condition of such safety that it can continue to receive yearly a number of tourists from all over the world and other visitors and those involved in historic restoration.

I have discussed this with the managers, and they understand that, as yet, the Bicentennial Commission and indeed the distinguished former Chief Justice of the United States have not made a decision of this. But I feel that if the amendment is accepted at this time, the conferees can receive such communications from the Chief Justice and other members of the Bicentennial Commission as may be appropriate guidance for the conferees as they address this amendment in conference.

Mr. HOLLINGS. Mr. President, we would certainly like to oblige the distinguished Senator from Virginia. We are all interested in Montpelier. It was because of budgetary restrictions that we did not accept this in the subcommittee or in the full committee.

In discussion with the Chief Justice, the only allocation he requested was \$2.5 million from the Commission's unobligated balances, \$2.5 million of it to be allocated for education. I doubt seriously if he can, on top of that, allo-

cate another \$1.6 million from his budget for construction and repair of James Madison home.

With the understanding that the distinguished Senator from Virginia outlines, I think we at least are willing to take it to conference and in the meantime check with the Chief Justice.

Mr. RUDMAN. Mr. President, I say to the Senator from Virginia that I agree with the statement of Senator HOLLINGS. We have tried to do the best we can. It is a place of great historic interest; and if it can be done and the Commission agrees, that is one thing. If not, then the Senator from Virginia understands what our position will have to be.

Mr. WARNER. That is eminently fair, and I thank the managers. I know they will take an interest in this, because they frequently quote the writings of James Madison in the Senate.

Mr. HOLLINGS. Particularly with regard to our running out of control here; that is right.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 997) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 998

Mr. HOLLINGS. Mr. President, on behalf of the distinguished chairman of our Appropriations Committee, Senator STENNIS; the ranking minority member, Senator RUDMAN; and myself, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. STENNIS, for himself, Mr. RUDMAN, and Mr. HOLLINGS proposes an amendment numbered 998:

On page 58, line 7, after "Act" insert the following: "Provided, That not to exceed a total of \$2,500,000 from appropriations provided to the Commission on the Bicentennial of the United States Constitution for fiscal years 1985 through 1988 is available for educational programs about the Constitution and the Bill of Rights below the University level".

Mr. HOLLINGS. Mr. President, as I indicated in the discussion of the Montpelier amendment, this amendment is offered at the request of the former Chief Justice, who chairs the Commission. The Commission has \$2.5 million available from previous appropriations for this allocation, and this amendment allocates it for educational programs.

To me, this is a real accomplishment of the Bicentennial Commission, that we have not only brought about an

awareness but also an ongoing educational program, and we favor the amendment strongly.

Mr. RUDMAN. Mr. President, it is an excellent amendment, and I am glad to cosponsor it with the chairman.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 998) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, we have about six more amendments. They will cause some discussion. We have about 10 colloquies to be entered into the RECORD. I know that the distinguished majority leader has an amendment, which we are prepared to accept.

Does the Senator from North Carolina want to be recognized now? I am not in a position to accept the amendment.

Mr. HELMS. I understand. Whatever the managers wish. I will wait, or I will go ahead now.

Mr. HOLLINGS. Go right ahead.

Mr. BYRD. Mr. President, will the Senator yield so that I may offer an amendment?

Mr. HELMS. I do not have the floor. The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 999

(Purpose: To retain staffing levels at the Charleston, West Virginia, District Office of the Small Business Administration)

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 999.

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

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

The amendment is as follows:

On page 68, at the end of line 19, insert the following: "Provided further, That the staffing levels at the Small Business Administration District Office, Charleston, West Virginia, shall be maintained at the same levels that were in place as of August 30, 1987."

Mr. BYRD. Mr. President, the purpose of this amendment is to restore staffing levels at the Small Business Administration district office in Charleston, WV.

The Small Business Administration [SBA] has played a vital role in helping West Virginia small business pro-

urement efforts. Small business is the backbone of our economy, and in a State like West Virginia, that has suffered severe economic hardship, the presence of the technical assistance offered by the SBA is crucial if these small businesses are to remain viable.

Because of that vital role, I am very concerned that there have been staffing reductions in the West Virginia SBA district office. These reductions in staff mean that the role that the SBA district office has been playing in working with West Virginia businesses and with Federal agencies who are actively seeking firms with which to do business, are being reduced. It also means that the district office will have to reduce efforts to expand the minority small business portfolio. Any reduction in those efforts will only add to the economic problems in West Virginia.

The amendment I offer addresses this problem by providing that office with 33 full-time equivalents, the same level of staffing that was in place as of August 30, 1987. No additional moneys are required, and I urge the adoption of this amendment.

Mr. President, I have discussed this amendment with the two managers.

Mr. HOLLINGS. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The Senator from South Carolina has stated his support.

Is there further debate? If not, the question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 999) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I thank both distinguished managers.

AMENDMENT NO. 1000

(Purpose: Restores juvenile justice provision deleted with Helms tabling motion on abortion languages)

Mr. HOLLINGS. Mr. President, I send to the desk an amendment on behalf of myself and Senator RUDMAN relative to the juvenile justice program.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. RUDMAN, proposes an amendment numbered 1000.

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

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

The amendment is as follows:

On page 37 after line 2 insert:

"Sec. 207. Notwithstanding subsections (c) and (d) of section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633), the Administrator of the Office of Juvenile Justice and Delinquency Prevention may not—

(1) terminate any State's eligibility for funding under subpart I of part B of title II of such Act, or

(2) determine that the State's plan fails to meet the requirements of such section, for fiscal year 1988 because of the failure of such State to comply with the requirements of section 223(a)(14) of such Act before such fiscal year."

Mr. HOLLINGS. Mr. President, this protects the allocation of juvenile justice funds. The rewording is necessary as the result of a previous amendment.

Mr. RUDMAN. It is cleared on this side.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 1000) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1001

Mr. HOLLINGS. Mr. President, on behalf of Senator RUDMAN and Senator KASTEN and myself, I send an amendment to the desk and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. HOLLINGS), for himself, Mr. RUDMAN, and Mr. KASTEN, proposes an amendment numbered 1001.

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

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

The amendment is as follows:

On page 57 line 9 strike "\$200,000,000" and insert "\$181,000,000"; on page 57 after line 13 insert:

ISRAEL RADIO RELAY STATION

There is hereby appropriated the sum of \$34,000,000, to remain available until expended, to the Board for International Broadcasting for the purpose of making and overseeing grants to Radio Free Europe/Radio Liberty, Incorporated, and its subsidiaries and of making payments as necessary in order to begin implementation of the agreement signed on June 18, 1987 between the United States Government and the Government of Israel to establish and operate a radio relay station in Israel for use by Radio Free Europe/Radio Liberty and the Voice of America.

Mr. HOLLINGS. Mr. President, this amendment involves the radio relay station that is worked out with the

Radio Free Europe and USIA program with our ally Israel.

As you know we entered into agreement on June 28 of this year. After long discussion—it only came in recently after our subcommittee markup, but it is estimated that the new relay station will cost approximately \$300 million to be built over a 5-year period and this amendment allocates the \$34 million necessary within that budget to be allocated to beginning this particular program.

ISRAEL RADIO RELAY STATION

Negotiations between the Government of Israel and the Voice of America/Board for International Broadcasting to build a United States Government shortwave radio relay station in Israel began in 1984 and were concluded with the signing of an executive agreement at the White House on June 18, 1987.

This Israel site will enable VOA and BIB [Radio Free Europe/Radio Liberty] to greatly enhance their broadcast signals to Eastern Europe, the European Soviet Union, the Central Asian Soviet Union, South Asia, and East Africa. Because of its central location, this site will be unmatched anywhere else in the current or projected plans of either BIB or VOA to provide access to the largest number of critical audiences in these regions. In addition, completion of this site will provide the United States enhanced ability to penetrate currently jammed environments in Eastern Europe and the Soviet Union.

The station will be located in the Arava region of eastern Israel, south of the Dead Sea and will include 16 500 kilowatt high-powered transmitters and 22 curtain antennas. It will be built by an Israeli contractor, chosen competitively, and using American manufactured electronics equipment. The requirements and standards of the station have been determined jointly by VOA and RFE/RL. The station will be operated by a specially created Israeli Government entity [TOMER].

It is estimated that this new relay station will cost approximately \$300 million and will be built over a 5-year period. This amendment adds the \$34 million necessary to initiate implementation of this agreement and begin construction so that delays at this time don't result in future cost increases. It is estimated that an additional appropriation of about \$250 million will be required to complete the project.

Due to the high priority of beginning implementation of this agreement, we are reducing the amount previously recommended by the committee for transmitter modernization for the Board for International Broadcasting as an offset for this new construction project. In addition, the Voice of America will reprogram funds for

other first-year costs of the agreement from its worldwide modernization program.

Mr. RUDMAN. Mr. President, this amendment is, I believe, very important. It probably should have been part of the bill originally. There were some difficulties between the various agencies in working it out. It is a very important project, one in which the Government of Israel agreed to be the host for the project and promised it some time ago. It is about time we got started on this project. It is important for our own activities.

I am delighted that the Board for International Broadcasting and various agencies involved have been able to work it out.

I fully support the amendment and commend the chairman for being able to work it out and bring it to the floor.

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

Mr. RUDMAN. Mr. President, I ask unanimous consent that the name of the minority leader, Senator DOLE, be added as a cosponsor.

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

Is there further debate on the amendment?

Hearing no further debate, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 1001) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1002

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. BYRD, proposes an amendment numbered 1002.

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

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

The amendment is as follows:

On page 3, line 5 after "\$190,000,000" insert: "of which \$3,000,000 is for a grant to the Institute for Technology Development, Jackson, Mississippi, \$2,500,000 is for a grant to the University of Bridgeport, Connecticut to assist in the construction and instrumentation of the Connecticut Technology Institute, \$1,000,000 is for a grant to assist in the construction of a consolidated judicial center in Owensboro, Kentucky, and \$1,025,000 is for a grant to the Town of Alderson, West Virginia, to assist in the expansion of the municipal water treatment

system serving the Federal Correctional Institution at Alderson, West Virginia".

Mr. HOLLINGS. Mr. President, this amendment is with respect to allocation of the EDA funds relative to the Institute of Technology in Jackson, MS, \$3 million; \$2½ million at Bridgeport, CT, to assist in the construction of the Technology Institute there; \$1 million for the Judicial Center in Owensboro, KY; and \$1,025,000 for the town of Alderson, WV, to assist in the expansion of the water treatment plant due to the expansion of the Federal Correctional Institute there at Alderson, WV.

Mr. RUDMAN. Mr. President, the Senator from South Carolina has aptly described the amendment. It has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate? Hearing no further debate, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 1002) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, in view of the action of the Senate on the EDA amendment, I move that the committee amendment on line 15, page 26, through West Virginia on line 19 be tabled. This will clear it up so that it will not be repeated in the bill a second time.

The PRESIDING OFFICER. There is a motion to table by the Senator from South Carolina. There is no debate on the motion to table.

The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

Mr. HOLLINGS. Mr. President, I yield the floor.

LIMNOLOGICAL STUDY

Mr. REID. Mr. President, I would like to discuss a matter of great importance to my State of Nevada, with the distinguished chairman of the Appropriations Subcommittee on Commerce, Justice, and State, the Judiciary, and Related Agencies.

This matter refers to a program within the National Oceanic and Atmospheric Administration.

Over the past 2 years NOAA, working with the Environmental Research Center at the University of Nevada, Las Vegas, has undertaken limnological research to improve the fish stocks in Lake Mead.

Specifically, through careful monitoring and scientific studies, it was determined that Lake Mead's declining fish stocks were due to insufficient

zooplankton in the lake, which in turn was due to insufficient phosphorus. Research indicated that by adding ammonium polyphosphate to the upper ends of Lake Mead, there would be significant improvements in the fish stocks.

On May 30, 1987, using 300 volunteer boats and 1,500 volunteers, 20,000 gallons of ammonium polyphosphate were placed in 20,000 acres of the lake. Initial indications are promising. But to fully evaluate the experiment, we need to continue monitoring. To stop the funding for this project now would rob us of the chance to see if we can successfully fertilize the lake and restore the recreational fishing industry in Nevada.

In addition, this experiment will have ramifications far beyond Lake Mead. States like Arizona and Utah are vitally interested. Their lakes are suffering, it is believed from the same phenomenon, caused by damming bodies of water which strips the phosphates that produce food for the fish.

Mr. President, we need \$400,000 for this project. I have discussed this situation with the distinguished chairman and understand that he will help try to secure this funding when the bill goes to conference with the House.

Is this the distinguished chairman's understanding as well?

Mr. HOLLINGS. Yes, I have discussed this project with the Senator from Nevada, and will try to secure the necessary \$400,000 in conference.

Mr. BIDEN. I would like to commend the chairman of the Commerce, Justice, State, the Judiciary Appropriations Subcommittee, Senator HOLLINGS and the ranking minority member, Senator RUDMAN, for their work in crafting a very responsible bill, especially given the extraordinary fiscal constraints under which they operated.

However, I am concerned that the funding for one important program has been eliminated. This program, the State and local law enforcement assistance program, was reorganized in the Comprehensive Crime Control Act of 1984 to establish a streamlined structure to provide limited Federal funds to help State and local agencies develop new and innovative approaches to fight crime. While the amount of money is modest—only \$44.4 million in fiscal year 1987—this program has proven to be one of the most cost-effective law enforcement assistance programs administered by the Department of Justice.

I know that the House bill included funding for this program, and I would like to ask the Senator from South Carolina [Mr. HOLLINGS] whether he thinks there is some possibility that this program might receive favorable consideration in the final conference report.

Mr. HOLLINGS. Mr. President, the State and local assistance program was greatly improved by the changes in the Crime Control Act of 1984. Our recommendation not to include funding does not indicate a particular bias against this program, but reflects our priorities in working out a proper balance between Federal law enforcement activities and assistance to State and local law enforcement within our overall bottom line. As Senator Muskie said some years ago, we are not picking between good and bad, but selecting from among the good.

We have provided for the expansion of the U.S. Trustee System and the Immigration and Naturalization Service in response to the legislation that the Committee on the Judiciary drafted last year. These two programs are increasing by \$16.2 million and \$69.3 million respectively. Overall the Department of Justice is increasing by \$354 million over last year's level.

Second, I am sure that the chairman of the Committee on the Judiciary is aware that we have restored a total of nearly \$193 million in Justice assistance to State and local programs. This includes the \$30 million State share of the assets forfeiture fund which the House voted to put off until next October. My mail suggests that was the highest priority of the State and local law enforcement community. In addition, we are recommending \$75 million for the antidrug abuse program, \$70,692,000 for juvenile justice and delinquency prevention, \$5 million to offset the States' costs to incarcerated Mariel Cubans, and \$12 million for regional information sharing systems. These last four items, totaling \$162,692,000 were all eliminated in the President's budget.

Finally, with respect to the ultimate outcome of this item, a little history may help. As the distinguished Senator indicated, the State and local assistance program is included in the House bill. Last year the House also included it and our distinguished ranking minority member, when facing a similar dilemma, did not recommend it. As the Senator from Delaware will recall, it was included in the final bill.

We will go to conference in defense of the Senate, but with the full realization that we will have to compromise. This program is clearly a priority item of the other body and you are certainly assured that this program will be fully considered in the conference.

Mr. BIDEN. I thank the Senator, Mr. HOLLINGS. My colleagues and I are aware of your consistent support for law enforcement over the years. I think the bill before us today is testimony of that support, and I appreciate your effort in seeing that the Bureau of Justice Assistance is able to continue its successful efforts to improve the

quality and effectiveness of State and local enforcement.

GEORGES BANK FISHERIES RESEARCH

Mr. KERRY. Mr. President, I would like to engage for a moment in a colloquy with my good friends Senators MITCHELL, COHEN, KENNEDY, HOLLINGS, and RUDMAN. We would like to clarify the intent of the Appropriations Committee on a provision in the Commerce-Justice-State appropriations bill regarding \$500,000 for Georges Bank fisheries research.

It is our understanding that the funds are to be used for scientific and technical research on transboundary fisheries stocks of the Georges Bank and Gulf of Maine regions.

Mr. MITCHELL. That is my understanding. It is also not intended to create a formal bilateral or unilateral task force. The purpose is for scientific and technical research on such fishery stocks.

Mr. COHEN. That is my understanding as well.

Mr. KENNEDY. That was certainly my understanding. We want to also make sure that both Senator HOLLINGS, the subcommittee chairman, and the ranking minority member, Senator RUDMAN, agree to that interpretation.

Mr. HOLLINGS. I agree with the clarification offered by my friends from Maine and Massachusetts.

Mr. RUDMAN. I agree as well, and expect the National Oceanic and Atmospheric Administration to follow this direction.

Mr. KERRY. I thank the Senators very much for that clarification.

BORDER PATROL TACTICAL UNIT

Mr. McCAIN. Mr. President, I was planning on offering an amendment to the Commerce-Justice-State appropriations bill to address a special need of the Border Patrol Tactical Unit which is known as BORTAC.

I am confident, however, that my request can be met without an amendment, and I would like to thank my good friend, the chairman of the Commerce-Justice-State Subcommittee, for his generosity and cooperation. He and his staff have been tremendously patient and thoughtful in working this request through.

The request, as I have said, has to do with BORTAC, a special unit of the Immigration and Naturalization Service. It is a specially trained and equipped tactical unit that can quickly address unusual situations within the agency by use of special techniques and its unique franchise to handle incidents involving aliens.

BORTAC's agents can be deployed anywhere in the United States within 12 hours and are prepared to handle civil disturbances, protect property, contain hostage situations, perform rescue and recovery operations, counter border violence, and assist and train other agencies in similar prob-

lems. This, Mr. President, is a short list of their many important functions.

Given its importance, BORTAC is a little known, but vital group of dedicated individuals who frequently risk their lives to perform their duties.

In spite of the life-threatening situations in which BORTAC agents find themselves, however, they lack one type of equipment upon which their very survival can hinge. That is, a communications system which is highly dependable and can be operated without the use of their hands. Ideally, BORTAC agents, who often need both their hands, should be equipped with voice activated, hands-free radio systems, but they are not. They are only equipped with bulky, hand-held walkie-talkies—and as you can imagine, Mr. President, it is impossible to operate a walkie-talkie and climb or handle a gun at the same time.

Mr. President, my request is simply that we designate a one-time sum no greater than \$100,000 for the purchase of voice-activated communications systems for BORTAC. It is a relatively small sum compared to some of the amounts we earmark for other projects and activities, but for these agents it can be a matter of life and death.

It is my understanding—and I would like to verify this with my friend from South Carolina—that the committee will work to earmark these funds for BORTAC's use during the conference on the Commerce-Justice-State appropriations bill.

Mr. HOLLINGS. I understand the concerns of the Senator from Arizona. Clearly, BORTAC agents should be adequately equipped and the sort of communications systems the Senator is advocating is essential to BORTAC's continued efficiency, not to mention to the survival of its agents. I assure him that the committee intends to accommodate his interest in conference.

Mr. McCAIN. I thank the Senator for his efforts and assurances, and greatly appreciate his willingness to take this extremely important provision into account in conference.

IAEA FUNDING

Mr. COCHRAN. Mr. Chairman, I would like to discuss the Department of State appropriation for contributions to international organizations, particularly the U.S.-assessed contribution to the International Atomic Energy Agency [IAEA]. While the Appropriations Committee provided priority for the administration's full IAEA request of \$31,443,000, it was unable to restore prior-year withholdings for the United Nations and its specialized agencies amounting to nearly 25 percent of the appropriation. The result is that the committee recommendation provides approximately 75 percent of the request for the United Nations and specialized

agencies. Expecting the Department of State to cut appropriations for the various agencies on a selective basis, the committee stated that it "intends that priority be given to the budget estimates of the United Nations, the International Atomic Energy Agency, the International Telecommunications Union, the World Meteorological Organization, the Organization of American States, and the Pan American Health Organization."

Mr. Chairman, I am concerned about the interpretation of this language, especially the priority IAEA will be given in this group of international agencies.

Mr. McCLURE. We had a similar situation in 1986, when the Appropriations Committee recognized the need for strong support for the IAEA, and urged the State Department "to use its discretion in the application of the committee's reduction for international organizations to ensure that the work of the IAEA is not adversely affected." Despite this request, the United States has not met its assessed obligations to the Agency.

Mr. COCHRAN. It is ironic that IAEA, praised so highly for its effective response to the Chernobyl disaster, has experienced difficulty in getting its member states to pay their assessed contributions in a timely way. Nations give a number of excuses for this situation, but that does little to help the IAEA in its difficulty. The Agency may be out of cash by October and not be able to meet its payroll in November.

Mr. McCLURE. Unless IAEA has timely, predictable contributions from member states, including the United States, it is doubtful that it can maintain credible performance or continue to be an attractive employer for its highly competent technical and scientific staff, 15 to 20 percent of whom are Americans.

Mr. COCHRAN. Mr. Chairman, do you believe the report language is sufficiently strong to get the State Department's attention and to ensure that the United States meets its obligations to IAEA?

Mr. HOLLINGS. It was the intent of the committee that the language be a strong expression of support for the IAEA.

Mr. RUDMAN. And we will follow closely the actions of the State Department to see that appropriate attention is given to the IAEA's financial situation.

BUREAU OF DIPLOMATIC SECURITY

Mr. BUMPERS. Mr. President, I wanted to inquire with the distinguished chairman of the subcommittee, Mr. HOLLINGS, about report language I submitted which was included in the committee report (Senate Report 100-182) regarding the Bureau

of Diplomatic Security. The report language states:

The Committee believes that a broad, coordinated research program is required to identify and evaluate the appropriate materials, techniques, and methods that can be used to increase the survivability of U.S. facilities abroad. Once such improvements in security structures are identified, the cost of construction is expected to be significantly lower. The Committee, therefore, directs that funds appropriated for counterterrorism research and development may be used to support research at U.S. universities in the United States that presently engage in similar research and have a proven track record of success in this field.

Mr. Chairman, I just wanted to clarify that, according to the above-described language, the Department of State, Bureau of Diplomatic Security, Director of Physical Security Programs, can in fact award research grants to universities such as those described therein.

Mr. HOLLINGS. The Senator is correct, and the report language he referred to above should be so interpreted.

Mr. SARBANES. Mr. President, I would like to enter into a colloquy with the distinguished chairman regarding the language in the bill entitled "Administrative Provision—United States Information Agency."

Accordingly, Mr. President, I wish to clarify language in the bill which refers to the VOA modernization program. On page 74, at line 2, the bill states that "the agency shall purchase American-manufactured equipment and materials to the fullest extent possible." Is it the chairman's understanding that a foreign prime contractor proposing to supply a significant amount of American manufactured equipment and materials will still be able to compete under this language.

Mr. HOLLINGS. That is my understanding.

Mr. SARBANES. I thank the distinguished chairman.

Mr. CRANSTON. Mr. President, I direct a request to the distinguished floor managers of the bill, relating to the relocation of the Tiburon, CA, Laboratory of the National Marine Fisheries Service to the University of California's Bodega Marine Laboratory at Bodega Bay.

Both NMFS and the University of California agree on the wisdom of the move. As the committee knows, the major emphasis of Tiburon Laboratory research is the groundfish resources of the Pacific Ocean. The groundfish resources of the Pacific coast are of major importance to commercial and recreational fisheries in Oregon and Washington. Dockside landing values are worth over \$60 million annually. At the consumer level they are worth over \$300 million. The Tiburon Laboratory has recently been collaborating extensively with researchers at the Bodega Marine Laboratory, stemming

from the fact that both facilities presently conduct research on 30 different species of groundfish and on salmon and steelhead reproduction and migration. Relocation of the Tiburon Laboratory would allow for more efficient information sharing and research collaboration and would also, through cooperative arrangements, prevent duplication of research facilities.

The physical condition of the Tiburon Laboratory is deteriorating. It is also inland, far away from coastal groundfish landings and research areas. Those two factors make it very desirable to move that laboratory's programs to a more effective, suitable oceanside location. A relocation to Bodega Bay would put the laboratory closer to the fishery resource it researches, it would increase collaborative research in areas including groundfish management and the impacts of offshore oil programs on fisheries, and would develop a sound and extensive base for groundfish management. These reasons, among others, are why the move is so strongly supported by the scientific and university communities, and is supported by the National Marine Fisheries Service.

Funding in the amount of \$100,000 is needed to develop conceptual designs, site surveys, and preliminary specifications for construction of a laboratory building at the university's Bodega Marine Laboratory site. The University of California is prepared to provide an appropriate ground lease.

I have considered offering an amendment to the pending bill to provide the needed funds. I am persuaded, however, that the distinguished floor managers would look favorably on this issue when the bill reaches conference with the House and do what can be done to provide the needed funds.

I wonder if the Senator from South Carolina would confirm that my understanding is correct.

Mr. HOLLINGS. I understand the Senator from California's concern, and I appreciate his forbearance in withholding his amendment. He has my assurance that the relocation matter will be raised in conference, and we will make every effort to see that the necessary funds are provided.

SALARIES OF UNITED STATES BANKRUPTCY JUDGES AND MAGISTRATES

Mr. COCHRAN. Mr. President, I am pleased that the Appropriations Committee added, as section 408 of this measure, the text of my bill, S. 696, to raise the salaries of bankruptcy judges and magistrates to 92 percent of the salaries received by U.S. district judges.

This language is designed to correct an inequity resulting from the transitional implementing the Quadrennial Pay Commission's recommendation earlier this year. The increase will be effective January 1, 1988, or the date of enactment, whichever is later.

The estimated cost of the provision is \$4,800,000 and will be absorbed within judiciary appropriations.

Historically, the salary levels for bankruptcy judges and magistrates have been scaled at approximately 90 percent of the salary level for U.S. district judges. The Quadrennial Pay Commission in its recommendation to the President proposed a level of pay for bankruptcy judges and magistrates that was in keeping with that scale. In fact, the Commission's proposal would have provided a level of pay that would be 92.3 percent of the rate proposed for U.S. district judges.

However, the recommendations submitted to the Congress by the President provided salary increases in excess of 10 percent for district judges, but provided only a 2.9 percent increase for bankruptcy judges and magistrates. When the President's pay recommendations took effect on February 5, the parity level of approximately 90 percent was reduced to approximately 81 percent.

The current salary level of bankruptcy judges and magistrates is \$72,500. The salary levels for U.S. attorneys and U.S. trustees are set by statute or regulation at \$77,500. Thus, these Government attorneys can be paid \$5,000 more annually than the bankruptcy judges and magistrates before whom they regularly appear.

Chapter 11 filings alone have increased about 550 percent during the period of 1980 through 1986, including a growing number of petitions from giant corporations involving complex financial matters. In the Northern District of Mississippi, bankruptcy case filings in 1986 exceeded the previous year by approximately 40 percent. These numbers may continue to increase.

Bankruptcy courts have become the general business courts of the country. The importance and volume of the cases before them requires that we recruit and retain qualified and experienced men and women for these judgeships.

The effects of inadequate compensation has resulted in 70 percent of the bankruptcy judgeships being vacated over the past 7 years. Those who have filled these vacancies are relatively young and inexperienced. The private sector offers career opportunities far more lucrative.

The U.S. Judicial Conference and the American Bar Association have endorsed this salary adjustment, and I appreciate the support of the managers of the bill in including it in this bill.

Mr. DODD. Mr. President, I hope as these agencies spend this large sum of money, some attention is paid to whether American companies are benefiting, or whether it is going to foreign countries that do not reciprocate

with open markets. This was a concern raised by the Foreign Relations Committee when we authorized funds for USIA's Voice of America. I understand that subsequently, USIA has given a lucrative contract to a foreign entity for satellite distribution of USIA's Worldnet programming.

I wonder if USIA used that leverage to get assurances about opening foreign telecommunications markets, or if it looked carefully for U.S. companies that could handle the job.

Mr. HOLLINGS. The Senator's point is well taken. We cannot continue to give away the resource of our market, and get nothing in return. I am sure USIA will make an extra thorough effort to find a qualified American company when this kind of opportunity presents itself again.

EQUAL TREATMENT FOR FAO

Mr. LEAHY. Mr. President, the Appropriations committee report provides an equitable distribution of scarce resources among a range of international organizations. The report states that "priority be given to the budget estimates of the United Nations" and several other of the major international organizations. I would like to propose to the distinguished chairman and the distinguished ranking member of the subcommittee that the Food and Agriculture Organization [FAO] be added to this list of priority organizations.

FAO undertakes a wide range of activities, some of which are of direct benefit to the United States. These include sharing important worldwide agricultural data, and development of food quality standards and other activities in conjunction with programs of the Department of Agriculture. Perhaps more important, the FAO has a direct impact on fighting hunger and in participating in projects which help poor farmers in the developing world feed themselves.

Mr. President, I want to emphasize that I am not seeking special treatment for FAO, only that they get their proportional share of the available resources. I am aware, Mr. President, that there has been some concern expressed in this body about the need for reform in FAO. I am assured that the United States is working with other major donors to implement important budgetary reforms in FAO. To maintain U.S. credibility in these important reform efforts we need to protect the proportionate share of our contribution to FAO, based on the overall figures in the Senate report. The good things that FAO is doing, particularly in Africa where several countries again face the specter of famine, need to be continued.

I would like to commend the committee in recognizing the artificially low fiscal year 1987 base for FAO that was submitted by the State Department. Freezing funding for interna-

tional organizations at the level of the 1987 continuing resolution, as was done in the other body, would have the unintended effect of reducing the FAO base by approximately \$9 million. The fiscal year 1987 figure for FAO was reduced by \$9 million as a result of a one-time savings by FAO as a result of an earlier exchange rate appreciation of the dollar. This one-time savings reduced the amount requested for FAO for 1987 and therefore artificially reduced their base. Colloquies in the other body on June 16 and July 1 indicated that the House authorizing subcommittee recognized that they had "overlooked the fact that the unusual savings accomplished by the FAO" actually penalized FAO for its savings.

Mr. President, Secretary Lyng has stressed the administration's strong support for FAO. The senior Senator from Oregon [Mr. HATFIELD] has been a strong supporter of FAO programs for many years and wishes to see equal treatment given to FAO in the appropriation process. The distinguished chairman of the Subcommittee on Agriculture of the Committee on Appropriations, Senator BURDICK, and my distinguished colleagues on the Agriculture Committee, Senators MELCHER and McCONNELL join me as well. I would ask the distinguished chairman and ranking member of the subcommittee if they would be prepared to accept this colloquy as sufficient to accomplish the goal of including FAO among the priority international organizations listed in the committee report.

Mr. HOLLINGS. I have no objection to adding the FAO to the international organizations due preference.

APPROPRIATIONS FOR THE CUSTOMS COOPERATIONAL COUNCIL

Mr. BENTSEN. Mr. President, the Customs Cooperation Council is an international agency which shares information with regard to the classification and valuation of merchandise for customs purposes.

The United States has made only partial payment of its contribution to the Customs Cooperation Council [CCC] in fiscal years 1986 and 1987. Action taken by the congressional appropriation committees on the fiscal year 1988 budget will cause the arrearage to be increased further. The arrearage threatens U.S. voting rights in the CCC and poses a major embarrassment to the United States at a time when it is trying to lead its trading partners in the adoption of a new system of customs classification, the "Harmonized System."

As reported from committee, the Senate appropriations bill of the Department of State (H.R. 2763) reduces the State Department's budget request for "Contributions to International Organizations" by 25 percent overall and defers 13 percent of the

appropriated amount to fiscal year 1989. The Senate committee report also requires that priority be given to funding certain specified organizations, not including the CCC. As a result, the cumulative arrearage could amount to more than \$2 million with respect to the CCC.

Under the bylaws of the CCC, if the United States is in arrears for 2 consecutive years or falls 1 full year behind in its contribution, it will lose its voting rights. This poses a particular problem given the U.S. interest in implementation of the Harmonized System.

Would the chairman of the subcommittee be willing to agree with me that the CCC should be given priority in allocating funds to international organizations in 1988, so that the United States does not lose its voting rights in that agency?

Mr. HOLLINGS. I agree with the Senator from Texas that the CCC should be given preference in funding in 1988. The CCC is currently involved in developing and implementing a system whereby the United States and its major trading partners will adopt a common system for classifying imports and exports. The so-called Harmonized System is strongly supported by U.S. industries, including an industry important in my home State, the textile industry. I agree with the Senator from Texas that losing our voting rights in the CCC at such a crucial time would be a serious problem. I urge the administration to make sure that the United States meets its obligations regarding the CCC.

Mr. HELMS. Mr. President, I thank the distinguished managers of the bill, and I thank the Chair for recognizing me.

AMENDMENT NO. 1003

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1003.

On page 46, between lines 23 and 24, insert the following new section:

SEC. . All appropriations provided under title III shall be reduced by 10 per centum until an authorization for such expenditures has been enacted.

Mr. HELMS. Mr. President, last week this Senate spent the better part of 4 days, when you go back and count the previous Friday, considering S. 1394, which was the State Department authorization bill. The distinguished Senator from Rhode Island, Mr. PELL, and I managed that bill and during those long days and nights, 90 amendments were considered, most of which were adopted in the course of Senate consideration.

The State Department does not like that bill, and I have now discovered based on credible information that the State Department wants to do in this authorization bill. They do not like it, and they want it to be ignored, to just go away.

Now, a conference is supposed to be conducted with the House Foreign Affairs Committee, but there has been no indication as yet about a schedule for such a conference if and when it occurs. Meanwhile, the hanky-panky that is going on, I am credibly advised, is that the State Department is saying to various Members of the Senate and of the House, "We do not need an authorization bill. We will just go with the appropriations bill."

Obviously, the State Department does not like some of the provisions of the Senate's version of the State Department authorization bill. And the State Department hierarchy has said, "Well, the best thing for us to do is just to slip up there and tell them to let the authorization bill die." I do not want that to happen. I think it is bad for the Senate process, I think it is bad for the House process, and that is the purpose of this amendment.

By the way, let me emphasize that this amendment applies only to the State Department appropriations; none other, just the State Department appropriations.

Now, let me tell you why, Mr. President, the State Department would like to see the Senate passed State Department authorization bill go by the boards.

First of all, the Senate wisely adopted an amendment, not in the House bill, with reference to diplomatic immunity. I know the distinguished occupant of the chair recalls the hearing conducted by the Foreign Relations Committee when numbers of people came up and testified about the brutal crimes and rape and murder and mayhem, drug trafficking, drunken driving, hit-and-run driving; you name it, and people with diplomatic immunity in this country, foreigners who have come here, they have done it.

Now the State Department does not like that. We must not do anything to ruffle any feathers, according to the State Department.

But the Senate, in its wisdom, and I think the Senate was very wise in doing so, said, "Whoa, here, these people who are guests in this country must exercise some restraint."

So the provision in the Senate State Department authorization bill provided that these people who claim diplomatic immunity must get it from the Foreign Minister of their country, they either will stand trial like American citizens do when they violate the law or they get their fannies out of this country and they stay out. They will not be admitted again to this

country. Now I think that was a wise action by the Senate.

But the State Department said, "Oh, you are going to make somebody mad." Well, good. I was very proud of the Senate when it adopted that one.

Then there was that issue of the State Department reflagging itself and our Soviet friend visiting here not long ago. The State Department learned that some Congressmen, Members of the House of Representatives, intended to go down and let Shevardnadze know that there was great concern in this country about the abuses of human rights in the Soviet Union. So what did the State Department do? They declared the State Department building in Foggy Bottom a foreign mission. That was simply to trigger a D.C. ordinance requiring those Congressmen to stay 500 feet away from the front door of the State Department and thereby spare Mr. Shevardnadze any embarrassment about being in contact with people who understand what freedom is all about.

Then another amendment that the State Department did not like was the amendment cosponsored by the distinguished chairman of the Foreign Relations Committee, Mr. PELL, and me with reference to abuses of human rights by China with respect to Tibet. Now, Chairman PELL and I met with the Dalai Lama and we jointly decided that the Senate ought to speak on this issue. But here again the State Department does not want to ruffle the feathers of China by saying, "Oh, look here, you are violating human rights." Well, actually the physical abuse, the killings, the violence in Tibet, all of these are bound to strike at the conscience of the Senate, and it did and hence the amendment was passed.

Then there was Senator SYMMS' amendment with respect to Mount Alto. It simply said the Soviets will have to get out of Mount Alto until such time as we have suitable facilities in the Soviet Union.

You will remember all the bugging that occurred on the new U.S. Embassy building in Moscow.

There was the Wallop amendment which was made a part of the Senate's State Department authorization bill. Senator WALLOP expressed in his amendment, adopted by the Senate, an indignation that the Soviet Union had used Hawaii for target practice.

Now, there are other amendments in that bill that the State Department does not like. They do not want to ruffle any feathers, particularly Communist feathers, and, therefore, there is a move on to say, "Let's have no authorization bill."

And that is the reason, Mr. President, I think that the Senate as a body, as an institution, ought to have assurance that there is going to be an authorization bill, a conference reporting a conference report and vote on

that, and send it to the President. But that is not what the State Department wants.

So I am simply saying that so long as there may be no authorization bill, the State Department appropriation, and only the State Department appropriation, shall be reduced by 10 percent until there is an authorization for such expenditures.

I yield the floor.

Mr. RUDMAN. Mr. President, I have listened with great interest to my friend from North Carolina. Along with the chairman of this committee and everybody else on the floor, we sat here night after night after night voting on a very important piece of legislation. As a matter of fact, I cannot think of any piece of legislation in the last several years which has been more hotly contested than that bill. And I think the rollcall votes and the closeness of those votes indicates that.

Quite frankly, I am a bit outraged, and that is not a strong word, I can think of stronger, but I am a bit outraged to understand—and I know the Senator from North Carolina well enough to know if he did not have evidence of that activity he would not state it—that people representing the State Department are in fact trying to do things to derail the passage of a State Department authorization bill.

As a matter of fact, Mr. President, sitting here on the Appropriations Committee for 7 years, we get criticized quite a bit for legislating on appropriations bills. And we get criticized, sometimes rightly and sometimes wrongly, but in some instances, as I am sure my friend from North Carolina recognizes, we do it because there is no authorization bill and we are forced to do it.

That is not the system of this Senate. That is not the way this place is supposed to operate. We are supposed to have authorization bills and we are supposed to have appropriation bills that reflect those authorization bills, and when that process gets broken down, then the whole process of the Senate gets broken down.

Now, I do understand my friend from North Carolina's concern about that and I will tell him that I am equally concerned. I think, frankly, that there ought to be some effort to get to the Secretary and others to find out if, in fact, this is going on, because I do not think the State Department or any other Department has the right to lobby this Congress to try to frustrate the Senate and the House from doing what the law says we are supposed to do, and that is pass bills. Now, I would like to work on that.

I am a bit concerned about the amendment. You know, it is the kind of thing that normally I might even vote for. The problem I have is if

something happens and we do not get an authorization bill through, for whatever reason, the reason the Senator states or some other reason, we could be in a position of having some cuts which, frankly, in some areas I am sure the Senator from North Carolina himself would figure probably would not be such a good idea.

Although in other areas I think that we might agree they might be a good idea. I want to hear what the chairman has to say but I just wonder if there is some way we might avoid voting on this. Certainly I want to give the Senator from North Carolina my assurances that I am going to look into this myself tomorrow. I am going to ask people down there if, in fact, they are up here saying; do not pass an authorization bill; because I think we worked too long and too hard on it. It is in conference with the House. There are some very contentious amendments in that bill but the fact is that we represent the people and those amendments prevailed on this floor.

Whether the State Department likes it or not, the people on this floor do not like the fact that they declared themselves a foreign mission—that is one of the most absurd things I ever heard in my life. As the Senator may recall I had to ask him about it on the floor that night. I think what we have done with diplomatic immunity is wise. I think the expression of outrage against China is wise and whether they like it or not is not terribly important to this Senator, and I know it is not to the Senator from North Carolina. So I would support what you are trying to do. I would just hope that we might not have to vote on this and there might be some way to have the amendment withdrawn, if the Senator might want to consider that. If he does not of course we will obviously have a vote on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I just want to say to my friend from New Hampshire, as we say in the Baptist Church in Raleigh, NC: Amen, Brother! You have stated my case perfectly for me. I will be happy to hear what the distinguished Senator from South Carolina says.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I do not want to mess up what you are doing. Go ahead. I want to see what you are going to do.

I will cooperate with the Senator from New Hampshire and the Senator from North Carolina on the particular problem at hand. But the solution of a 10-percent cut in the Department of State budget is just—would be devastating.

What we did in the allocation crosswalk from the Budget Committee, as a

former chairman of the Budget Committee of the other body, the distinguished presiding officer would understand, we got cut at the very end another \$50 million.

As a result we really have cut Department of State from its 1987 appropriation, appropriated level of \$2.683 billion down to \$2.519 billion, which is \$165 million less than their budget last year. So they have already been cut substantially from the last year's budget and some \$869 million—almost \$1 billion—from their requested amount.

If the Senator insists, I would have to make a motion to table.

Mr. RUDMAN. If the Senator would yield just a moment, I am sure you agree with me we both feel we would like to see an authorization bill.

Mr. HOLLINGS. Oh, yes.

Mr. RUDMAN. I am sure the chairman will work with me as he always does to try to see that it is done. I would implore the Senator from North Carolina whether this has to be voted on. I think he has made the point. I tried to help make the point because I agree with him.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Thank you. I thank the Senator from South Carolina.

Let me assure you that nothing speaks so loudly in this town as money. The taxpayers' money.

If this amendment is pressed and passed by the Senate, you better believe they will back off and let the process work as it is supposed to. It would last only so long as they refuse to do that.

But the Senator from New Hampshire has raised a point which, frankly, I hadn't thought about. The authorization bill, conceivably, could be delayed for some other reason.

Let me say this. I think the message has been sent, particularly with the splendid comment by my friend from New Hampshire. I hope that Foggy Bottom will get the word that there will be a lot of Senators upset if this persists.

Now, if you call up and ask them: have you been doing this? They are going to say just like the chicken thief in the chicken yard—"There is nobody here but us chickens." They are going to deny their activities, but I got it straight as an arrow what they are doing: "We do not need an authorization bill."

Mr. President, if this problem does persist, this may be an issue the Senator from North Carolina will revisit on the continuing resolution.

Mr. President, in the light of what the distinguished Senator from New Hampshire said, I think I will withdraw the amendment and I thank the Chair very much.

The PRESIDING OFFICER. Is there objection? The Senator has a right to withdraw the amendment.

The amendment is withdrawn.

The Senator from New Hampshire.

Mr. RUDMAN. I want to thank my friend from North Carolina. I appreciate that. The Senator from North Carolina's batting record is pretty good, and I am delighted not to have to stand in front of that pitch. I assure my friend that I and other members of the committee will look into this because I agree totally that this is a very bad thing that is happening. If the Senator says it is happening, it ought not to; and he can certainly be assured of my support.

Mr. HELMS. I thank the Senator very much.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Before I yield to the distinguished Senator from Colorado, I am advised that we made a mistake a minute ago in tabling the language on line 15 of page 26. What we should have moved is to strike it rather than to table.

So, in order to comply, I will after an amendment to strike the language inserted by the committee beginning with the word "of" on line 15 of page 26, down through West Virginia on line 19.

AMENDMENT NO. 1004

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 1004.

The amendment is as follows:

Beginning with "of" on line 15 of page 26, strike all that follows through "West Virginia" on line 19.

Mr. RUDMAN. Mr. President, the amendment has been cleared on this side and is correct.

The PRESIDING OFFICER. Is there further debate? If there be no further debate, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 1004) was agreed to.

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

Mr. WIRTH. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. There has been a motion to lay the motion to reconsider on the table. Is there objection? Hearing no objection, it is so ordered.

The Senator from Colorado.

Mr. WIRTH. Mr. President, I, too, want to thank the Senator from North Carolina for withdrawing his amend-

ment. I think such a drastic cut in appropriation for the State Department would be unwarranted and unwise for a variety of reasons which we have talked about.

One in particular, and I was going to offer an amendment on this issue and I am not going to because the State Department pursued this well, and that is the use of commercial launch vehicles owned and controlled by the Soviet Union or China, by large American companies.

Two American companies, GE—RCA—and Hughes, are pushing very hard to get licensed by our Government, the State Department and the Defense Department, to use the Soviet proton launch vehicle for the Chinese Great Wall—or Long March launch vehicle for launching their commercial satellites.

This, it seems to me, is something we do not want to have either our State Department or our Defense Department condone, and I am pleased that the State Department has had the resources to do a very careful analysis of this issue and to resist the pleas of these two large American companies to go abroad, particularly to the Soviet Union and to the Chinese, for this capability.

What we should be doing in this country, Mr. President, is developing our own commercial launch capability, that which is currently being pursued, for example, by companies like Martin Marietta and McDonnell-Douglas.

Mr. President, this is an issue of grave importance to the economic viability of a business essential to America's national security and to the maintenance of our traditional leadership role in the utilization and exploration of space—the commercial launch industry. Despite the initial promise of the development of a private sector launch capacity, this new industry may be threatened by unfair foreign competition—from the non-free-market economies of the Soviet Union and China. And most disturbing, Mr. President, are the persistent efforts on the part of the U.S. manufacturers of communications satellites in trying to gain access to this subsidized launch capacity.

I had considered offering an amendment to prohibit any funds appropriated by this legislation from being used by the Department of State in issuing a license for the export of domestic communications satellites—a requirement for the domestic manufacturers of these devices to use Soviet or Chinese launch capabilities. However, at this time, I do not think this step is necessary, since State and the Department of Defense appear to be determined to prevent the export of this critical technology.

Nevertheless, this is an issue I feel strongly about and felt it needed addressing on the Senate floor.

Following the tragic loss of the *Challenger*, it became clear that our Nation had made serious mistakes in assuming that the space shuttle could accommodate all of our military and civilian needs for access to space and, more destructively, in taking the tremendous risk of sole reliance on that one launch vehicle. As we took the success of the shuttle and our space program for granted, the domestic industrial capability or the development and construction of expendable launch vehicles was allowed to languish and atrophy. With the shuttle's failure and no quick fix in sight, America suddenly found its doors to space closed.

However, with the passage of the Commercial Space Launch Act of 1984, and the administration's unilateral abrogation of all contracts for the shuttle launch of commercial payloads, the market became fertile for the development of an expendable launch vehicle industry. Several American companies have responded admirably to the challenge extended by the Government, including two which have a significant presence in my own State of Colorado—Martin Marietta and McDonnell Douglas. These corporations have made significant investments in the development, construction and marketing of a private sector launch capacity. This domestic fleet of expendable launch vehicles [ELV's] will not only remove significant pressures on NASA to launch, but, by assuring America's access to space, will contribute to our economic and national security.

Unfortunately, a serious threat to the continued welfare of this fledgling industry—and, consequently, our Nation's essential ability to access space—has developed. Recently the Soviet Glavkosmos, which launches the Proton launch vehicles, and the Great Wall Industry of China, which operates the Long March launch vehicle, have begun to offer cut-rate deals to U.S. manufacturers of satellites, the primary purchasers of private expendable launch vehicles. And, incredibly, I understand that both Hughes Space & Communications Group, and General Electric/RCA are considering lobbying heavily to take advantage of one or the other on their offer.

It is my understanding that one of the principal considerations in both GE/RCA's and Hughes' minds is that the Proton and Great Wall launchers are less expensive than the Martin Marietta and McDonnell Douglas vehicles. That should not be surprising, Mr. President. Our domestic manufacturers of expendable launch vehicles cannot successfully compete against the government-subsidized and controlled Chinese and Soviet ELV manufacturers. The substantial government subsidies received by both the Proton and Long March vehicles, reduce the price of placing a satellite in orbit to

less than half of that of a comparable American launch. With higher labor costs and the need to recover expenses, and in the absence of government subsidies, domestic ELV companies must be able to operate on a level playing field in order to remain in business.

If this predatory pricing scheme is successful, the demise of our domestic expendable launch vehicle industry is virtually certain. And with its loss, America will also lose its ability to launch both civilian and military payloads. Moreover, launching satellites on Eastern Bloc ELV's will risk delivery of America's far-superior satellite technology to the U.S.S.R. further compromising our national security.

Mr. President, I want to urge both Hughes and General Electric/RCA to resist the allure of quick, short-term profits and behave as responsible corporate citizens—both of these companies owe a large part of their success to government defense-related purchases. The failure of our satellite manufacturers to use the domestic commercial launch capacity may not only deprive our country of the essential ability to access space, but could also deliver critical satellite technology to countries who may be willing to employ it against us—results which could have serious ramifications for the integrity of our national security.

Mr. President, I yield the floor.

Mr. RIEGLE. Mr. President, I rise to support final passage of H.R. 2763, the Commerce, State, Justice appropriations bill, and to call to the attention of my colleagues in the Senate an important cooperative project being reviewed by the Departments of Commerce, Defense, Labor, and Education.

This project, titled the "Center for Advanced Technologies," will demonstrate the training of multiskilled machinists necessary to operate, maintain, and upgrade high technology manufacturing equipment critical to the competitive status of our manufacturing industries. The project is proposed by Focus:HOPE, a private, non-profit manufacturing training organization located in an area of Detroit characterized by abandoned manufacturing facilities, and a high level of economic distress and unemployment.

Dr. Bruce Merrifield, Assistant Secretary for Productivity, Technology, and Innovation at the Department of Commerce visited the Focus:HOPE site in August, and is convinced of the need for this project.

The bill before us contains an appropriation of \$132 million for EDA public works grants. It is my understanding that Focus:Hope will soon submit a \$6.6 million proposal to EDA to refurbish the facility for the center. It is important that this program begin immediately, and it is my hope that the Department of Commerce

will give it every consideration it needs for early and complete funding approval.

Mr. President, I ask unanimous consent that a more lengthy statement of mine which outlines the need for this project be included in the RECORD as if read. I thank the Chair.

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

STATEMENT OF SENATOR RIEGLE
CENTER FOR ADVANCED TECHNOLOGIES

Mr. President, there is a serious shortage in the United States of the type of intensive manufacturing training that is necessary to build and maintain technologically advanced equipment and systems. As a result, the nation is now experiencing an acute shortage of skilled craftsmen, in both quantitative and qualitative terms.

The front page of the September 14, 1987 Wall Street Journal highlights the problem directly. From it, I quote:

"When Thomas Kelly learned that 97 craftsmen at a nearby plant were being laid off, he figured that his staffing problems had been solved . . . but what began as a routine recruiting call quickly turned, to Mr. Kelly's amazement, into a cutthroat battle against 50 other companies also eager to employ the workers. He had hoped to hire 30 machinists but got only two . . . never before has Mr. Kelly had to scramble to find recruits for Electric Boat, the General Dynamics Corp. unit that builds the Navy's Trident missile submarines." Electric Boat currently has more than 300 unfilled job openings for machinists and skilled craftsmen, and it is "genuinely concerned that the vacancies could limit its ability to meet production schedules".

In the same article, a labor economist at the University of California states: "We're facing a situation where, in 10 years, we won't have anyone who knows how to repair machinery, cut precision metal parts or build an airplane engine from scratch".

Mr. President, I ask unanimous consent that this article, in its entirety, be included in the record at the end of my statement.

Grave consequences of the lack of manufacturing training in the United States are already evident in our future workforce;

In six international competitions designed to provide young people, representing 14 nations, with opportunities to gain recognition for excellence in skilled trades, the United States had the lowest average level for performance over the first five competitions and held last place in the precision machining, welding, and construction trades.

The U.S. Congress Office of Technology Assessment points out that: "Greater breadth in skills will be needed for repair and maintenance (of advanced manufacturing equipment), because of the combination of mechanical and electronic features that characterize programmable automation." The OTA questions the capacity in the United States to educate and train such technicians.

A recent comprehensive Harvard Business School study compared flexible manufacturing systems (FMS) in the U.S. and Japan. It called the flexible systems the "battle-ground for manufacturing supremacy around the globe" and found that the United States was losing the battle "badly". Despite the similarities in the systems and the products they made, the Japanese systems were "remarkably flexible", while

those in the U.S. showed an "astonishing lack of flexibility". The average number of parts made by an FMS in the U.S., for example, was 10; in Japan the average was 93—over 9 times greater. The difference in results, according to Harvard's study, was mainly due to the workforce's 'technical illiteracy'.

Harvard found that, in Japan, training to upgrade the skills of the workplace was three times longer than in the United States, and that the improved training resulted in far fewer breakdowns, improvement of systems after they went on line, and better use of the system's capabilities. The Harvard study concludes that learning gives rise to, and sustains, the Japanese competitive advantage. "They lead the way; we linger behind at our own peril."

According to the International Trade Commission: "To rationalize the manufacturing process, increase the quality of weapons, and keep costs down, more defense contractors will move to flexible manufacturing systems. It is in the national interest for defense contractors to rely on U.S. suppliers to build flexible manufacturing systems of superior quality at competitive prices rather than to rely on foreign suppliers for the means to produce U.S. weapon systems."

But despite recognition of the importance of advanced manufacturing technologies to production, the U.S. is becoming increasingly foreign source-dependent. To respond to this threat, several programs, including the National Center for Manufacturing Sciences (NCMS) and Sematech, have been initiated to accelerate the creation, development and implementation of advanced manufacturing process technologies. But the impact of these major commitments to our manufacturing industries will be lost without a similar commitment to training the skilled technicians needed for its implementation. Adequate training programs for this purpose simply do not exist.

The Office of the Secretary of Commerce is now fully aware of this training problem and is involved in steps to help resolve it. An inter-agency task force consisting of representatives from the Department of Defense, Commerce, Labor, and Education is developing a "Memorandum of Understanding" between the agencies to cooperate in the Focus: HOPE Center.

The Center will be a cooperative cost-sharing project between the federal government, state and local governments, private foundations, and private industry. The initial investment by the Commerce Department will be highly leveraged with grants and contracts from the private sector.

The Focus: HOPE Center for Advanced Technologies will take entry level machinists through three achievement stages of increasing skill. At three years, student-workers will perform well above the journeyman machinist level; at four and one-half years, they will have achieved journeyman competence in a second related trade such as tool-making or electronics; at six years, following extensive cross-training, they will be fully qualified technicians in the operation, maintenance, repair and modification of state-of-the-art flexible manufacturing systems.

The Center will help bring advanced technology from research and development into end-stage production processes, the key to enabling more American companies to fulfill contracts requiring high-technology equipment and application.

Mr. President, technical skills training is vital to the overall strength of the U.S. industrial base. The current shortage of

skilled machinists and the lack of technicians trained in advanced manufacturing technologies have constituted a tremendous barrier to the full incorporation of new manufacturing processes, and have become a threat to the productive capacity of our industrial base. This must be corrected.

Mr. WEICKER. Mr. President, I rise in support of H.R. 2763 the fiscal year 1988 Commerce, Justice Appropriations bill, which contains the appropriations for the Small Business Administration (SBA). The bill contains full funding for SBA programs for next year; it provides a total appropriation of \$467,397,000 for the agency.

Mr. President, 2 years ago during consideration of the budget resolution the Senate Republican leadership and I reached an agreement with the administration to maintain the SBA as an independent agency through the end of fiscal year 1988. That agreement was codified with the enactment of Public Law 99-272 which authorized the SBA for fiscal years 1985-88. This appropriations bill funds the agency for the third and final year of SBA's current authorization.

More specifically the bill provides \$311,660,000—including a transfer of \$92 million from the disaster loan fund—for the salaries and expense account for SBA. This recommended funding level will permit the staffing at SBA to continue at its current level. Most of the programs and activities funded out of this account would be kept at their current levels: The minority small business office and section 7(j) Management and Technical Assistance Program, the Small Business Development Center (SBDC) Program, the Procurement Assistance and the Veteran Assistance Offices would all be funded at about their fiscal year 1987 level. A slight increase is provided for the Finance and Investment Office. With this increase for finance and investment, it is my hope that SBA will devote more resources and staff to its loan making and servicing functions. An increase in funding is also provided for the Office of the Inspector General.

Under the business loan and investment fund the bill provides sufficient funding for the agency lending programs to operate at fiscal year 1987 levels; a total of \$97 million for direct loans is recommended. This modest amount of direct loan funds are targeted to the handicapped, minorities and veterans. Guarantee loan authority of \$3,154 million is provided. This includes a program level for the Small Business Investment Company (SBIC) Program at \$233 million; the Certified Development Company section 503/504 loan programs would be increased to \$450 million from \$373 million; which is consistent with the action taken earlier this year by the authorizing committee under Public Law 100-

72. That law took the Certified Development Company [CDC] Program out of the Federal Financing Bank [FFB] by increasing the authorized level for the 504 program.

The bill also contains funding to pay for losses incurred under the Small Business Surety Bond and Pollution Control Contract Guarantee Programs.

In addition to program funding levels the bill also contains two important limitations on the use of funds which are intended to preclude the administration from taking actions which Senator BUMPERS, chairman of the Senate Small Business Committee, and I agree could have a detrimental effect on the agency and its loan programs. Specifically, I am referring to language in the bill which would prohibit the SBA from implementing the sale of loan assets and from imposing new or additional user fees in agency programs.

When the administration first proposed the elimination of the SBA an integral part of their proposal was the sale of SBA loan assets. At that time the committee looked at the projected yields on those proposed sales very closely. Our concern then was that the return to the Government was very low and they are not any better now. In the President's budget the estimated return for some sales was as low as 14 cents on a dollar. SBA's normal collection rate on its business loan portfolio is in the range of 70 to 80 percent. Clearly, to sell at the returns projected by SBA the loan portfolio would represent a loss to the taxpayer. Rather than to simply allow such sales to take place administratively, I believe the loan sales should be carefully reviewed by the Congress and should have specific congressional approval.

Last year the Congress authorized under the 1987 Budget Reconciliation Law the pilot sale of loan assets. Approximately \$9.8 billion of loans were authorized to be sold to yield \$6.3 in receipts. That was done to reduce the budget deficit. The proposed sale of SBA loans, I might add were not authorized under the 1987 Reconciliation Act.

This year the Senate budget resolution included language that loans not previously authorized by law should not be treated as revenues, receipts, or negative outlays. Indeed, that resolution included language that states, "It is the sense of the Congress that the United States Government should sell assets to non-governmental buyers in the following amount: \$0." As it applies to SBA, section 609 of this bill is consistent with the budget resolution, House Concurrent Resolution 93, adopted earlier this year by the Congress, in this statement of policy.

Beside proceeding without specific congressional approval there are other reasons to be concerned about the pro-

posed loan asset sales. The administration has insisted that loans should be sold without recourse to the Federal Government. For SBA borrowers, that would appear to mean a loss of foreclosure by the loan purchasers. Private investors who purchased the loans probably would not be willing or able to be as flexible as SBA in their collection practices. For many borrowers, such as economically strapped farmers who have SBA disaster loans, this could be a real hardship.

Another serious programmatic concern with asset sales, is the loss of loan repayments going into a revolving fund. Currently, Congress appropriates to SBA revolving funds to pay losses on defaulted guaranteed loans. By selling loans, the revolving funds would be depleted of income and we would only have to appropriate additional funds in the future to maintain current program levels.

Even though it was not included in reconciliation, during fiscal year 1987 the SBA had a pilot disaster loan sale approximately \$40 million of unsecured home loans of \$5,000 or less was offered for sale back to the borrowers. The closing date for borrowers to respond to SBA's offer on that sale was September 30, 1987. Final results on that sale are not yet tabulated, but preliminary results indicate that only a few borrowers responded. SBA has indicated informally only 7 percent of borrowers responded to this prepayment offer.

On August 7, 1987, Senator BUMPERS and I wrote to SBA Administrator James Abdnor to ascertain his plans for selling loans in fiscal year 1988. His response indicates that the Administration plans to proceed with the sale of loans as set forth in the President's budget although clearance on the schedule had not been approved by OMB. Recently, we received a letter from Administrator Abdnor stating his objections to section 609 of the bill. The letter asserts that asset sales would lead to improved loan management at SBA and reduce demand on SBA staff and resources. It also mentions asset sales could be used to reduce the deficit or fund current activities. Finally, it assures us that the Administration is proceeding cautiously with asset sales to insure the best possible return to the Treasury. It cites other recent asset sales as evidence of the Administration's intent to maximize the best possible return for the taxpayer on assets sold. It also asserts that borrowers rights will be unaffected by sales.

Mr. President, while the letter touches on most of our concerns, it does not explain how these objectives will be achieved. In the August 7 letter, we asked for a copy of the report of the SBA financial adviser. We were told that we would be provided with a copy of that report when it

was completed. As far as I know, that report which presumably would advise SBA on packaging loans for sale has not been completed. I agree that we should proceed cautiously with the sale of these loans. It seems until the report is completed and reviewed, we do not know how these objectives will be achieved. The Administration's objection to this provision seems to belie their stated intention to proceed cautiously. Until the committee has had an opportunity to review the financial adviser's report, we believe it would be unwise to permit the proposed sales and thus I urge my colleagues to support the language in the bill to prohibit the sale of loan assets.

It is not our intent to interfere with the sale of SBA loans under the SBIC and section 504 CDC programs. These programs are funded through the sale of SBA-guaranteed debentures to private investors and we want those programs to continue. Nor do we intend to interfere with the operation of the sale of SBA-guaranteed 7(a) "secondary market" program. We do, however, intend to prohibit the sale of SBA loans which would strip the revolving funds of income.

The second limitation in the bill would preclude the SBA from imposing a whole host of new and additional user fees. Among the proposed fee increases that concern include: Increased fees for SBIC guarantees and examination fees; an increase in fees for surety bond guarantees; imposition of fee for Small Business Institute [SBI] counseling and a new \$100 fee for section 8(a) applications. Again by primary concern is the impact of these fees on programs. For the past 2 years, the Administration has tried to eliminate the agency and many of its programs. There is a legitimate concern that many of the fees which are being proposed may have the effect of further dampening demand for these programs.

Mr. President, I urge my colleagues to support the adoption of the bill.

A "NO" VOTE ON THE COMMERCE, JUSTICE, STATE APPROPRIATION

Mr. PROXMIRE. Mr. President, I am going to vote against this bill. The Legal Services Corporation alone has increased by \$4.5 million from last year. The National Bureau of Standards managed last year with \$37 million less than the proposed bill for this year. This bill is close to \$1 billion over last year. That is a 5.7-percent increase. It is too much.

Mr. PELL. I want to add my voice to that of Senator BOSCHWITZ in support of the United States contribution to the United Nations' International Forces in Lebanon [UNIFIL].

The peacekeeping function of the United Nations is among the most important roles of the United Nations as an international institution. In the

Sinai, on the Golan Heights, in Cyprus, and in Lebanon these U.N.-sponsored peacekeeping forces have played a useful role in disengaging combatants, or, as in Lebanon, in trying valiantly to stem the flow of weapons and saboteurs across tense borders.

In this connection, UNIFIL performs a valid role in the southern part of Lebanon. Without UNIFIL's 5,600-man contingent Israel's northern border communities would be exposed to even more risk than they presently are.

This year the administration's request for a U.S. contribution was a modest \$19.3 million. The House Appropriations Committee has recommended a level of \$18.7 million. Unfortunately the Senate subcommittee has recommended that the United States contribute nothing to UNIFIL's operating budget. I believe that is a recommendation that merits reconsideration when the House and Senate conferees meet on this appropriations bill. If the United States withdraws its contribution the international peacekeeping commitment could be seriously undermined.

The funds are modest enough, and the commitment UNIFIL represents serious enough, that this issue ought to be revisited in conference.

PULLING THE PLUG ON THE FCC MINORITY PREFERENCE INQUIRY

Mr. LAUTENBERG. Mr. President, I rise to support the bill and to address a provision I proposed that pulls the plug on an unwarranted inquiry by the Federal Communications Commission into longstanding policies to promote minority and women ownership of broadcasting properties. I want to applaud the chairman of the Subcommittee, Senator HOLLINGS for including this provision in the bill.

The bill bars the Federal Communications Commission from expending funds to repeal, retroactively restrict, or continue a pending reexamination of, longstanding rules to promote the ownership of broadcasting licenses by minority group members and women. The FCC had commenced an inquiry, "In the Matter of Reexamination of the Commission's Comparative Licensing, Distress Sales and Tax Certificate Policies Premised on Racial, Ethnic or General Classifications," MM Docket No. 86-484, which calls into question the advisability and legality of these rules.

I believe the inquiry is unwarranted. Important goals of our communications policy should be the promotion of diverse viewpoints, and service to diverse audiences. To meet these goals, it is important that we promote diversity of ownership of broadcast licenses. The Congress has found that promoting diversity of ownership of broadcast properties satisfied important public policy goals. Diversity of ownership re-

sults in diversity of programming and improved service to minority and women audiences. Congress so found, when it included minority preferences in the law authorizing lotteries as a means for distributing low power television licenses.

The courts so found, when they upheld minority preferences. The Court of Appeals said, "Under our decisions, the Commission's authority to adopt minority preferences * * * is clear." *Steele v. FCC*, 770 F.2d 1192, 1196 (D.C. Cir. 1985).

The intent of our provision is that the FCC should close down its proceeding. It should reinstate the policies regarding comparative licensing, distress sales and tax certificates that were in effect before the inquiry was commenced. Moreover, the Commission should resolve the status of those licenses that have been held in limbo because of the inquiry.

As recently as 10 years ago, there were fewer than 60 minority-owned broadcast licenses. Now, there are 250. The FCC has not only cast doubt on future progress in this area, it has beclouded the status of current license applicants.

The bill puts an end to the Commission's unwarranted proceeding. I support the provision and the bill.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. For the information of our colleagues, we have just about completed our work. The distinguished Senator from Ohio and perhaps another Senator have amendments and we are trying to work that one out. Pending its being worked out, whether we will have a little debate and one rollcall on it and final passage—maybe two rollcalls, or otherwise—if it can be worked out, and a rollcall on final passage.

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

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

SENATOR GARN'S FOURTH GRANDCHILD ARRIVES—SPENCER JACOB GARN

Mr. GARN. Mr. President, I would not have interrupted the business of the Senate on the appropriations bill but due to the fact that the distinguished Senator from South Carolina is waiting, I would like to take the floor on a matter of personal privilege and announce the fact that my fourth grandchild was born about 2 hours ago. My children are well balanced off at two boys and two girls. And little

Matthew—not Matthew, that is my last son, who happens to be 9.

Spencer Jacob Garn was born about 2 hours ago, in Salt Lake City, weighs 8 pounds 7 ounces, 21½ inches tall, and has a great deal more hair than his grandfather already.

I thank the distinguished chairman of the committee for allowing me to break in, but all of you who are grandfathers know how proud we are and I just felt his birth ought to be noted in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. The Presiding Officer proudly says that he joins with the Senator from Utah and wants to say that we all share his joy.

Mr. HOLLINGS. There is no question that most any child born at this particular time would have more hair than the distinguished Senator from Utah. However, there is no one more deserving. We all remember the particular sacrifice our colleague from Utah made with respect to one of his own children. We are extremely proud of this fourth grandchild. I am proud to congratulate a grandfather astronaut. Can you imagine sending grandfathers up in space? It is a remarkable accomplishment. It has never really been noted. The distinguished Senator from Utah deserves congratulations and I heartily join in.

Mr. SYMMS. Mr. President, I would like to say that many, many of the people in my State are in an area of Idaho where all of the television in that particular neighborhood, in Franklin County, comes from Salt Lake City. I had the opportunity last summer to have the distinguished Senator from Utah there campaigning with me and we found out very rapidly that most of them thought that Senator GARN was their Senator and they wanted to get acquainted with Senator SYMMS because they saw more of him on Salt Lake television than they did me.

I know that speaking to him for my constituents in the State they would wish to join in the congratulations and hope that his grandchildren will do as well as his family. I understand his parents had 52 grandchildren.

Mr. GARN. My grandparents had 52 grandchildren.

Mr. SYMMS. I join in the congratulations of my colleague.

Mr. HELMS. Mr. President, I came in from the cloakroom to congratulate grandpa on his latest accomplishment. I had tried to figure out some way that we could bypass having children and just go into the grandfather business. I just wonder if the Senator from Utah has any pictures of his grandchildren. I wanted to compare notes with him.

Mr. GARN. I thank the Senator. I obviously do not have a picture of the latest one, but I will be happy to show the others.

COMMERCE, STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1988

The Senate continued with the consideration of the bill.

Mr. HOLLINGS. Mr. President, let me state to the Senate that our distinguished colleague from New Hampshire, Senator RUDMAN, is working out with the interested parties a particular amendment that can be accepted. It should be here momentarily.

Let me ask for the yeas and nays on final passage.

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

The yeas and nays were ordered.

Mr. HOLLINGS. I hope that passage will occur in the next 10 to 20 minutes, perhaps even quicker. Let us just see how that works out. I know everyone is waiting, trying to find out when the final vote will occur this evening.

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

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

Mr. RUDMAN. Mr. President, an amendment was accepted by my senior colleague from New Hampshire, Senator HUMPHREY, on the issue of philosophical problems of employees in the Bureau of Prisons participating in any way in the procuring of an abortion for a female prisoner. Senators PACKWOOD and METZENBAUM then asked for another provision to be added. That section reads:

Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal prison.

It was Senator HUMPHREY's concern that it be very clear that the language had no effect in diminishing the effect of his amendment, which was accepted by the committee. We can assure him it has no diminishing effect. To assure that, a section will be added that says:

Provided, that nothing in this section in any way diminishes the effect of section—

Whatever the number will be—intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

I just want to make it clear that that is the intention of the managers.

I yield the floor, and my colleague from New Hampshire will probably seek recognition.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. I think all Senators know how clever words can be and how even more clever experienced bureaucrats can be in creating loopholes where they think they find the materials to do so. Frankly, I think the amendment now pending is quite unnecessary, but I am willing to accommodate the concerns of my colleagues.

The first part of the amendment states "Nothing in the preceding section" the Humphrey amendment "shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility."

Well, nothing in the preceding section removes or was intended to remove or does indeed remove the obligation of the Director of Prisons to provide escort. Some Senators have expressed concern on that point. I am willing to support this amendment.

But I want to make it perfectly clear—I think it is already perfectly clear in the legislation, but I want to make it even more perfectly clear for the bureaucrats and lawyers in the Bureau of Prisons that nothing in this amendment diminishes in any way the effect of the Humphrey amendment adopted earlier which provides protection to conscientious objectors in the area of abortion services.

I want to be sure that the managers on both sides of the aisle interpret this in the same manner as the Senator from New Hampshire. I know Senator RUDMAN already so stated. I would be much comforted if the Democratic manager would likewise express his understanding of this amendment.

Mr. HOLLINGS. I definitely agree with the interpretation of the distinguished Senator from New Hampshire.

Mr. HUMPHREY. Fine. So there is now no question, in the legislation before us, no question with respect to the colloquy that we have just had, that any person, any individual who is under the direction of the Director of the Bureau of Prisons may exempt himself or herself from any activity which in any way facilitates the performance of an abortion with respect to a prisoner within the Bureau of Prisons or for that matter an employee of the Bureau of Prisons. There is complete, airtight, leakproof protection for those who have a conscientious or philosophical objection to participating in any activity which in any way, however directly or remotely, facilitates the performance of an abortion.

Is that lawyerly enough?

Mr. RUDMAN. If my colleague will yield, I expect he has been going to night law school.

Mr. HUMPHREY. I thank my colleague for his cooperation.

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. I am going to send an amendment to the desk in a moment. It will be the last amendment, I believe, before final passage. The way it is worded, I will tell my senior colleague, it will follow directly after amendment No. 988, which is the amendment that was accepted by the committee as offered by my senior colleague, Senator HUMPHREY.

I send that amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. RUDMAN] proposes an amendment numbered 1005.

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

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

The amendment is as follows:

Immediately following the section added by amendment 988, add the following new section:

SECTION . Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the federal facility. : *Provided*, That nothing in this section in any way diminishes the effect of sec. intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

Mr. RUDMAN. Mr. President, this amendment was precisely described by Senator HUMPHREY. I concur with his description. It will immediately follow his amendment. It should be understood with absolute clarity that the intention of the Humphrey amendment is reflected in our bill and I believe it is acceptable to Senator HOLLINGS as well.

Mr. HOLLINGS. It is acceptable.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1005) was agreed to.

Mr. RUDMAN. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Are the managers of the bill completed with the amendments to be offered?

Mr. HOLLINGS. We think those are the amendments. Momentarily, I am awaiting a colloquy with the Senator from Ohio. We will wait a couple minutes. The Senators may go right ahead.

Mr. GRAHAM. I appreciate, Mr. President, the distinguished managers

of the bill giving me the opportunity to make a few comments.

First, I commend the chairman and the ranking member of the subcommittee for the outstanding budget which they have prepared on these important Federal agencies.

I would like to make a brief comment on what I see as a serious crisis of policy decisions for the Federal Government which will have major implications in terms of carrying out one of the basic functions of any government and major implications to State and local government.

That is the question of the Federal penal system. This Congress in recent years has enacted a number of new Federal criminal justice procedures. These included the sentencing guidelines proposal, antidrug abuse legislation of 1986, and the career offender provisions of the Comprehensive Crime Control Act of 1984.

All of those provisions are going to place additional pressure on the Federal criminal justice system and especially on the end of that system which is the Federal Bureau of Prisons. We have seen already a dramatic increase in the number of inmates in the Federal Bureau of Prisons. That number has approximately doubled in just the last 6 years.

The projections are that between now and the end of this century the numbers will increase from approximately 40,000 to a low estimate of 83,000 and high estimate of 165,000 by the beginning of the 21st century.

What are the implications of those projections of Federal populations within our penal system? The implications are that either, one, we reassess what we as a society expect the Federal Government to do in terms of protecting our citizens or, No. 2, we begin to take the necessary steps in order to meet the logical implications of those numbers or, three, we begin to avoid the implications by placing additional responsibility at the State and local level.

That is what has been happening, Mr. President, increasingly and especially in those States that have been impacted by issues of drugs and illegal refugees who then commit felonies. Those are areas which have major Federal- and State-shared responsibilities and which the Federal Government has the opportunity to make it a total State responsibility.

Federal prosecutors, by setting high thresholds of criminal activity in order to prosecute a criminal act such as a drug trafficking offense, which is a felony under both Federal and State law, requiring that those cases be processed through the State system, can and have and will increasingly be placing those responsibilities at the State level.

Felons who are here as aliens, legal or illegal, and who should be the re-

sponsibility of the Federal Government, can again be neglected in terms of Federal responsibilities and force the States to accept this responsibility.

Many of our States, including regrettably my own, under various Federal court orders in terms of their prison population in relationship to space, medical facilities, educational facilities, and legal access have had tremendous strains placed on their penal systems.

I suggest, Mr. President, that as a major area of continuing responsibility, monitoring, action, and particularly the will to appropriate the funds necessary to meet these staggering projections of increases in our Federal penal system this Senate needs to gird itself for a very major challenge. We cannot afford to send a message to our society that this Congress is unwilling to accept the consequences of actions which it has taken designed to protect our people against those who would violate the order of our Nation, and that we are not going to see this responsibility continue to be shifted to levels of government, particularly our States, which are already under major financial constraints and which face burgeoning prison populations from the enforcement of their State laws and cannot accept the additional burden of incarcerating inmates who should be Federal charges.

Mr. President, I know this has been an area of personal interest to the chairman of the subcommittee. I ask this continue to be a subject of major attention for his subcommittee and for this Senate.

Mr. President, I ask unanimous consent to submit a statement which was made by Mr. William J. Anderson, Assistant Comptroller General, in which he outlines a study done by the U.S. General Accounting Office as to the guidelines and their potential impact on Federal prison population. And that policy analysis provides an overview of what this Congress is going to be faced with in terms of meeting the population growth within our Federal Bureau of Prisons. I ask unanimous consent to submit that.

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

SENTENCING GUIDELINES: WHAT IS THEIR POTENTIAL IMPACT ON FEDERAL PRISONS?

(Statement of William J. Anderson, Assistant Comptroller General)

Mr. Chairman and Members of the Subcommittee: We are pleased to be here today. As you requested, our testimony will present the results of our review work to date on the United States Sentencing Commission's estimates of the impact of its sentencing guidelines on federal prisons.

BACKGROUND

The Comprehensive Crime Control Act of 1984 (Public Law 98-473) established the United States Sentencing Commission as an independent agency within the judicial

branch. The Commission is composed of seven voting and two nonvoting members. Its principal purpose is to establish sentencing policies and practices for the federal criminal justice system, including detailed guidelines prescribing the appropriate form and severity of punishment for offenders convicted of federal crimes. The guidelines are intended to reduce unwarranted sentencing disparities among offenders with similar criminal backgrounds who commit similar crimes. Under the guidelines' system, parole will be abolished and sentenced offenders will serve their entire sentences, less any good time credit—time reductions from their sentences for good behavior.

As required by the law, the Commission submitted its proposed guidelines to Congress on April 13, 1987. The guidelines were approved by six of the commissioners, with one commissioner dissenting. The guidelines will go into effect on November 1, 1987, unless Congress passes a law to delay or stop their implementation. In submitting the guidelines, the Commission unanimously recommended that Congress delay their implementation for 9 months, or until August 1, 1988. The Commission wants this additional time for field testing the guidelines, training court officials, and proposing any necessary amendments to the guidelines before they go into effect.

Section 235 of Public Law 98-473 requires GAO to report to Congress within 150 days after the Commission submits its guidelines (by September 10, 1987) on the potential impact of the sentencing guidelines on the federal criminal justice system. In response to that requirement, we have been monitoring the Commission's activities and reviewing drafts of the guidelines. On July 13, 1987, one of your representatives asked us to be prepared to testify today on the Commission's study of the impact of the guidelines on federal prisons.

To address the prison impact issue, we reviewed (1) the Commission's June 18, 1987, *Supplementary Report on the Initial Sentencing Guidelines and Policy Statements* which contains a summary of the Commission's prison impact study; and (2) a draft of its technical report being prepared to further explain the methodology for its study. We also interviewed Commission officials responsible for preparing the impact study and Federal Prison System (FPS) officials responsible for estimating future federal prison populations and preparing building plans for federal prisons.

The Commission believes that its sentencing guidelines will have a minimal effect on future prison populations. However, the Commission expects there will be significant growth in the federal prison population over the next 10 to 15 years primarily because of the mandatory minimum penalties required by the Anti-Drug Abuse Act of 1986, increases in federal prosecutions and convictions, and increased sentences required by the career offender provisions of the Comprehensive Crime Control Act of 1984. If the Commission's estimates prove to be accurate, it could cost several billion dollars over the next decade to build prisons for the additional inmates. Also, the increased prison population would, by 1997, add as much as \$1 billion a year to the cost of inmate custody, care, and rehabilitation programs.

PRISON IMPACT

Between 1970 and 1986, the federal prison population increased significantly (averaging

about 4.3 percent a year), with periods of sharp increases occurring from 1975 to 1978 and 1980 to 1986. From 1978 to 1980, a decrease in prosecutions contributed to a sharp decline in the federal prison population.

In fiscal year 1970 the average daily population was about 21,000.

In 1975 the population was about 23,000 and grew to about 30,000 in 1978, a 30.4 percent increase over 3 years.

The population dropped from 30,000 in 1978 to about 24,000 in 1980, a 20.0 percent drop in 2 years.

The population drew from about 24,000 in 1980 to about 39,000 in 1986, a 62.5 percent increase over 6 years.

FPS estimates that the average daily population for 1987 will be 42,000, a 7.7 percent increase in 1 year.

As of July 2, 1987, FPS reported that 43,507 inmates were in federal prisons. This was 15,581 (about 56 percent) more than the system's rated capacity of 27,926. An additional 5,031 prisoners were housed in contract facilities.

FPS officials said that overcrowding is the principal issue facing federal prisons. Prison overcrowding increases the likelihood of violence and puts the staff in greater danger. It also results in inmates being housed in less than generally acceptable conditions and makes providing efficient and effective operations and programs more difficult. To address the overcrowding problem, FPS plans to build more prisons and expand the capacities of some existing facilities.

Section 994(g) of Public Law 98-473 directs the Sentencing Commission to estimate the impact of its sentencing guidelines on the federal prison population. This section of the law also requires that the Commission make recommendations to Congress concerning any change or expansion in the nature or capacity of federal correctional facilities and services as a result of the guidelines. On June 18, 1987, the Commission provided a supplementary report to Congress that contained a prison impact study estimating dramatic increases in the future federal prison population. However, the Commission has not yet determined the number or types of facilities that would be needed to house the increased prison population it projects, although it plans to do so.

The Commission's study pointed out problems in forecasting prison populations, including the absence of reliable methods for predicting future crime rates and changes in the level of federal prosecutions and enforcement priorities. The study also noted that uncertainties about sentencing under the guidelines made forecasting the effects of the guidelines on prison populations especially difficult. For example, the study pointed out that the proportion of defendants who plead guilty could change under the guidelines. According to the Administrative Office of the United States Courts, during the 12-month period ending June 30, 1986, about 86 percent of the criminal cases were decided through guilty pleas. Similarly, the authority of judges to depart from the guidelines (even though they must provide a written explanation) creates uncertainty about the ultimate impact of the guidelines.

After pointing out the unknowns concerning the guidelines' effect on future prison populations, the study explains how the Commission estimated this impact. Generally, the Commission analyzed sentencing practices for a sample of about 10,500 offenders who were convicted during fiscal

year 1985. Then, working with FPS, the Commission developed a computer simulation model to project future prison population on the basis of a variety of factors, including: (1) current practice; (2) anticipated prosecution trends; (3) the Anti-Drug Abuse Act of 1986 (which requires, among other things, mandatory minimum sentences for certain drug offenders); (4) the career offender provisions of the Comprehensive Crime Control Act of 1984 (which require, among other things, substantial prison terms or terms at or near the maximum prescribed by law for certain repeat offenders); and (5) the guidelines.

[Figure 1 and table 1 not reproducible for the RECORD.]

Because future prosecution policy cannot be anticipated, the Commission projected prison impact for 1992, 1997, and 2002 using alternative assumptions concerning prosecution/conviction rates, plea negotiation practices, and the extent that judges would depart from the guidelines' sentences. The Commission's prison population estimates range from 67,000 to 83,000 for 1992, 78,000 to 125,000 for 1997, and 83,000 to 165,000 for 2002.¹ Compared to the 42,000 inmates estimated for 1987, these translate into increases which range from about 60 to 98 percent for 1992, 86 to 198 percent for 1997, and 98 to 293 percent for 2002. Figure 1 illustrates the Commission's estimated prison population growth.

The Commission's estimates indicate that the population of federal prisons will increase dramatically primarily because convictions will increase, sentences that do not include confinement (probationary sentences) will be reduced significantly, and the average time served for drug related, violent, and repeated offenses will increase substantially. According to the Commission's study, the use of straight probation without any confinement will decrease under the guidelines for all nine offense types that they analyzed. In addition, the use of some type of confinement combined with probation will increase under the guidelines for six of the nine offense types analyzed. The Commission also estimates that the average imprisonment time will increase under the guidelines for seven of the nine offense types analyzed.

The Commission believes that the most significant factors contributing to future prison population increases will be growth in the number of prosecutions and the mandatory minimum sentences required by the new anti-drug law. The Commission attributes some of the growth to the longer sentences required under the career offender provision of the Comprehensive Crime Control Act. It attributes a relatively modest amount of the increased prison population to the guidelines themselves. Table 1 shows the extent that the Commission believes each of these factors will contribute to growth in the federal prison system from 1987 to 1997 under two of its scenarios.²

¹ The Commission believes its 1992 estimates are the most accurate, its 1997 estimates are somewhat less accurate, and its 2002 estimates are very speculative.

² We used these two scenarios because they contain estimates that fall between the Commission's lowest and highest estimates for 1997. Also, these are the two basic scenarios that the Commission discusses extensively in its study.

We are still in the process of reviewing the Commission's methodology for estimating prison impact. On the basis of our work so far, the Commission's methodology appears reasonable. The Assistant Director for Administration of FPS told us that FPS staff worked closely with the Sentencing Commission in developing the Commission's prison population projection model. While recognizing the inherent difficulties of all prison population projection methodologies, this official said that the Commission's range of estimates and their underlying assumptions are reasonable. He added that it is highly probable that FPS will eventually use the Commission's model, with possible modifications, to estimate future prison populations.

ESTIMATED COST OF INCREASED PRISON SPACE

Before the Commission submitted its proposed guidelines and prison impact estimates to Congress, FPS had planned to add 16 new prisons and expand the capacity of 38 (about 81 percent) of the existing 47 correctional facilities at a cost of about \$900 million. FPS estimated that their prison population would be 55,200 by fiscal year 1993, and that they would have an overcrowding rate of about 20 percent (which calculates to a base capacity of 46,000). However, that estimate did not include the additional prison space that will be needed because of the Anti-Drug Abuse Act of 1986, the career offender provisions of the Comprehensive Crime Control Act of 1984, or the sentencing guidelines.

FPS' April 1987 cost estimates for new minimum/medium security correctional facilities indicate an average cost per bed of about \$66,000. Applying that cost figure to the difference between the Sentencing Commission's estimated population and the approximate 34,500 bed capacity that has been funded by Congress (current capacity of about 28,000 beds plus about 6,500 beds in process) would provide a rough estimate of the cost to build new facilities for the additional prisoners.

Using the Commission's previously discussed 1997 populations of 92,000 and 118,000, FPS would need space for 57,500 to 83,500 additional prisoners at a cost of about \$3.8 to \$5.5 billion to totally eliminate overcrowding. To achieve a 20 percent overcrowding rate, which is FPS' goal, FPS would need 42,200 to 63,800 more spaces at a cost of about \$2.8 to \$4.2 billion.

These estimates do not reflect the higher costs likely because of future inflation. Also, the costs could be higher if FPS has to build proportionately more maximum security facilities. Maximum security facilities are more expensive than medium or minimum security facilities. Similarly, costs would be lower if more minimum security facilities were built. Further, the costs could be reduced to the extent that FPS can avoid constructing new prisons by using lesser cost alternatives, such as (1) expanding the capacity of existing federal prisons; (2) placing more offenders in state and local correctional facilities; (3) making greater use of halfway houses; or (4) acquiring facilities no longer needed for their original purpose. FPS officials believe the first two alternatives will not provide much relief because they are already expanding existing facilities to the maximum extent possible and because state and local facilities are currently overcrowded. Any need not met by these four alternatives would most likely have to be satisfied by new construction.

Besides the money needed to provide additional prison space, a greatly expanded prison population would substantially increase the funds needed by FPS to operate and maintain its prisons and to provide for inmate custody, care, and rehabilitation programs. For fiscal year 1986, FPS' operating costs were about \$13,100 per inmate. Using that figure and ignoring any inflation or productivity improvements, FPS could need additional operating funds of as much as \$650 million to \$1 billion annually to house the 50,000 to 76,000 additional prisoners that the Sentencing Commission estimates for 1997.

This concludes my prepared statement. We hope this information will assist the Subcommittee in its deliberations. We would be pleased to respond to any questions.

Mr. RUDMAN. Mr. President, before we go to final passage, I again want to thank my colleague, the distinguished chairman of the subcommittee, Senator HOLLINGS. I think what has happened here on the floor in about 2½, 3 hours, is that we have had no contentious debate, and we have had no roll-calls until final passage. That says something about the distinguished chairman's leadership on this committee.

I thank him again for his hard work. I thank the staff on both sides for their work on this bill.

Mr. HOLLINGS. Mr. President, let me thank John Shank and Santal Manos of Senator RUDMAN's staff for the usually outstanding job done by our staff; let me thank Warren Kane, and Ms. Dorothy Seder, and more than anyone else, WARREN RUDMAN, who has chaired this and really engineered it. When we had to get something done, he just engineered it in the back room. If there are no further amendments, I move third reading.

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 amendments and the third reading of the bill.

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

The bill was read the third time.

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

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Illinois [Mr. SIMON], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Washington [Mr. EVANS], the Senator from Nebraska [Mr. KARNES], the Senator from Idaho [Mr. McCLURE], and the

Senator from Idaho [Mr. SYMMS], are necessarily absent.

I further announce that the Senator from Kansas [Mrs. KASSEBAUM], is absent due to a death in the family.

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

The result was announced—yeas 82, nays 9, as follows:

[Rollcall Vote No. 333 Leg.]

YEAS—82

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

NAYS—9

Armstrong	Gramm	Proxmire
Conrad	Helms	Roth
Garn	Humphrey	Wallop

NOT VOTING—9

Chafee	Karnes	Metzenbaum
Evans	Kassebaum	Simon
Gore	McClure	Symms

So the bill (H.R. 2763), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I move that the Senate insist on its amendment to H.R. 2763, request a conference with the House of Representatives and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. LAUTENBERG] appointed Mr. HOLLINGS, Mr. INOUE, Mr. BUMPERS, Mr. CHILES, Mr. LAUTENBERG, Mr. SASSER, Mr. STENNIS, Mr. RUDMAN, Mr. STEVENS, Mr. WEICKER, Mr. HATFIELD, and Mr. KASTEN conferees on the part of the Senate.

Mr. HOLLINGS. I thank the distinguished majority leader. We are through.

Mr. BYRD. Mr. President, today the Senate passed two appropriations bills. The HUD bill H.R. 2783 and the Commerce, State, Justice bill, H.R. 2763. These are the sixth and seventh ap-

propriations bills the Senate has passed this year. The managers of these bills, Senators PROXMIRE and GARN on the HUD bill and Senators HOLLINGS and RUDMAN on the Commerce, State, Justice bill were exemplary in their guiding of these bills to final passage.

The fact that both of these bills were disposed of in 1 day is an indication of the fine work these Senators and their staffs did in preparing these bills for floor consideration. The Commerce, State, Justice bill was completed with only one rollcall vote—and that was on final passage of the bill. I'd say this was the cannonball express today.

I commend Senators PROXMIRE and GARN and Senators HOLLINGS and RUDMAN for a job well done.

Mr. HOLLINGS. I thank the distinguished leader.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business and Senators may speak therein for not to exceed 15 minutes.

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

DISCHARGE OF COMMITTEE ON THE JUDICIARY FROM CONSIDERATION OF CERTAIN MEASURES

Mr. BYRD. Mr. President, I ask unanimous consent that the Judiciary Committee may be discharged from further consideration of the following measures: Senate Joint Resolution 53, Senate Joint Resolution 144, Senate Joint Resolution 168, Senate Joint Resolution 171, and Senate Joint Resolution 198.

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

ORDER OF BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the foregoing joint resolutions: Senate Joint Resolution 53, Senate Joint Resolution 144, Senate Joint Resolution 168, Senate Joint Resolution 171, and Senate Joint Resolution 198; that they be considered en bloc, passed en bloc, the preambles agreed to en bloc, the motions to reconsider en bloc be laid on the table, and that these measures be spread severally on the RECORD.

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

The joint resolutions are as follows:

AMERICAN INDIAN WEEK

The joint resolution (S.J. Res. 53) to designate the period commencing November 22, 1987, and ending November

28, 1987, as "American Indian Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, is as follows:

S.J. RES. 53

Whereas American Indians were the original inhabitants of the lands that now constitute the United States;

Whereas American Indians have made a unique and essential contribution to the United States;

Whereas the people of the United States should be reminded of the assistance American Indians provided to the Founding Fathers of our Nation;

Whereas the people of the United States should consider the present relationship between American Indians and the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing November 22, 1987, and ending November 28, 1987, is designated as "American Indian Week", and the President is authorized and requested to issue a proclamation calling upon Federal, State, and local governments, interested groups and organizations, and the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

FINANCIAL INDEPENDENCE
WEEK

A joint resolution (S.J. Res. 144) designating the week beginning October 18, 1987, as "Financial Independence Week," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, is as follows:

S.J. RES. 144

Whereas Americans seek to achieve a comfortable level of financial security to provide ongoing sustenance for themselves and their families; to secure the highest quality of education for their children; and to maintain a standard of living which enables them to enjoy the basic necessities of life;

Whereas financial planning provides a systematic process of sound financial advice and helps all Americans become more educated and sophisticated concerning the alternatives available to them as investors in the American economy; and

Whereas the members of the International Association for Financial Planning (IAFP), and the Institute of Certified Financial Planners (ICFP), along with the College for Financial Planning, a recognized financial planning educational institution, will join together to provide an educational message to all Americans during the celebration of the first Financial Independence Week: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning October 18, 1987, is designated as "Financial Independence Week" and that all citizens are urged to pursue financial independence through sound planning and management of their individual resources.

NATIONAL ADULT IMMUNIZATION
AWARENESS WEEK

A joint resolution (S.J. Res. 168) designating the week beginning October 25, 1987, as "National Adult Immunization Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to

The joint resolution, and the preamble, are as follows:

S.J. RES. 168

Whereas the Surgeon General of the Public Health Service launched a decade-long initiative in 1979 to reduce preventable death and disease among adults in the United States;

Whereas reducing the incidence of infectious disease through immunization is an objective of the initiative;

Whereas the Surgeon General established for influenza an immunization goal of 60 percent of the elderly and individuals with chronic illnesses and for pneumococcal pneumonia an immunization goal of 60 percent of individuals over the age of 40 and individuals weakened with underlying medical conditions;

Whereas, by the end of 1985, only 17.6 percent of the elderly and individuals with chronic illnesses were immunized against influenza and 10.3 percent of individuals over the age of 40 and individuals weakened with underlying medical conditions were immunized against pneumococcal pneumonia;

Whereas influenza, pneumonia, and other infectious diseases including measles, rubella, diphtheria, tetanus, and hepatitis B are among the top killers of adults in the United States particularly the elderly, despite readily available vaccines that have proven safe and effective by the Food and Drug Administration and could save the lives of tens of thousands of adults in the United States;

Whereas reducing the incidence of infectious disease through immunization would help decrease the high cost of health care in the United States; and

Whereas efforts to educate adults in the United States about the benefits of immunization generally are vital and will encourage more adults in the United States to be immunized against infectious diseases so that the immunization goals of the Surgeon General are met: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning October 25, 1987, is designated as "National Adult Immunization Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

NATIONAL WOMEN VETERANS
RECOGNITION WEEK

A joint resolution (S.J. Res. 171) designating the week beginning November 8, 1987, as "National Women Veterans Recognition Week," was considered, order to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 171

Whereas there are about one million two hundred thousand women veterans in this country, representing 4.2 per centum of the total veteran population;

Whereas the number and proportion of women veterans will continue to grow as the number and proportion of women serving in the Armed Forces continue to increase;

Whereas women veterans through honorable military service often involving hardship and danger have contributed greatly to our national security;

Whereas women veterans continue to contribute greatly to our society in civilian life, bringing with them their valuable military service experience and expertise;

Whereas the contributions and sacrifices of women veterans on behalf of this Nation deserve greater public recognition and appreciation;

Whereas the special needs of women veterans, especially in the area of health care, have in the past been overlooked or inadequately addressed by the Federal Government;

Whereas this lack of attention to the special needs of women veterans was among the factors that tended to discourage or prevent women veterans from taking full advantage of the benefits and services to which they are entitled as veterans of the United States Armed Forces;

Whereas important steps have been taken to improve the accessibility and quality of health care for women veterans, yet women veterans are still far less likely than male veterans to utilize their Veterans Administration benefits; and

Whereas recognition of women veterans by the Congress and the President through enactment of legislation declaring the week beginning on November 8, 1987, as "National Women Veterans Recognition Week" would serve to create greater public awareness and recognition of the contribution of women veterans, to express the Nation's appreciation for their service, to inspire more responsive care and services for women veterans, and to continue and reinforce important gains made in this regard in the last three years as a result of the designation of the first, second, and third National Women Veterans Recognition Weeks in November of 1984, 1985, and 1986: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on November 8, 1987, is designated "National Women Veterans Recognition Week". The President is requested to issue a proclamation calling upon all citizens, community leaders, interested organizations, and Government officials to observe that week with appropriate programs, ceremonies, and activities.

NATIONAL TOURETTE
SYNDROME AWARENESS WEEK

A joint resolution (S.J. Res. 198) to designate the week beginning on November 2, 1987, and ending on November 8, 1987, as "National Tourette Syndrome Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 198

Whereas Tourette syndrome is a neurological disorder which occurs in children between the ages of 2 and 16 and lasts for the remainder of the life of each afflicted child;

Whereas Tourette syndrome is characterized by repeated tic movements and involuntary vocalizations which are physically debilitating, socially crippling, and emotionally devastating;

Whereas an estimated 100,000 Americans currently suffer from Tourette syndrome and an additional 3,500,000 Americans suffer from less severe forms of this affliction;

Whereas the lack of knowledge about this disorder on the part of health professionals and the public causes additional hardships for those afflicted with Tourette syndrome;

Whereas greater public understanding of Tourette syndrome will encourage those persons currently diagnosed as suffering from this disorder, and nurture hope for those who are suffering from the disorder but whose afflictions have not been diagnosed or have been diagnosed incorrectly; and

Whereas thousands of caring volunteers and the families of persons afflicted with Tourette syndrome have devoted much time and energy to educate health professionals and the public about this disorder: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on November 2, 1987, and ending on November 8, 1987, is designated as "National Tourette Syndrome Awareness Week", and the President is authorized and requested to issue a proclamation calling upon Federal, State, and local government agencies, interest groups and organizations, and all of the people of the United States to observe such week by engaging in appropriate activities and programs to show their support and concern for those Americans afflicted with Tourette syndrome.

DESIGNATING NOVEMBER 1987 AS NATIONAL HOSPICE MONTH

Mr. BYRD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.J. Res. 234, designating November 1987 as "National Hospice Month."

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

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.J. Res. 234.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 234) to designate the month of November in 1987 and 1988 as "National Hospice Month."

Mr. BYRD. Mr. President, is there objection to going to that immediately?

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

AMENDMENT NO. 1006

Mr. BYRD. Mr. President, I send to the desk an amendment by Mr. Biden

and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), for Mr. BIDEN, proposes an amendment numbered 1006.

Amend line 3 by removing "and 1988".

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

The amendment (No. 1006) was agreed to.

The PRESIDING OFFICER. Are there further amendments to the joint resolution? If not, the question is on the engrossment of the amendment and third reading of the joint resolution.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read a third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

So the joint resolution (H.J. Res. 234) was passed.

The preamble was agreed to.

The title was amended so as to read:

To designate the month of November in 1987 as "National Hospice Month".

Mr. BYRD. Mr. President, I ask unanimous consent that the foregoing actions en bloc be reconsidered and laid on the table.

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

SENATE RESOLUTION 297— SENATE CENTRAL AMERICAN NEGOTIATIONS OBSERVER GROUP

Mr. BYRD. Mr. President, I send to the desk a resolution on behalf of myself and Mr. DOLE, and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 297) amending Senate Resolution 273, (100th Congress), relating to the Senate Central American Negotiations Observer Group.

Without objection, the resolution (S. Res. 297) was considered and agreed to, as follows:

S. RES. 297

Resolved, That Senate Resolution 273 (One hundredth Congress; agreed to August 7, 1987) is amended—

(1) in section 3, by striking out "duty" and inserting in lieu thereof "duties";

(2) in section 4(b)—

(A) by inserting "(1)" immediately after "(b)";

(B) by inserting "and fix the compensation of" after "appoint"; and

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

"(2) In addition to the staff personnel described in paragraph (1), the Chairman and

Co-chairman each are authorized to designate one professional staff member who shall serve all of the members of the Observer Group and shall carry out such other functions as their respective Chairman or Co-chairman may specify. The funds necessary to compensate any such designated staff member who is an employee of a Senator or a Senate Committee may be transferred from the funds made available under section 6(a) of this resolution to the respective Senator's or Senate Committee's account from which such designated staff member is paid (including agency contributions when appropriate); and

(3) in section 6, by striking out subsections (a), (b), and (c)(1) and inserting in lieu thereof the following subsections:

"(a) The expenses of the Observer Group shall be paid from the contingent fund of the Senate, out of the account of Miscellaneous Items, upon vouchers approved jointly by the Chairman and Co-chairman (except that vouchers shall not be required for the disbursement of salaries of employees who are paid at an annual rate). For any fiscal year, not more than \$220,000 shall be expended for staff (including consultants) and for expenses (excepting expenses incurred for foreign travel).

"(b) In addition to the amount referred to in section 6(a), for any fiscal year, not more than \$80,000 shall be expended from the contingent fund of the Senate, out of the account of Miscellaneous Items, for Leadership staff as designated in section 4(c) for salaries and expenses (excepting expenses incurred for foreign travel).

"(c)(1) Of the amount authorized in section 6(a), an amount not to exceed \$27,500 may be spent by the Observer Group, with the prior approval of the Committee on Rules and Administration, to procure the temporary services (not in excess of one year) or intermittent services, including related and necessary expenses, of individual consultants, or organizations thereof, to make studies or advise the Observer Group."

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

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BICENTENNIAL MINUTE

OCTOBER 15, 1888: SENATE NEARS END OF MARATHON SESSION

Mr. DOLE. Mr. President, on October 15, 1888 the Senate of the 50th Congress struggled to complete its work in the final days of what had then become its longest and perhaps least productive session.

The ingredients for stalemate were present in abundance. The Democratic Party controlled the Presidency and House of Representatives, while Republicans held a slim two-vote majority in the Senate. The major issue facing Congress concerned the management of a \$100 million Federal Government surplus. Democrats called for lower tariffs to reduce the surplus, while Republicans were opposed to such a course and sought to spend the

excess funds through generous pensions for Civil War veterans.

By mid-October, both parties had nominated their Presidential candidates and the general elections loomed less than 3 weeks ahead. As the Washington Star observed: "The importance of the session can not be judged by what was actually accomplished in the way of legislation. The mere passage, or failure to pass, a new tariff is not of as much consequence. The work of the session was the designation of the policies of the two parties and the clear presentation of each for approval or rejection by the popular voice."

Ninety-nine years ago today, the 30 Senators who remained in town found themselves embroiled in a heated debate over a widow's pension. As a sign of the tensions that had built up during the frustratingly over-long session, one Republican Senator branded Democratic President Grover Cleveland "An infamous libeler" for vetoing the private claim of a woman injured during the Civil War. But the votes—and indeed the Members—were not there to override Cleveland's veto. Five days later, only seven Senators were present when Congress adjourned. Up in the press gallery, correspondents expressed their thanks over the adjournment by singing the doxology's familiar lines: "Praise God from who all blessing flow."

CLASSROOM OVERCROWDING

Mr. CHAFEE, Mr. President, shortly I will be introducing legislation to address a problem which I feel has not received enough attention at the national level: Overcrowding in our Nation's classrooms. The bill I plan to introduce will offer incentive grants to school districts for the purpose of reducing the size of their classes.

Why reduce class size? Because smaller classes mean more attention for each child and a greatly improved atmosphere for both learning and teaching.

Read between the lines of almost any recommendation for school reform and you'll see one theme emerge: Students need more individualized instruction, more attention to the particular needs, and more contact with their teachers. Unfortunately, when one-third of teachers surveyed report having an average class size of more than 25, devoting more time to each student's individual needs quickly becomes a physical impossibility.

One simple example, taken from a just-released report to Gov. Edward DiPrete of Rhode Island, will illustrate what I mean. The report, issued by a task force appointed to study school reform measures, pointed out that if a high school teacher teaches 5 classes of 24 students each day, he or she is directly responsible for 120 students. That teacher would need an additional

20 hours per week just to spend 10 minutes extra with each student. Accordingly, the task force recommended that class size be limited to 18, with a total load for teachers not exceeding 80 students; that kindergarten classes be limited to 15 pupils; and that the State offer aid as incentives to reach these goals.

Other States are also moving to fill the breach, and the reports are promising. The extra attention, possible smaller classes, often translates into higher achievement, particularly in the early grades. For example, children participating in a 2-year class-size reduction experiment in Indiana, scored higher on standardized tests and had fewer behavior problems than their counterparts in larger classes. Preliminary results from a class-size reduction project now going on in Tennessee have revealed that smaller classes allowed teachers to spend more time actually teaching. The smaller classes were quieter, with fewer student interruptions, and potential discipline problems were identified and resolved more quickly. This allowed teachers to spend more time with each student, to provide quicker and more thorough feedback, and to reteach concepts as needed. This greater individualization significantly reduced the need for reteaching.

During the school reform movement of the last 2 or 3 years a number of States have taken steps to reduce class sizes—passing laws or resolutions specifying maximum class size and committing additional funding to defray the costs. However, it is not surprising that reducing class size is often last on the list of school reforms: Being labor-intensive, it is a fairly expensive step to take.

This is where I feel the Federal Government can play a significant role by providing seed money for school districts that wish to pursue class-size reduction. Federal funds would work hand in hand with State and local funds being made available for this purpose, supplying the extra amount that is needed to get the project off the ground.

My bill will be designed to spur on the school districts that are already addressing the class-size problem, and encourage other districts to follow suit. Such a program would significantly advance our national interest in quality education for all children—and improving the quality of the education we give our children is our best shot at success in meeting the formidable challenge of the coming decades.

These challenges are rather starkly set out in a recent report from the Department of Labor—a projection of what the workplace of the future will require. The theme that resounds throughout this report—called *Workforce 2000*—is that our shift to a service economy will demand vastly great-

er skills from the workforce. Very few new jobs will be created for those who cannot read, cannot follow directions, and cannot use mathematics. And, for the first time in history, the majority of all new jobs will require a postsecondary education—compared with 22 percent today.

The implications could not, in my view, be more clear. An educated workforce will be absolutely essential to our future prosperity and well-being as a nation; we simply will not be able to maintain our present standard of living without it. In every respect, then, it behooves us to give our young people the best schooling we possibly can. I believe my proposal will further that purpose, and I hope it will be favorably received in the Senate.

Thank you, Mr. President.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:52 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1666. An act to amend title 5, United States Code, to provide for the extension of physicians comparability allowances and to amend title 37, United States Code, to provide for special pay for psychologists in the commissioned corps of the Public Health Service.

The enrolled bill was subsequently signed by the President pro tempore [Mr. STENNIS].

At 3:10 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 2741) to authorize the minting of commemorative coins to support the training of American athletes participating in the 1988 Olympic games.

The message also announced that the House has passed the following bills, each with amendments, in which it requests the concurrence of the Senate:

S. 865. An act to authorize appropriations for civil defense programs for fiscal years 1988 and 1989, and for other purposes; and

H.R. 866. An act to authorize certain construction at military installations for fiscal years 1988 and 1989, and for other purposes.

The message further announced that the House has passed the bill (S. 677) to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes, with amendments; it insists upon its amendments to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Energy and Commerce, for consideration of the

Senate bill and House amendments, and modifications committed to conference: Mr. DINGELL, Mr. THOMAS A. LUKEN, Mr. FLORIO, Mr. LENT, and Mr. WHITTAKER.

From the Committee on Rules, for consideration of section 13 of the Senate bill, and modifications committed to conference: Mr. PEPPER, Mr. MOAKLEY, Mr. DERRICK, Mr. BEILENSON, Mr. FROST, Mr. QUILLEN, and Mr. TAYLOR.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2712) making appropriations for the Department of the Interior, and related agencies for the fiscal year ending September 30, 1988, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. YATES, Mr. MURTHA, Mr. DICKS, Mr. BOLAND, Mr. AU COIN, Mr. BEVILL, Mr. WHITTEN, Mr. REGULA, Mr. McDADE, Mr. LOWERY of California, and Mr. CONTE as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2713) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1988, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DIXON, Mr. NATCHER, Mr. STOKES, Mr. SABO, Mr. AU COIN, Mr. HOYER, Mr. WHITTEN, Mr. COUGHLIN, Mr. GREEN, Mr. REGULA, and Mr. CONTE as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2714) making appropriations for the legislative branch for the fiscal year ending September 30, 1988, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. FAZIO, Mr. OBEY, Mr. ALEXANDER, Mr. MURTHA, Mr. TRAXLER, Mrs. BOGGS, Mr. WHITTEN, Mr. LEWIS of California, Mr. CONTE, Mr. MYERS, and Mr. PORTER as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2907) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1988, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ROYBAL, Mr. AKAKA,

Mr. HOYER, Mr. COLEMAN of Texas, Mr. BOLAND, Mr. YATES, Mr. SKEEN, Mr. LOWERY of California, Mr. WOLF, and Mr. CONTE as managers of the conference on the part of the House.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2090. An act to designate certain National Forest System lands in the State of Montana for release to the forest planning process, protection of recreation value, and inclusion in the National Wilderness Preservation System, and for other purposes;

H.R. 2961. An act to amend the Communications Act of 1934 to reauthorize the Federal Communications Commission, and for other purposes; and

H.R. 3189. An act to amend the Public Health Service Act to revise and extend the program for the National Center for Health Services Research and Health Care Technology Assessment and the National Center for Health Statistics.

MEASURES REFERRED

The following bills were read the first and second time by unanimous consent, and referred as indicated:

H.R. 2090. An act to designate certain National Forest System lands in the State of Montana for release to the forest planning process, protection of recreation value, and inclusion in the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3189. An act to amend the Public Health Service Act to revise and extend the program for the National Center for Health Services Research and Health Care Technology Assessment and the National Center for Health Statistics; to the Committee on Labor and Human Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second time by unanimous consent, and placed on the calendar:

H.R. 2961. An act to amend the Communications Act of 1934 to reauthorize the Federal Communications Commission, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 15, 1987, he had presented to the President of the United States the following enrolled bill:

S. 1666. An act to amend title 5, United States Code, to provide for the extension of physicians comparability allowances and to amend title 37, United States Code, to provide for special pay for psychologists in the commissioned corps of the Public Health Service.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and

documents, which were referred as indicated:

EC-1994. A communication from the Acting Director of the Congressional Budget Office, transmitting, pursuant to law, the Initial Sequestration Report for Fiscal Year 1988; pursuant to the order of January 30, 1975, referred jointly to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Small Business, the Committee on Veterans' Affairs, the Select Committee on Intelligence, the Select Committee on Indian Affairs, and the Special Committee on Aging.

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. TRIBLE (for himself, Mr. COHEN, Mr. MITCHELL, and Mr. CHAFFEE):

S. 1788. A bill to protect the aquatic environment from certain chemicals used in antifouling paints, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KASTEN:

S. 1789. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on long-term capital gains of individuals from 28 to 15 percent; to the Committee on Finance.

By Mr. GARN (for himself, Mr. GLENN, Mr. MOYNIHAN, Mr. WARNER, Mr. TRIBLE, Mr. D'AMATO, Mr. SASSER, Mr. WEICKER, Mr. ARMSTRONG, Mr. DURENBERGER, Mr. QUAYLE, Mr. HATCH, Mr. JOHNSTON, Mr. RUDMAN, Mr. BOSCHWITZ, Mr. KARNES, Mr. MATSUNAGA, Mr. CHILES, Mr. HOLLINGS, Mr. DOLE, Mr. HECHT, Mr. SPECTER, Mr. WALLOP, Mr. EVANS, Mr. GORE, Mr. STEVENS, Mr. McCLURE, Mr. BOND, Mr. WILSON, and Mr. INOUE):

S. 1790. A bill to authorize the expansion of the National Air and Space Museum at Washington Dulles International Airport; to the Committee on Rules and Administration.

By Mr. D'AMATO:

S.J. Res. 203. A joint resolution calling upon the Soviet Union immediately to grant permission to emigrate to all those who wish to join spouses in the United States; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself and Mr. DOLE):

S. Res. 297. A resolution amending Senate Resolution 273 (One Hundredth Congress) relating to the Senate Central American Negotiations Observer Group; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TRIBLE (for himself, Mr. COHEN, Mr. MITCHELL, and Mr. CHAFEE):

S. 1788. A bill to protect the aquatic environment from certain chemicals used in antifouling paints, and for other purposes; to the Committee on Environment and Public Works.

ORGANOTIN ANTIFOULING PAINT CONTROL ACT

Mr. TRIBLE. Mr. President, along with Senators MITCHELL, COHEN, and CHAFEE, I am introducing legislation to suspend the use of highly toxic marine paints containing organotin.

Today, over 70 percent of the world's commercial and recreational ships are covered with the antifouling paints known generally as organotin. These paints are also applied to buoys, crab pots, fish nets, and other marine structures.

Organotin paints are extremely effective in eliminating barnacles and other fouling organisms. However, these paints may also have a lethal effect on other marine and fresh water life.

The Environmental Protection Agency [EPA] is in the process of conducting a special review of the organotin tributyltin because the Agency has determined that this highly toxic substance may present "unreasonable risks to nontarget aquatic organisms such as mussels, clams, oysters and fish." EPA suggests that final rules on the use of organotin paints will be issued in July 1988. However, that timetable is not certain and any action by EPA is subject to considerable delay.

I am deeply concerned about the harmful effects organotin paints pose to marine life and public health, and believe that it is important to act now and limit the use of organotin paints until the EPA is able to establish final rules for the safe use of this potentially deadly chemical.

The United States lags far behind other nations in regulating these toxic paints. France, England, and Japan all have limits on the use of organotins. Germany and Switzerland have totally prohibited tributyltin's use in fresh water.

Fortunately, many States have established maximum amounts of organotin which may be released in the water. Those States include Virginia, Maine, Maryland, Alaska, Washington, Michigan, New York, California, North Carolina, New Jersey, and Oregon. As a result, the tremendous

flow of the harmful chemical into our Nation's waters has been diminished.

I applaud the responsible actions taken by Virginia, Maine, and the other States. However, the organotin problem demands a uniform national response. That's why Senators MITCHELL, COHEN, CHAFEE, and I are sponsoring this legislation to protect the aquatic environment by reducing immediately the amount of organotin entering the waters of the United States.

Our bill prohibits the use of all organotin paints with a release rate of more than 3 micrograms per square centimeter per day. A release rate measures the amount of organotin that is released from these paints over an extended period of time. The 3 micrograms release rate will remain in effect pending final action by ERA.

Moreover, because recreational vessels account for a large amount of the organotin entering the water from antifouling paints, this bill bans the use of all organotin-based paints for any vessel 25 meters or less. This absolute prohibition does not apply to the aluminum hull or outboard motor or lower drive unit of a vessel that is 25 meters or less. Organotin paints with a release rate of 3 or less are permitted in these circumstances.

Finally, the Administrator of the EPA is required to monitor the concentrations of organotin in the Chesapeake Bay and other estuaries in the United States and assist the States in monitoring waters for the presence of organotins and in the laboratory analysis of samples. The Secretary of the Navy is required to test, not less than annually, the waters of the home ports of Navy ships to determine the level of organotin contamination.

Mr. President, I consider this an emergency situation. Organotin levels found in the Chesapeake Bay last year were alarmingly high. Similar organotin levels have been found in many other areas around the country. We must act now to protect our marine environment.

I ask unanimous consent that the provisions of this measure be printed in the CONGRESSIONAL RECORD.

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

S. 1788

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 "Organotin Antifouling Paint Control Act of 1987".

DEFINITIONS

Sec. 2. As used in this Act, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "antifouling paint" means a coating, paint, or treatment that is applied to or used on a vessel to control fresh water or marine fouling organisms;

(3) "estuary" means a body of water having an unimpaired connection with open sea, where the sea water is measurably diluted with fresh water derived from land drainage, and such term includes estuary-type areas such as the Chesapeake Bay, the Great Lakes, and other bays, shallows, and marshes;

(4) "organotin" means any compound of tin used as a biocide in an antifouling paint;

(5) "person" means any individual, any partnership, association, corporation, or organized group of persons whether incorporated or not, or any government entity, including military;

(6) "qualified antifouling paint" means an antifouling paint containing organotin that—

(A) is allowed to be used under the terms of the final decision referred to in section 12(b); or

(B) until such final decision takes effect, is certified by the Administrator under section 5 as having a release rate of not more than 3.0 micrograms per square centimeter per day;

(7) "release rate" means the rate at which organotin is released from an antifouling paint over the long term, as determined by the Administrator, using—

(A) the American Society for Testing Materials (ASTM) standard test method which the Environmental Protection Agency required in its July 29, 1986, data call-in notice on tributyltin compounds used in antifouling paints; or

(B) any similar test method specified by the Administrator;

(8) "retail" means the transfer of title to tangible personal property other than for resale, after manufacturing or processing;

(9) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States; and

(10) "vessel" shall have the same meaning given to such term in section 3 of title 1, United States Code.

FINDINGS AND PURPOSE

SEC. 3. (a) The Congress finds the following:

(1) more than 70 percent of the worldwide commercial shipping fleets and recreational boats are painted with an antifouling paint known generally as organotin;

(2) antifouling paints containing organotin biocides are used to prevent the buildup of barnacles and other encrusting organisms on vessels;

(3) the elimination of fouling growths on vessels is highly beneficial for operating capability and leads to lower operating and maintenance costs and substantial fuel consumption reductions;

(4) laboratory and field studies show that organotin is very toxic to marine and freshwater organisms at very low levels;

(5) vessels that are less than 25 meters in length and are coated with organotin antifouling paint account for a large amount of the organotin released into the aquatic environment; and

(6) the Environmental Protection Agency has determined that concentrations of organotin currently in the waters of the United States may pose unreasonable risks to oysters, clams, fish, and other marine life.

(b) The purpose of this Act is to protect the aquatic environment by reducing imme-

diately the quantities of organotin entering the waters of the United States.

PROHIBITION

SEC. 4. (a)(1) Except as provided in paragraph (2), no person in any State may apply to a vessel that is 25 meters or less in length an antifoulant paint containing organotin.

(2) Paragraph (1) shall not prohibit the application of a qualified antifoulant paint on—

(A) the aluminum hull of a vessel that is 25 meters or less in length; or

(B) the outboard motor or lower drive unit of a vessel that is 25 meters or less in length.

(b) No person in any State may apply to a vessel greater than 25 meters in length an antifoulant paint containing organotin other than a qualified antifoulant paint.

(c) No person in any State may knowingly sell or deliver to, or purchase or receive from, another person an antifoulant paint containing organotin, unless the antifoulant paint is a qualified antifoulant paint.

(d) No person in any State may knowingly sell or deliver to, or purchase from, another person at retail any substance containing organotin for the purpose of adding such substance to paint to create an antifoulant paint.

CERTIFICATION

SEC. 5. (a) Not later than 90 days after the date of the enactment of this Act, the Administrator shall certify each antifoulant paint containing organotin that the Administrator is able to determine has a release rate of not more than 3.0 micrograms per square centimeter per day.

(b) After the initial period of certification required by subsection (a), the Administrator, not later than 90 days after the receipt of information with regard to an antifoulant paint containing organotin submitted in response to a data call-in or pursuant to any provision of Federal law, shall certify such paint if, on the basis of such information, the Administrator is able to determine that such paint has a release rate of not more than 3.0 micrograms per square centimeter per day.

MONITORING

SEC. 6. (a) The Administrator, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, shall monitor the concentrations of organotin in the water column sediments, and aquatic organisms of representative estuaries in the United States. This monitoring program shall remain in effect until 7 years after the date of the enactment of this Act. The Administrator shall submit annually to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report detailing the results of this monitoring program for the preceding year.

(b) The Secretary of the Navy shall provide for periodic testing, not less than annually, of any harbors and related waters serving as the home port for any Navy vessel to determine the level of organotin contamination in such harbor or waters, including testing of aquatic organisms. The Secretary shall provide a report and assessment of this monitoring data to the Administrator and to the Governor of the State in which the home port is located. Such report shall be included in the report to Congress required pursuant to subsection (a).

(c) To the extent practicable, the Administrator shall assist States in monitoring waters for the presence of organotins and in laboratory analysis of samples.

CIVIL PENALTIES

SEC. 7. (a) Any person who violates any provision of section 4 shall be liable to the United States for a civil penalty in an amount not to exceed \$5,000 for each such violation.

(b) A civil penalty for a violation of any provision of section 4 shall be assessed by the Administrator by an order made on the record after opportunity (provided in accordance with this section) for a hearing in accordance with section 554 of title 5, United States Code. Before issuing such an order, the Administrator shall give written notice to the person to be assessed a civil penalty under such order of the Administrator's proposal to issue such order and provide such person an opportunity to request, within 15 days of the date the notice is received by such person, such a hearing on the order.

(c) In determining the amount of civil penalty, the Administrator shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, economic benefit to violator resulting from such violation, any history of prior violations, the degree of culpability, and such other matters as justice may require.

(d) The Administrator may compromise, modify, or remit, with or without conditions, any civil penalty which may be imposed under this section.

(e) Any person who requested in accordance with subsection (b) a hearing respecting the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 30-day period beginning on the date the order making such assessment was issued.

(f) If any person fails to pay an assessment of a civil penalty—

(1) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of that order in accordance with subsection (e), or

(2) after a court in an action brought under subsection (e) has entered a final judgment in favor of the Administrator,

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 30-day period referred to in subsection (e) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

AUTHORITY TO SELL EXISTING STOCKS

SEC. 8. Notwithstanding the prohibitions contained in section 4, the Administrator shall provide a reasonable time, not to exceed 180 days from the date of the enactment of this Act, for the continued sale, delivery, purchase, receipt, application, and use of stocks of organotin antifoulant paint and organotin additives that existed before the date of the enactment of this Act.

DISCLAIMER

SEC. 9. Nothing in this Act shall preclude or deny any State or political subdivision thereof the right to adopt or enforce any requirement regarding antifoulant paint or any other substance containing organotin.

Compliance with the requirements of any State or political subdivision thereof respecting antifoulant paint or any other substance containing organotin shall not relieve any person of the obligation to comply with the provisions of this Act.

WATER QUALITY CRITERIA DOCUMENT

SEC. 10. The Administrator shall, not later than September 1, 1988, issue a final water quality criteria document, pursuant to section 304(a) of the Federal Water Pollution Control Act, concerning organotin compounds.

RESEARCH

SEC. 11. (a) The Administrator, in cooperation with the Secretary of the Navy, shall conduct research into alternative antifouling chemicals and nonchemical antifouling systems.

(b) The Administrator shall, within 3 years of the date of enactment of this Act, provide a summary assessment of such research in a report to the Speaker of the House of Representatives and the President pro tempore of the Senate.

EFFECTIVE DATES

SEC. 12. (a) Except as provided in subsection (b), this Act shall take effect on the date of its enactment.

(b)(1) Section 4 and section 7 of this Act shall take effect 90 days after the date of the enactment of this Act. Subsections (b) and (c) of section 4 shall remain in effect only until a final decision regarding the release of organotin into the aquatic environment by antifoulant paints, pursuant to the process initiated by the Administrator's Position Document 1 dated January 8, 1986—

(A) is issued by the Administrator; and

(B) takes effect.

(2) For purposes of paragraph (1) of this subsection, a final decision shall be considered to have taken effect upon the date of the expiration of the time for making any appeal with respect to such decision or, in the case of any such appeal, the resolution of such appeal.

Mr. CHAFEE. Mr. President, I join today with Senator Tribe in introducing the Organotin Antifouling Paint Control Act of 1987, legislation designed to mitigate the effects of the marine paint additive tributyltin [TBT] on the marine environment.

The bill we are introducing today will prohibit the use of paints containing TBT's on vessels that are 25 meters or less in length, and will limit the release rate of TBT's on larger vessels to 3.0 micrograms per square centimeter per day. I want to emphasize, Mr. President, that this bill will remain in effect only until the Administrator of the Environmental Protection Agency issues a final decision regarding an environmentally safe release rate of this chemical into the marine environment. In the interim, this bill will sharply limit the amount of this toxic chemical effecting aquatic organisms. We cannot afford to wait months, or even years, to find that we have contaminated precious marine resources, especially when those resources can become part of the human food chain.

In discussing TBT, two observations come immediately to mind. On the one

hand, it is without a doubt the most effective antifouling compound yet developed, and it cannot be matched for preventing the attachment of barnacles, algae, and other marine organisms that hasten the decay of wood and cause drag on boats. This explains its popularity with the Navy and many recreational boaters.

On the other hand, there is growing evidence that TBT is extremely toxic, and is affecting "nontarget" marine and freshwater organisms rather than just organisms that are trying to grow on boat hulls. Toxic effects occur to some marine organisms at exposures of less than 100 parts per trillion. This is equivalent to 1 drop of water in 100,000 tanker trucks of liquid. And effects on reproduction and development are thought to occur at much lower levels.

Since the known toxic effects are on marine organisms and not humans, you might ask why we should be so concerned about this chemical. The answer is because TBT is already being detected in the human food chain. The National Marine Fisheries Service recently published findings providing evidence of TBT at alarmingly high levels in chinook salmon which had made its way to the marketplace. Common cooking practices do not destroy or remove TBT's from fish.

Aside from the potential effects on human health—and very little is known about what effects TBT will have on humans—there are serious implications for marine habitats from the continued use of TBT. In Great Britain and France, TBT is now regulated, because it has caused serious problems in oyster fisheries. Not only did the oyster culture decline in certain areas with high TBT levels, but scientists also noticed unusual abnormalities in the shell formation of adult oysters. The symptoms these oysters exhibited are associated only with chronic exposure to TBT.

Mr. President, I have a particular interest in this subject. Narragansett Bay in my home State of Rhode Island, is one of the most magnificent bay areas in the country. This precious national resource supports the entire spectrum of marine life. In October 1985, the U.S. Navy tested samples of water taken at the Castle Hill Coast Guard Station, and found TBT levels of 130 parts per trillion, higher than that necessary to cause toxic effects on some marine organisms. Other samples taken by the Navy turned up 36 parts per trillion at a nearby marina, and 9 parts per trillion at a yacht club.

While far from conclusive, this sampling, and other more extensive data on Chesapeake Bay, suggest that it is time to find out conclusively what the long- and short-term effects of using TBT will be on our marine environ-

ment. We cannot afford to wait until species of fish began to disappear before we get definitive answers.

As a former Secretary of the Navy, I can fully appreciate the cost and effort required to defoul and paint large vessels. The cost of servicing a large Naval aircraft carrier or a super-tanker can easily run into the millions of dollars. The use of TBT instead of the more conventional copper-based paints greatly reduces the frequency of this servicing. Yet, until we understand the environmental consequences of the widespread use of TBT, I cannot approve of its indiscriminate use.

The bill we are introducing today is a reasoned, interim approach that will quickly reduce the amount of TBT in the aquatic environment. I would emphasize that the EPA needs to proceed with all speed to evaluate the long-term effects of this chemical. We must know whether we are poisoning our oceans and lakes, or if indeed a safe level of use for TBT or a reasonable alternative exists.

Mr. MITCHELL. Mr. President, I am pleased to join Senators TRIBLE and COHEN in introduction of the Organotin Antifouling Paint Control Act of 1987.

It has been a pleasure to work with Senators TRIBLE and COHEN in the development of this legislation. They were the first to alert us to the threats to the marine environment posed by organotins in antifouling paints. They have been successful in preventing fleet-wide use of organotin paints by the U.S. Navy until this issue was better understood. And, they have taken the lead in drafting the bill we are introducing today.

Mr. President, the coastal and marine waters of our country are a natural resource of tremendous value. Marine bays and estuaries play an essential part in the ecological system which supports fisheries and wildlife. And, our coastal waters provide recreational opportunities for millions of Americans.

We must be especially alert to the threats to the quality of marine waters and the integrity of the marine and coastal environment. In April of this year, the Subcommittee on Environmental Protection, which I chair, held a hearing on the effects of organotin compounds on the marine environment.

The purpose of the hearing was to review the large body of scientific evidence indicating that an organotin compound known as "tributyltin", or TBT, may pose a serious threat to marine organisms and the marine environment. The subcommittee also heard testimony on options for restricting TBT use, including regulation by the Environmental Protection Agency and legislative action by the Congress.

One of the most dramatic problems identified at the hearing was the extent of TBT contamination in the Chesapeake Bay. Recent tests by the Environmental Protection Agency indicate that TBT is present in the Bay at levels significantly above the concentration levels identified by the EPA as safe.

We also heard from representatives of States, such as Maryland and Virginia, which have adopted legislation to protect coastal waters from TBT contamination. I am pleased that my home State of Maine has also adopted legislation restricting the use of TBT.

Other witnesses at the hearing provided an overview of the scientific research of TBT and related compounds and described the views of the U.S. Navy and the paint industry.

Based on this hearing, I concluded that we have clear evidence that TBT poses a threat to the marine environment and that an effective and coordinated response must be developed. The legislation we are introducing today is intended to provide the prompt and effective action needed to address the TBT contamination problem.

The legislation has two primary provisions. First, it prohibits the use any paint containing TBT on boats of less than 25 meters in length. An exception to this length limit is made in the case of aluminum boats and outboard motors. Aluminum boats and outboard motors can be painted with paint containing TBT if the paint meets the standard established in the bill or if the paint is certified by the Administrator as acceptable.

The second major provision of the bill establishes a maximum rate of release of TBT from antifouling paint of 3 micrograms per square centimeter per day. This release rate provides for a full measure of protection of the environment without impractical reductions in the effectiveness of antifouling paints. In addition, this release rate is attained by over 20 paints now on the market and assures that consumers will have a range of paints to choose from.

The bill further provides that the release rate requirement will sunset if the Environmental Protection Agency takes final action to establish a release rate under alternate legislative authority. The EPA is considering such action and it is our intention that the release rate determined to be appropriate by the EPA, using the full range of available data, be the effective release rate restriction in the long term. Our legislation, however, will protect the environment until EPA is able to reach a decision and take a final regulatory action and resolve any appeals.

The bill addresses several other aspects of the TBT contamination problem.

Section 4(d) of the bill prohibits purchase of TBT for the purpose of adding it to paint to make an antifouling paint. These so-called free association paints release TBT at very high rates and pose a significant threat to the health of the marine environment.

Section 6 of the bill provides for monitoring of coastal waters to identify TBT contamination. In addition, the Secretary of the Navy is directed to conduct monitoring in harbors serving as home ports and report on any TBT contamination identified.

Section 7 provides for civil penalties for persons violating the provisions of the act.

Section 10 directs the EPA Administrator to publish a water quality criteria document identifying levels or concentrations of TBT in fresh and marine waters which are a threat to the environment.

Section 11 directs the Administrator to conduct a research program, in consultation with the Secretary of the Navy, to identify alternatives to TBT and to identify nonchemical antifouling systems.

This legislation will be an important step forward in our efforts to protect the quality of marine and fresh waters. I plan to do everything I can to move the legislation forward in a timely manner.

The next step in the process will come next week when my Subcommittee on Environmental Protection will mark up the bill. I hope markup by the full Environment and Public Works Committee can occur in the near future.

I urge my colleagues to give this bill their full support as it advances through the legislative process.

Thank you, Mr. President.

By Mr. KASTEN:

S. 1789. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on long-term capital gains of individuals from 28 percent to 15 percent; to the Committee on Finance.

REDUCTION OF LONG-TERM CAPITAL GAINS TAX RATE

Mr. KASTEN. Mr. President, today I am introducing legislation to reduce the maximum long-term capital gains tax rate to 15 percent. A 15-percent capital gains tax rate will have a positive impact on investment and risk taking, entrepreneurship, mobility of capital, and U.S. international competitiveness. I will make the economic case for cutting capital gains later in my statement. The major thrust of my proposal is to provide an economically constructive and responsible option to reduce the Federal budget deficit.

A 15-percent capital gains tax rate would raise substantial tax revenue, particularly from upper-income indi-

viduals. This proposal could raise additional revenues of \$8 billion in fiscal year 1988, \$11 billion in fiscal year 1989 and \$12 billion in fiscal year 1990, according to a recent study by Harvard professor Lawrence Lindsey. Moreover, of the total \$31 billion in new tax revenue over the 3 years, about 80 percent of the increased revenues would come from upper-income taxpayers with incomes above \$100,000. A 15-percent capital gains tax rate would raise \$8 billion of the \$12.3 billion in new revenue that the tax-writing committees are seeking for fiscal year 1988.

Mr. President, weight of overwhelming academic work as well as the historical experience of the 1978 and 1981 capital gains tax cuts effectively demonstrates the revenue-raising potential of my proposal. Although the maximum capital gains tax rate was slashed from 49 percent in 1978 to 20 percent in 1985, tax revenues were a whopping 184 percent higher in 1985 than in 1978. According to Mark Bloomfield of the American Council for Capital Formation [ACCF], "inflation and economic growth cannot by themselves provide sufficient explanation for this dramatic increase in Federal revenues coinciding with a dramatic decrease in capital gains tax rates." Dr. Paul Craig Roberts points out that "the Dow Jones industrial average and the gross national product rose during this period by only half as much as revenues from capital gains. Obviously, a rise in nominal values is not the explanation for the enormous increase in tax revenues."

Moreover, cutting the top capital gains tax rate increases the proportion of total taxes borne by the wealthy. The evidence from the 1978 capital gains rate reduction proves this point. The 1978 reduction in capital gains from 49 to 28 percent led to a 250-percent increase between 1978 and 1982 in capital gains taxes by those with incomes over \$100,000 per year.

Raising the tax on capital gains will, over the long run, reduce Federal revenues. This is because higher capital gains tax rates reduce taxpayers' willingness to realize capital gains and thus, reduce the amount of tax revenue the Federal Government actually receives. Contrary to the revenue estimates of Joint Committee on Taxation, the capital gains provisions of the Tax Reform Act of 1986 which raised the top rate on long-term individual capital gains from 20 to 28 percent—and as high as 33 percent for those in the phase-out bracket—will result in substantial revenue losses in the fiscal year 1988-90 period. An update of a February Treasury Department revenue estimate by ACCF, based on the latest data, suggests revenue losses of as much as -\$6 billion over the fiscal year 1988-90 period.

Mr. President, besides pulling in billions of dollars for deficit reduction, a 15-percent capital gains tax rate would bring enormous benefits to the Nation's economy. First, it will increase incentives for individuals to invest in those activities that involve the most risk. Investment in risk capital is an important force in spurring technological innovation and enhancing productivity. Past experience shows the beneficial impact of capital gains tax cuts on risk capital investing. In the early 1970's, the maximum capital gains tax rate was doubled from 25 to 49 percent. This reduced the after-tax return to risk capital investing and caused risk capital to dry up. For example, the amount dedicated to organized venture capital—that is, capital invested in new small companies with growth potential—fell from \$171 million in 1969 to a low of \$10 million in 1975. After the 1978 tax cuts, there was a veritable explosion in risk capital investment with over \$4.5 billion raised through venture capital companies in 1983. Likewise, new capital raised through public stock offering increased to \$12 billion in 1983.

Second, lower capital gains tax rates enhance the free flow of investment as investors are encouraged to realize their capital gains. Capital becomes more mobile. As a consequence, investment funds flow to their most efficient use, resulting in the creation of new technologies, new plant and equipment, and new jobs.

Third, reducing the tax rate will reduce the tax bias against savings. Despite some of the positive changes in the Tax Reform Act of 1986, our Tax Code continues to impose multiple layers of taxation on income that is saved and invested. An individual's return from investment in commercial enterprises is taxed once at the corporate level and then again at the individual level resulting in a double tax on investment. The code taxes investment income twice by taxing both the future income stream and the capitalization of the stream—the capital gain. Thus, reducing the capital gains tax rate will reduce the tax bias against investment in the code by increasing the after-tax return to investment relative to consumption.

Finally, a 15-percent capital gains rate will make U.S. tax treatment of investment more competitive vis-a-vis the rest of the world. The previous capital gains differential, and its positive effect on U.S. investment in recent years, has helped the United States keep pace with our competitors—particularly in the high-technology race. However, a new Arthur Anderson study comparing tax rates on portfolio stock investment among 11 major industrialized countries and 6 Pacific basin countries reveals that in 1987, U.S. capital gains taxes are

higher than almost all surveyed countries. Some of our major international competitors like Japan, West Germany, Taiwan, Italy, and South Korea, exempt long-term capital gains from taxation.

Mr. President, the 15-percent solution would help Congress pull in \$31 billion over 3 years for deficit reduction, without tampering with the 1986 act's tax rates or raising excise taxes—both of which reduce economic activity and are blatantly unfair. In contrast, the 15-percent solution would help cut the deficit, spur capital formation, enhance U.S. international competitiveness, and actually soak the rich by increasing the amount of capital gains taxes paid by the upper-income individuals. Politically, it provides a way for Congress to raise revenue without injuring a particular constituency and inviting a Presidential veto.

What's the roadblock to the 15-percent solution? The major problem is the Joint Committee on Taxation [JCT]. Despite the weight of recent academic work and historical experience, they believe the 15-percent capital gains tax rate would mean a reduction in tax revenues. Apparently, the U.S. Treasury Department now shares the same view.

I have recently introduced a bill, S. 1709, the Tax Policy Information Act of 1987, which would require the JCT to consider behavioral responses to changes in the tax law when conducting revenue estimates. If enacted, S. 1709 will improve the revenue estimating process and result in a more accurate revenue estimate of capital gains.

The other argument against the 15-percent solution is that it will reopen tax reform and could result in undesirable changes in the Tax Code. This is a valid concern. However, it must be weighed against the alternatives: anti-growth tax increases and/or an across-the-board sequester. I don't think the Congress and the President want either. The 15-percent solution provides a deficit reduction option that both Congress and the President can agree upon.

Mr. President, I ask unanimous consent that the text of the bill be placed in the RECORD.

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

S. 1789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION IN CAPITAL GAINS RATE FROM 28 PERCENT TO 15 PERCENT.

(a) **IN GENERAL.**—Subsection (j) of section 1 of the Internal Revenue Code of 1968 (relating to maximum capital gains rate) is amended to read as follows:

“(j) **MAXIMUM CAPITAL GAINS RATE.**—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

“(1) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the taxable income reduced by the amount of net capital gain, plus

“(2) a tax of 15 percent of the net capital gain, plus

“(3) the amount of the increase determined under subsection (g).”

(b) **PHASEOUT OF 15-PERCENT RATE AND PERSONAL EXEMPTIONS NOT TO APPLY TO CAPITAL GAINS.**—Subparagraph (A) of section 1(g)(1) of the 1986 Code (relating to phase-out of 15 percent rate and personal exemptions) is amended by inserting “, reduced by the amount of net capital gain” after “taxable income”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.

By Mr. GARN (for himself, Mr. GLENN, Mr. MOYNIHAN, Mr. WARNER, Mr. TRIBLE, Mr. D'AMATO, Mr. SASSER, Mr. WEICKER, Mr. ARMSTRONG, Mr. DURENBERGER, Mr. QUAYLE, Mr. HATCH, Mr. JOHNSTON, Mr. RUDMAN, Mr. BOSCHWITZ, Mr. KARNES, Mr. MATSUNAGA, Mr. CHILES, Mr. HOLLINGS, Mr. DOLE, Mr. HECHT, Mr. SPECTER, Mr. WALLOP, Mr. EVANS, Mr. GORE, Mr. STEVENS, Mr. MCCLURE, Mr. BOND, Mr. WILSON, and Mr. INOUE):

S. 1790. A bill to authorize the expansion of the National Air and Space Museum at Washington Dulles International Airport; to the Committee on Rules and Administration.

EXPANSION OF NATIONAL AIR AND SPACE MUSEUM AT WASHINGTON DULLES INTERNATIONAL AIRPORT

Mr. GARN. Mr. President, today, on behalf of Senators GLENN, MOYNIHAN, WARNER, and others I am introducing legislation authorizing planning for expansion of the National Air and Space Museum at the Dulles International Airport. Similar legislation was passed by the Senate last year.

I have had the honor of serving on the Board of Regents of the Smithsonian Institution for the past 6 years. Throughout that period, there has been a growing concern regarding the lack of capacity at the National Air and Space Museum building on The Mall in downtown Washington, DC, to house very large aircraft and spacecraft that are now, or will be, among the museum's collection. Many of these items cannot practically be disassembled for transportation to the existing museum facility nor could they be properly displayed in the museum, as spacious as it is without disrupting existing exhibits. These include such items as the space shuttle *Enterprise*, already located and soon to be placed in a temporary structure at Dulles Airport, and the famous *Enola Gay*, which is currently being restored and prepared for display.

This expansion adjacent to an active airport is necessary to enable some of the anticipated additions to the collec-

tion, such as the *Concorde*, to be flown directly to the museum. For this reason, the regents of the Smithsonian voted in 1983 to seek authorization to begin planning to expand the National Air and Space Museum at the Dulles Airport. The regents reaffirmed their support for beginning to plan for this proposed expansion on September 16, 1985, where the purposes of last year's authorization bill were unanimously endorsed.

The legislation we are introducing today would authorize \$1,000,000 in fiscal years 1988 and 1989 for the planning and designing of a facility to provide the *Enterprise* and other air and space treasures a permanent home. The bill specifies that none of these funds can be used for construction purposes. Once the planning authorization has been approved and the plans become finalized, future funds necessary for the expansion will be sought, including a major effort to secure private donations, hopefully sufficient to cover the entire cost of construction.

Mr. President, the National Air and Space Museum is a national treasure. More people visit this museum than any other museum in the United States. At present, the museum is visited by more than 10 million people every year. Unfortunately, the existing Mall facility can only house 25 percent of the museum's total collection, which should give my colleagues an idea of the great number of aviation treasures which remain essentially hidden from the public's view. The Mall facility is simply not large enough to effectively cope with more visitors or more exhibits. Also, an expansion of the museum at the Dulles Airport would give all visitors the unique opportunity to watch craftsmen and artisans restoring historically significant airplanes, a work which is now accomplished at the Paul Garber Facility in Silver Hill, MD. This facility can only accommodate a trickle of visitors.

Mr. President, the planning effort authorized by this legislation for the expansion of the National Air and Space Museum at Dulles Airport is essential to continue the vital role the museum occupies for our country and the world. We need to continue our efforts to stimulate and encourage the growing interest in air and space, as well as disseminating the ever-increasing knowledge and expanding technology in the aerospace field. I encourage my colleagues to give their support to this legislation, and I hope for an early consideration by the full Senate.

By Mr. D'AMATO:

Senate Joint Resolution 203. Joint resolution calling upon the Soviet Union immediately to grant permission to emigrate to all those who wish

to join spouses in the United States; to the Committee on Foreign Relations.

CALLING UPON THE SOVIET UNION TO IMMEDIATELY RESOLVE BILATERAL DIVIDED SPOUSE CASES

Mr. D'AMATO. Mr. President, I rise today to introduce a joint resolution calling upon the Soviet Union to immediately grant permission to emigrate to all Soviet citizens married to U.S. citizens who wish to exercise their right to be reunited with their spouses in the United States. The Soviet Union promised to resolve such cases when it signed the Helsinki accords on August 1, 1975.

Since the Soviet Union joined 34 other nations including the United States and Canada in adhering to the final act of the conference on security and cooperation in Europe, better known as the Helsinki accords, the United States and other Western nations have had continually to press the Soviet Union to keep its commitments. The key to the problem is the fact that the Soviet Union is a totalitarian police state and that it places a top priority on maintaining total control over its citizens.

Only since General Secretary Mikhail Gorbachev announced his new thinking, including aspects which have become known in the West as glasnost, or openness, perestroika, or restructuring and democratizatsiya, or democratization, have the most brutal Soviet practices moderated.

We have celebrated with Natan Sharansky, Yuri Orlov, and other refuseniks and dissidents as those persons who are best known in the West have been released from prison, labor camp, or internal exile, and, in some cases, have been granted permission to emigrate.

We have watched with interest the phenomena of public discussion in official media of topics which were formerly unmentionable; or tolerance of the act of organizing public demonstrations, even though those demonstrations were contained and further activity was officially discouraged; and of tolerance of certain Samizdat publications critical of official policies.

The Western media have given prominent coverage to these events, leading to the impression that the Soviet Union is at least beginning to make its practices conform with its international human rights commitments. The Soviet leadership does deserve full credit for the steps which have been taken in the direction of human rights compliance.

Mr. President, I think it is important to remind my colleagues and the American people that the millennium has not arrived in Soviet human rights practices. The resolution of headline cases is not enough. The announced Soviet review and revision of its criminal code is not enough.

There are still approximately 400 identified political prisoners in Soviet custody. The Gulag Archipelago, the continent-spanning network of prisons and labor camps housing the largest population of slave laborers—more than 4 million, by most accounts—still exists and operates. The infamous special psychiatric hospitals have not been closed. The Soviet Union still maintains its right to deny its people the exercise of their right to leave their country and freely to return, in contravention of its international obligations.

In short, the Soviet Union is still not respecting human rights and fundamental freedoms as it promised to do when it signed the final act. Moreover, there is no indication that the Soviet Government shares the principles of civilized conduct and basic respect for human dignity and the rights of the individual which are the foundation of the final act.

This resolution addresses one specific area covered by the final act, an area which has been marked by particularly egregious conduct on the part of the Soviet Union. The final act states that "The participating states will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character—such as requests submitted by persons who are ill or old."

The final act further states that "In dealing with requests from couples from different participating states, once married, to enable them and the minor children of their marriage to transfer their permanent residence to a state in which either one is normally a resident, the participating states will also apply the provisions accepted for family reunification."

In fact, the Soviet Union has not been in compliance with those provisions. Over the years, there has been a trickle of resolutions of bilateral divided spouse cases. Until glasnost, those resolutions were the exception to Soviet policy, not the rule.

While there have been recent improvements in Soviet practices, too many husbands and wives remain separated by artificially created Soviet barriers to emigration. The persons named in this resolution should be allowed to emigrate now.

There is no justifiable reason why Galina Goltzman Michelson, Yuri Balovlenkov, Victor Faermark, Yeugeni Grigoishin, Elena Kaplan, Vladislav Kostin, Victor Novikov, Pyatras Pakenas, Sergei Petrov, Leonid Scheiba, and Andrei Zhitkov should be denied the opportunity to live with their spouses in the United States. Yet, in the case of Mrs. Michelson, she has been kept separated from her husband for more than 30 years.

It is very difficult to take seriously representations of a government in any area, when it stoops to employ its power to keep married men and women from living together in the country of their choice. The Soviet Union could significantly improve its international credibility if it acted to resolve these cases.

In connection with the forthcoming meetings between Secretary of State Shultz and Soviet officials to prepare for an anticipated November summit between President Reagan and General Secretary Gorbachev, it would be timely and appropriate for Soviet authorities to grant emigration permission to these people. As a former chairman of the Commission on Security and Cooperation in Europe, better known as the Helsinki Commission, I would be one of the first to step forward and complement Soviet leadership for taking positive steps to come into compliance with their Helsinki promises.

Mr. President, I look forward to the day when I may join with these Soviet citizens and their American spouses and families in celebrating their arrivals in the United States. Until then, I urge my colleagues to recognize the urgent and compelling nature of these cases and to send a message to Moscow by acting quickly to approve this resolution. The words of glasnost must be accompanied by the actions of true human rights compliance

ADDITIONAL COSPONSORS

S. 1366

At the request of Mr. KENNEDY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1366, a bill to revise and extend the programs of assistance under title X of the Public Health Service Act.

S. 1489

At the request of Mr. MOYNIHAN, the names of the Senator from Nevada [Mr. REID] and the Senator from Hawaii [Mr. INOUE] were added as cosponsors of S. 1489, a bill to amend section 67 of the Internal Revenue Code of 1986 to exempt certain publicly offered regulated investment companies from the disallowance of indirect deductions through pass-thru entities.

S. 1554

At the request of Mr. FOWLER, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1554, a bill to provide Federal assistance and leadership to a program of research, development and demonstration of renewable energy and energy conservation, and for other purposes.

S. 1567

At the request of Mr. BUMPERS, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cospon-

sor of S. 1567, a bill to provide for refunds pursuant to rate decreases under the Federal Power Act.

S. 1600

At the request of Mr. FORD, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 1600, a bill to enhance the safety of air travel through a more effective Federal Aviation Administration, and for other purposes.

S. 1742

At the request of Mr. DOMENICI, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 1742, a bill to provide for the minting and circulation of \$1 coins, and for other purposes.

S. 1752

At the request of Mr. BAUCUS, the names of the Senator from West Virginia [Mr. BYRD] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 1752, a bill to establish a commission to study the effects of deregulation of the airline industry.

S. 1774

At the request of Mr. PRYOR, the names of the Senator from Washington [Mr. EVANS] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 1774, a bill to promote and protect taxpayer rights, and for other purposes.

SENATE JOINT RESOLUTION 125

At the request of Mr. ROTH, the names of the Senator from Illinois [Mr. SIMON], the Senator from South Carolina [Mr. THURMOND], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of Senate Joint Resolution 125, a joint resolution to designate the period commencing on May 9, 1988, and ending on May 15, 1988, as "National Stuttering Awareness Week."

SENATE JOINT RESOLUTION 126

At the request of Mr. PACKWOOD, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Joint Resolution 126, a joint resolution to designate March 16, 1988, as "Freedom of Information Day."

SENATE JOINT RESOLUTION 172

At the request of Mr. BRADLEY, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Arkansas [Mr. PRYOR], the Senator from Illinois [Mr. SIMON], the Senator from Florida [Mr. GRAHAM], the Senator from Indiana [Mr. QUAYLE], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from New Hampshire [Mr. HUMPHREY] were added as cosponsors of Senate Joint Resolution 172, a joint resolution to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Association Week."

SENATE JOINT RESOLUTION 196

At the request of Mr. PACKWOOD, the name of the Senator from Washington [Mr. EVANS] was added as a cosponsor of Senate Joint Resolution 196, a joint resolution to designate February 4, 1988, as "National Women in Sports Day."

SENATE CONCURRENT RESOLUTION 83

At the request of Mr. BYRD, the name of the Senator from Connecticut [Mr. WEICKER] was added as a cosponsor of Senate Concurrent Resolution 83, a concurrent resolution to congratulate Costa Rican President Oscar Arias Sanchez on being awarded the 1987 Nobel Peace Prize.

AMENDMENT NO. 950

At the request of Mr. CRANSTON, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of Amendment No. 950 proposed to H.R. 2783, a bill making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1988, and for other purposes.

SENATE RESOLUTION 297—TO AMEND THE STANDING RULES OF THE SENATE RELATING TO THE SENATE CENTRAL AMERICAN NEGOTIATIONS OBSERVER GROUP

Mr. BYRD. (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 297

Resolved, That Senate Resolution 273 (One-hundredth Congress; agreed to August 7, 1987) is amended—

(1) in section 3, by striking out "duty" and inserting in lieu thereof "duties";

(2) in section 4(b)—

(A) by inserting "(1)" immediately after "(b)";

(B) by inserting "and fix the compensation of" after "appoint"; and

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

"(2) In addition to the staff personnel described in paragraph (1), the Chairman and Co-chairman each are authorized to designate one professional staff member who shall serve all of the members of the Observer Group and shall carry out such other functions as their respective Chairman or Co-chairman may specify. The funds necessary to compensate any such designated staff member who is an employee of a Senator or a Senate Committee may be transferred from the funds made available under section 6(a) of this resolution to the respective Senator's or Senate Committee's account from which such designated staff member is paid (including agency contributions when appropriate)."; and

"(3) in section 6, by striking out subsections (a), (b), and (c)(1) and inserting in lieu thereof the following subsections:

"(a) The expenses of the Observer Group shall be paid from the contingent fund of the Senate, out of the account of Miscellaneous Items, upon vouchers approved jointly

ly by the Chairman and Co-chairman (except that vouchers shall not be required for the disbursement of salaries of employees who are paid at an annual rate). For any fiscal year, not more than \$220,000 shall be expended for staff (including consultants) and for expenses (excepting expenses incurred for foreign travel).

"(b) In addition to the amount referred to in section 6(a), for any fiscal year, not more than \$80,000 shall be expended from the contingent fund of the Senate, out of the account of Miscellaneous Items, for Leadership staff as designated in section 4(c) for salaries and expenses (excepting expenses incurred for foreign travel).

"(c)(1) Of the amount authorized in section 6(a), an amount not to exceed \$27,500 may be spent by the Observer Group, with the prior approval of the Committee on Rules and Administration, to procure the temporary services (not in excess of one year) or intermittent services, including related and necessary expenses, of individual consultants, or organizations thereof, to make studies or advise the Observer Group."

AMENDMENTS SUBMITTED

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND SUNDRY INDEPENDENT AGENCIES, BOARDS, COMMITTEES, COMMISSIONS, AND OFFICES APPROPRIATION, FISCAL YEAR 1988

MOYNIHAN (AND OTHERS)
AMENDMENT NO. 976

Mr. MOYNIHAN (for himself, Mr. BURDICK, Mr. BREAUX, Ms. MIKULSKI, Mr. GRAHAM, Mr. LAUTENBERG, Mr. STAFFORD, Mr. CHAFEE, and Mr. DURENBERGER) proposed an amendment to the bill (H.R. 2783) making appropriations for the Department of Housing and Urban Development, and sundry independent agencies, boards, commissions, committees, and offices for the fiscal year ending September 30, 1988, and for purposes; as follows:

On page 26, line 12 following "expended" insert the following: "Provided, That funds allotted to States under section 601(a) of the Federal Water Pollution Control Act, as amended, shall be provided to States in accord with the provisions of section 601(b) of that Act, which subsection provides that the Administrator and a State negotiate a schedule of payments to the State: *Provided further*, That in no case shall any funds allotted to States under section 601(a) of the Federal Water Pollution Control Act, as amended, be provided to States in any form other than cash after September 30, 1988."

GARN AMENDMENT NO. 977

Mr. GARN proposed an amendment to the bill H.R. 2783, supra; as follows:

On page 35, line 21, strike out "\$1,558,000,000" and insert in lieu thereof "\$1,557,999,000".

**PROXMIRE AMENDMENT NOS.
978 AND 979**

Mr. PROXMIRE proposed two amendments to the bill H.R. 2783, supra; as follows:

AMENDMENT NO. 978

On page 20, line 19, strike "\$286,000" and insert "\$303,000".

AMENDMENT NO. 979

On page 26, line 13: change the word "provision" to "provisions" and insert the following paragraph:

Not to exceed \$5,000,000 of the funds collected by the Environmental Protection Agency pursuant to 31 U.S.C. 9701 for quality assurance mandatory services and for quality assurance materials shall hereafter be credited to the appropriation which incurred the costs therefor and shall be available for the purposes of that appropriation.

SARBANES AMENDMENT NO. 980

Mr. SARBANES proposed an amendment to the bill H.R. 2783, supra; as follows:

On page 17, line 24 delete "17,000,000" and insert in lieu thereof "17,200,000".

On page 18, line 14, delete "\$689,039,000" and insert in lieu thereof "688,839,000".

**DOMENICI (AND D'AMATO)
AMENDMENT NO. 981**

Mr. DOMENICI (for himself and Mr. D'AMATO) proposed an amendment to the bill H.R. 2783, supra; as follows:

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

**DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT**

TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM.—For an additional amount for the transitional and supportive housing demonstration program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591 and other applicable authority, \$65,000,000 to remain available until expended, *Provided*, That amounts otherwise made available for necessary administrative expenses of the Department of Housing and Urban Development are hereby reduced by \$1,510,000 for the fiscal year ending September 30, 1988.

DECONCINI AMENDMENT NO. 982

Mr. DECONCINI proposed an amendment to the bill H.R. 2783, supra; as follows:

On page 41, line 22, after the semi-colon, strike through the word "classifications" on line 26, and insert in lieu thereof the following: "\$10,193,000,000, plus reimbursements: *Provided*, That of the sum appropriated, \$6,574,000,000 is available only for expenses in the personnel compensation and benefits object classifications: *Provided further*, That of this amount, \$75,000,000 shall be available for pay increases for medical care field personnel: *Provided further*, That, notwithstanding any other provision of this Act, the budget authority provided for National Aeronautics and Space Administration, Research and Development shall be \$3,359,700,000."

CHAFEE AMENDMENT NO. 983

Mr. CHAFEE proposed an amendment to the bill H.R. 2783, supra; as follows:

On page 24, line 11 insert the following immediately before the period: "*Provided further*, That \$1,000,000 of these funds shall be set aside to conduct a feasibility study and preliminary design of a wastewater treatment demonstration project that, through the use of innovative and alternative technology, could transport leachate from a sanitary landfill and wastewater from a new waste-to-energy solid waste management facility to an existing, state-of-the-art wastewater treatment facility that has unused reserve treatment capacity in Cranston, Rhode Island".

D'AMATO AMENDMENT NO. 984

Mr. D'AMATO proposed an amendment to the bill H.R. 2783, supra; as follows:

Strike on page 44, line 4, "\$413,951,000" and insert in lieu thereof "\$414,201,000".

Strike on page 20, line 18 "\$34,178,000 and insert in lieu thereof "\$33,928,000".

**HUMPHREY AMENDMENT NO.
985**

Mr. HUMPHREY proposed an amendment to the bill (H.R. 2783), supra; as follows:

On page 58, line 7, strike the word "gallon", and insert "gallon."

Notwithstanding any other provision of this act:

URBAN DEVELOPMENT ACTION GRANTS

For grants to carry out urban development action grant programs authorized in section 119 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), pursuant to section 103 of that Act, \$125,000,000 to remain available until September 30, 1991: *Provided*, That title 42, United States Code, section 5318(n)(2), is amended as follows: After the word "reservation" add the words "or on former Indian reservation lands in Oklahoma".

Further notwithstanding any other provision of this act.

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans' Administration, including care and treatment in facilities not under the jurisdiction of the Veterans' Administration, and furnishing recreational facilities, supplies and equipment; funeral, burial and other expenses incidental thereto for beneficiaries receiving care in Veterans' Administration facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); aid to State homes as authorized by law (38 U.S.C. 641); and not to exceed \$2,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 5010(a)(5); \$10,223,000, plus reimbursements: *Provided*, That of the sum appropriated, \$6,475,500,000 is available only for expenses

in the personnel compensation and benefits object classifications.

**HUMPHREY (AND OTHERS)
AMENDMENT NO. 986**

Mr. HUMPHREY (for himself, Mr. ARMSTRONG, Mr. MURKOWSKI, Mr. GRAMM, Mr. HECHT, and Mr. NICKLES) proposed an amendment to the bill (H.R. 2783) supra; as follows:

On page 58, line 7, strike the word "gallon" and insert "gallon." Notwithstanding any other provision of this act.

URBAN DEVELOPMENT ACTION GRANTS

For grants to carry out urban development action grant programs authorized in section 119 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), pursuant to section 103 of that Act, \$125,000,000.

Further notwithstanding any other provision of this act.

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans' Administration, including care and treatment in facilities not under the jurisdiction of the Veterans' Administration, and furnishing recreational facilities, supplies and equipment; funeral, burial and other expenses incidental thereto for beneficiaries receiving care in Veterans' Administration facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans' Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); aid to State homes as authorized by law (38 U.S.C. 641); and not to exceed \$2,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 5010(a)(5); \$10,128,900,000, plus reimbursements:

**DEPARTMENTS OF COMMERCE,
JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES APPROPRIATION,
FISCAL YEAR 1988**

**DECONCINI (AND McCAIN)
AMENDMENT NO. 987**

Mr. DECONCINI (for himself and Mr. McCAIN) proposed an amendment to the bill (H.R. 2763) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1988, and for other purposes; as follows:

On page 29, after line 13, insert the following new paragraph:

"Of the amount appropriated for section 1309 of the Drug Law Enforcement Grant Program, an amount not to exceed \$500,000 is to be allocated to drug law enforcement programs in any State where the legislature has appropriated funds on or prior to August 18, 1987, in anticipation of an appropriation equivalent to the authorization level."

**HUMPHREY (AND OTHERS)
AMENDMENT NO. 988**

Mr. HUMPHREY (for himself, Mr. DANFORTH, Mr. DURENBERGER, Mr. HECHT, Mr. KARNES, Mr. MCCONNELL, Mr. NICKLES, and Mr. PRESSLER) proposed an amendment to the bill H.R. 2763, supra; as follows:

Insert the following new section in the appropriate place:

"Sec. . . None of the funds appropriated under this Act shall be used to require any person to perform, or facilitate in any way the performance of, any abortion."

KENNEDY AMENDMENT NO. 989

Mr. HOLLINGS (for Mr. KENNEDY) proposed an amendment to the bill H.R. 2763, supra; as follows:

On page 25, line 6, insert before the period at the end thereof the following: "Provided further, That the amounts appropriated or otherwise made available to the Immigration and Naturalization Service which are allocated for public education activities in connection with the legalization program shall be used in a manner which significantly promotes the role of qualified designated entities (as designated under section 245A(c)(2) of the Immigration and Nationality Act), and such public education programs shall be developed in consultation with such entities, both national and local, and with other appropriate community-based organizations".

**KASSEBAUM AMENDMENT NO.
990**

Mr. RUDMAN (for Mrs. KASSEBAUM) proposed an amendment to the bill H.R. 2763, supra; as follows:

On page 78, between lines 13 and 14, insert the following new section:

Sec. 611. (a) It is the sense of the Congress that—

(1) at least six Members of the Congress, designated as provided for in subsection (b), should meet on an ad hoc basis for the purpose of developing a coordinated congressional policy toward assessed contributions to international organizations; and

(2) the Secretary of State should provide such cooperation as may be required by such Members.

(b) The Members described in subsection (a)(1) should be designated as follows:

(1) The Speaker of the House of Representatives, upon the recommendation of the Majority Leader and the Minority Leader, should designate at least three Members of the House as follows:

(A) one Member of the Committee on Foreign Affairs;

(B) one Member of the Committee on Appropriations, from the subcommittee handling activities of the Department of State; and

(C) one Member of the Committee on the Budget.

(2) The President pro tempore of the Senate, upon the recommendation of the Majority Leader and the Minority Leader, should designate at least three Members of the Senate as follows:

(A) one Member of the Committee on Foreign Relations;

(B) one Member of the Committee on Appropriations, from the subcommittee handling activities of the Department of State; and

(C) one Member of the Committee on the Budget.

(c) Not later than March 1, 1988, the Members of Congress designated under this section shall prepare and transmit to the committees of Congress referred to in subsection (b) a report on the findings and conclusions of the Members made pursuant to this section, together with any recommendations for appropriate action by such committees.

**BENTSEN (AND OTHERS)
AMENDMENT NO. 991**

Mr. BENTSEN (for himself, Mr. DOLE, Mr. KENNEDY, Mr. HATCH, Mr. CRANSTON, Mr. GRAHAM, Mr. KERRY, Mr. MCCAIN, Mr. MCCONNELL, and Mr. DURENBERGER) proposed an amendment to the bill H.R. 2763, supra; as follows:

On page 73, line 20, strike "\$17,500,000" and insert "\$17,750,000, or which not less than \$250,000 shall be used to support elements of the free press, including free radio, and the democratic civic opposition inside Nicaragua which espouse democratic principles and objectives. As is the case with all programs of the National Endowment for Democracy, no employee of any department, agency, or other component of the United States government may participate directly or indirectly in controlling, directing, or providing these funds to the free press and democratic civic opposition inside Nicaragua".

And on page 70, line 25, strike "\$617,906,000" and insert "\$617,747,000".

**CHILES (AND OTHERS)
AMENDMENT NO. 992**

Mr. CHILES (for himself, Mr. BIDEN, Mr. THURMOND, Mr. GRAHAM, and Mr. DOLE) proposed an amendment to the bill H.R. 2763, supra; as follows:

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

() Section 524(c)(1) of title 28 of the U.S. Code is amended by deleting "and" at the end of subparagraph (F), by striking out the period at the end of (G) and inserting in lieu thereof " ; and" and, by inserting the following new subparagraph:

(H) after all reimbursements and program-related expenses have been met at the end of each fiscal year, the Attorney General may transfer deposits from the Assets Forfeiture Fund to the Building and Facilities account of the Federal prison system for the construction of correctional institutions. The Attorney General shall report to the appropriate committees of the Congress any amount proposed to be transferred under this subparagraph.

CHILES AMENDMENT NO. 993

Mr. CHILES proposed an amendment to the bill H.R. 2763, supra; as follows:

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

The Secretary of State is directed to develop and submit to the Speaker of the House of Representatives and the Appropriations and Foreign Relations committees of the Senate by February 15, 1988, a plan to complete a new office building in Moscow ready for occupancy by December 31, 1990: *Provided*, That the plan shall provide for all

work on the project to be performed by appropriately cleared U.S. citizens: *Provided further*, That if on December 31, 1990 a new office building in Moscow is not ready for occupancy, due in whole or in part to the failure by the Soviet Union to provide prompt and full support to the Department of State to carry out the provisions under this Act, the Secretary of State is directed to use the authorities contained in the Office of Foreign Missions Act to evict the Soviet Union from its current chancery in Washington, D.C., and relocate the Soviet embassy in Washington, D.C. to a facility with physical standards essentially equivalent to the present chancery occupied by the United States embassy in Moscow and to make the unoccupied Soviet chancery building on Mount Alto available to the United States Government for its use.

**WILSON (AND OTHERS)
AMENDMENT NO. 994**

Mr. WILSON (for himself, Mr. CRANSTON, and Mr. GRAHAM) proposed an amendment to the bill H.R. 2763, supra; as follows:

At the appropriate place in the bill, add the following new section:

Sec. . . No monies appropriated by this Act shall be used by the Department of Commerce prior to February 1, 1988, to initiate proceedings under Section 312 (d) and (e) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1458) against the State of California's Coastal Management Program. Further, the Secretary of Commerce is directed to release to the California Coastal Commission the Fiscal Year 1987 administrative grant for operations and equipment authorized under Section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455).

WILSON AMENDMENT NO. 995

Mr. WILSON proposed an amendment to the bill H.R. 2763, supra; as follows:

On page 21, after line 21, insert the following: " : *Provided*, That within 60 days after the date of enactment, the Attorney General shall submit to the Senate and the House of Representatives a report on the status of all pending requests under the Equitable Sharing Program and on the implementation of administrative changes provided for in the "Anti-Drug Abuse Act of 1986" (P.L. 99-570), and provided further that such report shall also include recommendations on any action necessary to eliminate any backlog in the Equitable Sharing Program and the timetable for implementing the recommendations."

**MELCHER (AND METZENBAUM)
AMENDMENT NO. 996**

Mr. MELCHER (for himself and Mr. METZENBAUM) proposed an amendment to the bill H.R. 2763, supra; as follows:

On page 60, line 22, after "\$188,900,000" insert the following: " : *Provided*, That the final rule regarding unsupervised waivers under the Age Discrimination in Employment Act, issued by the Commission on August 27, 1987 (29 CFR sections 1627.16 (c) (1)-(3)), shall not have effect during Fiscal Year 1988; *Provided further*, That none of the funds may be obligated or expended by the Commission to give effect to any policy

or practice pertaining to unsupervised waivers under the Age Discrimination in Employment Act."

WARNER AMENDMENT NO. 997

Mr. WARNER proposed an amendment to the bill H.R. 2763, supra; as follows:

On page 58, line 7, after "Act" insert: "Provided, That, under the authority of the Bicentennial Commission on the Constitution a grant to the National Trust for Historic Preservation for the purpose of making urgently needed repairs necessary to preserve James Madison's Montpelier from the threat of destruction by fire, structural and security flaws and provide for necessary public health and safety, \$1,665,000, from available funds, to remain available until expended."

STENNIS (AND HOLLINGS) AMENDMENT NO. 998

Mr. HOLLINGS (for Mr. STENNIS, for himself and Mr. HOLLINGS) proposed an amendment to the bill H.R. 2763, supra; as follows:

On page 58, line 7, after "Act" insert the following: "Provided, That not to exceed a total of \$2,500,000 from appropriations provided to the Commission on the Bicentennial of the United States Constitution for fiscal years 1985 through 1988 is available for educational programs about the Constitution and the Bill of Rights below the University level".

BYRD AMENDMENT NO. 999

Mr. BYRD proposed an amendment to the bill H.R. 2763, supra; as follows:

On page 68, at the end of line 19, insert the following: "Provided further, That the staffing levels at the Small Business Administration District Office, Charleston, West Virginia, shall be maintained at the same levels that were in place as of August 30, 1987."

HOLLINGS (AND RUDMAN) AMENDMENT NO. 1000

Mr. HOLLINGS (for himself and Mr. RUDMAN) proposed an amendment to the bill H.R. 2763, supra; as follows:

On page 37 after line 2 insert:
"Sec. 207. Notwithstanding subsections (c) and (d) of section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633), the Administrator of the Office of Juvenile Justice and Delinquency Prevention may not—

"(1) terminate any State's eligibility for funding under subpart I of part B of title II of such Act, or

"(2) determine that the State's plan fails to meet the requirements of such section, for fiscal year 1988 because of the failure of such State to comply with the requirements of section 223(a)(14) of such Act before such fiscal year."

HOLLINGS (AND OTHERS) AMENDMENT NO. 1001

Mr. HOLLINGS (for himself, Mr. RUDMAN, Mr. KASTEN, and Mr. DOLE) proposed an amendment to the bill H.R. 2763, supra; as follows:

On page 57 line 9 strike "\$200,000,000" and insert "\$181,000,000".

On page 57 line 13 insert:

"ISRAEL RADIO RELAY STATION

"There is hereby appropriated the sum of \$34,000,000, to remain available until expended, to the Board for International Broadcasting for the purpose of making and overseeing grants to Radio Free Europe/Radio Liberty, Incorporated, and its subsidiaries and of making payments as necessary in order to begin implementation of the agreement signed on June 18, 1987 between the United States Government and the Government of Israel to establish and operate a radio relay station in Israel for use by Radio Free Europe/Radio Liberty and the Voice of America."

HOLLINGS (AND BYRD) AMENDMENT NO. 1002

Mr. HOLLINGS (for himself and Mr. BYRD) proposed an amendment to the bill H.R. 2763, supra; as follows:

On page 3, line 5 after "\$190,000,000" insert: "of which \$3,000,000 is for a grant to the Institute for Technology Development, Jackson, Mississippi, \$2,500,000 is for a grant to the University of Bridgeport, in Bridgeport, Connecticut to assist in the construction and instrumentation of the Connecticut Technology Institute, \$1,000,000 is for a grant to assist in the construction of a consolidated judicial center in Owensboro, Kentucky, and \$1,025,000 is for a grant to the Town of Alderson, West Virginia, to assist in the expansion of the municipal water treatment system serving the Federal Correctional Institution at Alderson, West Virginia".

HELMS AMENDMENT NO. 1003

Mr. HELMS proposed an amendment to the bill H.R. 2763, supra; as follows:

On page 46, between lines 23 and 24, insert the following new section:

Sec. . All appropriations provided under title III shall be reduced by 10 per centum until an authorization for such expenditures has been enacted.

HOLLINGS AMENDMENT NO. 1004

Mr. HOLLINGS proposed an amendment to the bill H.R. 2763, supra; as follows:

Beginning with "of" on line 15 of page 26, strike all that follows through "West Virginia" on line 19.

RUDMAN AMENDMENT NO. 1005

Mr. RUDMAN proposed an amendment to the bill H.R. 2763, supra; as follows:

Immediately following the section added by amendment 988, add the following new section:

Sec. . Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

NATIONAL HOSPICE MONTH

BIDEN AMENDMENT NO. 1006

Mr. BYRD (for Mr. BIDEN) proposed an amendment to the joint resolution (H.J. Res. 234) to designate the month of November in 1987 and 1988 as "National Hospice Month"; as follows:

Amend line 3 by removing "and 1988".

NOTICES OF HEARINGS

SUBCOMMITTEE ON NUTRITION AND INVESTIGATIONS

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Nutrition and Investigations of the Committee on Agriculture, Nutrition, and Forestry will hold a joint hearing with the House Agriculture Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, to receive testimony on the quality control and fiscal sanctions system in the Food Stamp Program. The hearing will be held on October 22, 1987, at 10 a.m. in room 1300 Longworth House Office Building.

For further information please contact Janet Breslin of the committee staff at 224-5207 or Bob Andros of Senator HARKIN's office at 224-3254.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on Thursday, October 15, 1987, to hold a hearing on S. 721, Indian Finance Development Corporation Act.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, October 15, 1987, to hold hearings on product substitution in Department of Defense contracting.

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

COMMITTEE ON SMALL BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that Small Business Committee be authorized to meet during the session of the Senate on Thursday, October 15, 1987, to hold an oversight hearing on the Small Business Administration's Small Business Development Center Program.

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

COMMITTEE ON FOREIGN AFFAIRS

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 Thursday, October 15, 1987, to hold a hearing on legislation to impose sanctions against countries supporting international terrorism—S. 1282.

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 October 15, 1987, to hold oversight hearings on airline safety and re-regulation.

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

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 October 15, 1987, at 4 p.m. to hold hearings on the nomination of Dr. Thomas P. Rona, of Virginia, to be Associate Director of the Office of Science and Technology Policy.

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 Thursday, October 15, 1987, to hearing continuation to receive testimony on Arctic National Wildlife Refuge legislation, S. 1217, a bill to amend the Mineral Leasing Act of 1920 to authorize the Secretary of the Interior to lease, in a expeditious and environmentally sound manner, the public lands within the Coastal Plain of the North Slope of Alaska for oil and gas exploration, development, and production.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on October 15, 1987, at 2 p.m. to hold oversight hearings on the United States-Japan science and technology agreement.

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

SUBCOMMITTEE ON AGRICULTURAL CREDIT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Credit, of the Committee on Agriculture, Nutrition,

and Forestry, be authorized to meet during the session of the Senate on Thursday, October 15, 1987, at 2 p.m. to mark up farm credit legislation.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, October 15, beginning at 1 p.m., to consider reconciliation recommendations; public works facility naming bills; Mississippi River Commission nominations; and mark up clean air legislation, Maine flood study.

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

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Finance Committee may be permitted to meet during the session of the Senate tomorrow.

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

ADDITIONAL STATEMENTS

CONTRIBUTIONS OF SUPERINTENDENT ISENOGLE

● Mr. JOHNSTON. Mr. President, I rise today to honor James Isenogle, an individual whose outstanding service and dedication to the U.S. Park Service has earned him the Department of the Interior's Distinguished Service Award. I would like to take this opportunity to commend him for his efforts, especially in regard to his distinguished tenure as Administrator of the Jean Lafitte National Historical Park in New Orleans.

Jim Isenogle joined the National Park Service at Philadelphia in 1957, having served with the U.S. Navy as a gunnery officer for the 2 years previous. He subsequently served with the Park Service in numerous capacities nationwide, including assignments at the Canaveral National Seashore, FL, and the Lake Clark, Katmai and Aniakchak areas in Alaska, all of which later became units of the Park Service. He also served with distinction as assistant to the Regional Director for Utah from 1974 to 1979.

Shortly before his arrival in New Orleans in 1979, legislation officially creating the Jean Lafitte National Historical Park and Preserve, which had been in the works for a decade, was passed by the Congress. This legislation provided for a unique concept, one which held great promise for an exciting park based on a new principle. To be a success, it required an individual with a creative foresight and strong ability in management. Jim was possessing of these skills and literally

took the ideas on paper, nurtured them and made them a success.

From ground zero, he oversaw the acquisition of over 7,000 acres of the natural Barataria Basin Preserve which now plays host to over half a million visitors a year. A visitor's center has been constructed and there are plans for an environmental education center as well. These accomplishments have come about in no small part due to Jim's excellent skills at gaining community support by forging a variety of cooperative agreements throughout the delta region. These agreements were designed to help meet the mandate in the legislation establishing the park that called for an interpretation of the cultural contributions of the delta region's people and their histories. In the Islenos interpretation of the Portuguese settlements, he has been adept in reaching many other groups through his efforts, including the establishment of three Acadian cultural centers in the last 3 years. Jim's contributions are far too many to list individually. But it is clear that without his skills at leadership and his creativity, the Jean Lafitte National Historical Park would not be, in reality, a park.

I commend him for his many efforts in dealing with very complex and difficult, and in some cases, not so pleasant, problems. Even though Jim is retiring, the ideas and the projects he has put into place will remain the foundation of this park and the base upon which we can continue to build far into the future.

Mr. President, I ask that the attached article from the New Orleans Times-Picayune which thoroughly describes all that Jim has encountered and accomplished in his tenure at Jean Lafitte National Historical Park be printed in the RECORD.

The article follows:

RETIRING JEAN LAFITTE DIRECTOR LEAVING IMPROVED PARK BEHIND

(By Cindy Hebert)

When James Isenogle became superintendent of Jean Lafitte National Historical Park, dumping trash by the truckload was almost a community sport, but he put a stop to that.

He had the staff tack up no dumping signs and issued warnings and citations to violators. It worked, residents told him, because somebody was finally enforcing the dumping laws. But not every project Isenogle has undertaken has been that easy.

Isenogle, 55, will retire Saturday after a 32-year career with the park service. He was tapped for the superintendent's job at Jean Lafitte in 1979 and has spent the past eight years setting up programs and leaving his mark on the park system.

The 7,000-acre wetlands preserve, called the Barataria Unit, is on Louisiana 45 south of Marrero. The park—Louisiana's only national park—includes the Chalmette Battlefield, the French Quarter and the Barataria Unit.

Cleaning up the park was just one problem Isenogle tackled. He helped shape the

wetlands into a preserve that attracts both residents and tourists to the marshy land rich in wildlife and greenery.

The park has five walking trails, including a trail for the handicapped, canoe trails and a large visitor's center. Work will begin soon on a youth education center.

Under his guidance, the park has opened cultural centers in Thibodaux and Eunice and a museum of Indian artifacts at the Chitimacha Indian Reservation in Charenton. There is also an Islenos exhibit in St. Bernard Parish.

In 1986, the preserve attracted almost 500,000 visitors, and all the units attracted 838,000 visitors.

"When I came to Barataria Unit, I was startled by the amount of debris and trash," he said. "People would dump refrigerators, car bodies, dead dogs, you name it.

"We still have to patrol, but it's not so troublesome now."

Isenogle, who has a degree in landscape architecture from the University of Illinois, brought his years of design and water management experience to New Orleans. During his career, he has worked at national parks in Florida, Utah and on the East Coast. He also worked in Alaska briefly before being tapped for the New Orleans job.

He came just as the legislation was being written to create the park.

Once a land acquisition program was in place and the park cleaned up, Isenogle turned his attention to making the wetlands preserve an area that would attract people to the marsh. To do so, he used a deft touch and sure hand to stimulate interest and support from the community and politicians while "fulfilling the needs of the bureaucracy." Those years of walking the tightrope have taken a toll and contributed to his decision to retire, he said.

"It's challenging but exhausting," he said.

He is quick to give credit to those who worked hard to create the wetlands system. Sen. J. Bennett Johnston, D-La., and Rep. Lindy Boggs, D-La., pushed the legislation to create the park, he said. Marrero resident Frank Ehret Jr. had the dream and drive to make the park a reality.

Ehret, who is sometimes called the father of the park, said Isenogle will be missed.

"All in all, I think Jim did a fantastic job," Ehret said. "He was a very good diplomat and a man who is good at dealing with individuals and groups as well."

Isenogle never shied away from difficult issues and often butted heads with the likes of the Army Corps of Engineers and the state and federal governments.

In 1985, after state officials allowed a Houston company to ream through a section of the park's Bayou Boeuf with a drilling rig, Isenogle called the state agency responsible for issuing the permit an "ineffectual farce" as a wetlands protector.

"I stand by that today," he said.

Isenogle is now fighting the Corps of Engineers, which wants to use 33 acres of the park to build a hurricane protection levee. Isenogle thinks the corps could build the levee using a lot less land.

Full-time retirement is still not in the cards for Isenogle. He may be rehired as a part-time employee to help out with the riverfront study. It will help him ease into retirement, he said.

Isenogle, who lives in Kenner with his wife, Sandra, said he plans to sail, read, garden and maybe travel. And, he said, he is not sure he wants to spend the rest of his life living below sea level, so a move might be in his future.

Overall, he said he is pleased with the way the Barataria Unit has developed, and he is hard pressed to cite the accomplishment that pleases him the most. There have been a few major problems and "a multitude of little ones that nag me," he said. But he wouldn't change much.

"Oh, yeah, I wouldn't have it any different," he said. "Looking back over my career I can't think of one person I really didn't want to talk to. I'm satisfied."●

ANNIVERSARY AT CONGREGATION BETH SHALOM

● Mr. LEVIN. Mr. President, on October 23, Congregation Beth Shalom in Oak Park, MI, will honor its three spiritual leaders who have been with Beth Shalom for a combined total of 34 years.

Rabbi David Nelson has been a leader in rabbinic, Jewish, interfaith, and civic affairs in the Detroit area since coming to Beth Shalom in 1972. He epitomizes the modern rabbi. He is a spiritual leader, a teacher, a pastor, and a scholar. He is a leader in fostering good Christian-Jewish relations and has served as the presiding officer of the Detroit Roundtable of the National Conference of Christians and Jews. In these past 15 years, he has touched the lives of thousands of people in all walks of life. His warmth and his intellect have combined to help make Beth Shalom the dynamic congregation it is.

Cantor Samuel Greenbaum not only performs his cantorial duties. He also works with the congregation's young people and as an adult education instructor. He brings his love of Jewish music to senior citizens in seniors' center and to nursing homes throughout the metropolitan area. He is a popular speaker, as well as a singer.

Samuel Semp is the congregation's ritual director. He coordinates the observance of religious rites at the synagogue. He also attends to the congregants' personal needs at times of joy and of sorrow. Like the rabbi and the cantor, he is there when he is needed.

I am pleased to salute Congregation Beth Shalom and the Oak Park community on this celebration of the leadership of these fine religious leaders. May they—and Congregation Beth Shalom—go "from strength to strength." Mazal Tov.●

SALUTE TO CENTENNIAL SENIOR HIGH SCHOOL

● Mr. DURENBERGER. Mr. President, next week I will have the honor of participating in ceremonies recognizing the selection of Centennial Senior High School in Circle Pines as one of the select group of schools designated as "National Schools of Excellence" by President Reagan and the U.S. Department of Education.

Across the country, only 271 junior high, middle, and high schools received this coveted national honor.

Other schools from Minnesota which were so designated included Oak Grove Junior High School in Bloomington; South View Junior High School in Edina; Valley View Junior High School in Edina; and St. Louis Park High School in St. Louis Park.

Centennial and the other schools nominated by State boards of education were judged by a panel of 71 reviewers—two-thirds of them from outside the field of education.

The schools were judged on a wide range of attributes, from test scores to dropout rates. Attendance rates for both students and faculty were checked. And the schools got extra points for their efforts to deal with drug and alcohol problems.

It was fitting that—in this 200th anniversary of the signing of our Constitution—the schools were also judged on how well they taught citizenship and the U.S. Constitution.

In announcing the selection of Centennial Senior High School, U.S. Secretary of Education William J. Bennett said, "Excellent schools like these renew our faith in American education. They have worked extraordinarily hard and, as a result, they have much to show for it."

Recognition provided schools like Centennial is critical at a time when education needs to be elevated as a national priority.

Just 2 months ago, I had the opportunity to get together with four of the German Franciscan Nuns who were my teachers at the two-room public elementary school I attended more than 40 years ago in rural Stearns County. I was reminded then how much education has been a part of my life, with parents who were both teachers, with growing up in an educational environment around St. John's University, and with four sons who are still at various points in the educational system.

Most of the former elementary school teachers I visited last month are now retired. But one of them is still teaching. And, at age 80, she was named last year as the Outstanding Catholic Educator of the Year, for about a 10 State region of the country. The subject she teaches is computer science.

This former teacher is a living example of the lifelong nature of learning, and how we must be constantly updating and reinforcing our commitment to education.

In fact, the challenges facing education today have never been greater * * * and never has education been more important to a society which must compete in an international marketplace of goods and of ideas.

Outstanding schools like Centennial Senior High School give me great confidence that we will meet that challenge and that education will continue to be the key to the future.●

FREDDIE JOHN FALGOUT: THE LOUISIANIAN WHO WAS FIRST TO FALL

● Mr. JOHNSTON. Mr. President, I rise today in recognition of Freddie John Falgout, an American serviceman who was born and raised in Raceland, LA. In 1937, Mr. Falgout became the first American to die in the conflict that would eventually escalate into World War II.

Douglas Baldwin of Fair Oaks, CA, has written a news article about Freddie John Falgout which was recently published in the Sacramento Union. I believe it tells a moving story, one which should not be forgotten.

Therefore, Mr. President, I ask that the attached article from the Sacramento Union be printed in the CONGRESSIONAL RECORD.

The article follows:

[From the Sacramento (CA) Union, August 23, 1987]

THE FIRST TO FALL—

A U.S. SAILOR DIED 50 YEARS AGO IN OPENING ROUND OF WORLD WAR II

(By Douglas and Jan Baldwin)

The U.S. cruiser Augusta, flagship of America's Asiatic Fleet, moved up China's muddy Whangpoo River. It was "Bloody Saturday," Aug. 14, 1937, and the Augusta was sailing into Japan's war with China. Her destination was Shanghai. She would be met there by the USS Sacramento and other ships sent to protect the many Americans and Europeans living in the vast international settlements at the center of China's financial capital.

The Augusta's 15-knot wake rocked sampans filled with fleeing refugees and churned the bodies of men and horses floating in the debris of war.

In Asia, the battles ushering in World War II, were being fought 50 years ago this month. The army of the Rising Sun would remain in China until the war ended eight years and millions of lives later with Japan's surrender. Although not understood in August, 1937, the long roll call of American dead in history's bloodiest war was also about to start.

At 4:05 p.m., the Augusta tied up opposite the Bund, Shanghai's dockside commercial center. Thirty-five minutes later, Fleet Adm. Harry E. Yarnell ordered his shipboard contingent of U.S. Marines to go ashore.

With them went a landing party of sailors from the Sacramento, a coastal gunboat named for California's capital. Dubbed the "Galloping Ghost of the China Coast," the Sacramento would have a major role in shielding Americans from the war. She would leave China a year later and be sent eventually to a "quiet duty station" in the Pacific. The station was Pearl Harbor and the time was late 1941. The Sacramento would help shoot down two Japanese torpedo planes in the Dec. 7 attack that brought America finally and formally into the Second World War.

The Sacramento's mission on Bloody Saturday, however, was to join the Marines from the Augusta in protecting Shanghai's vital power plant as fighting raged around it.

Among the men of the Augusta who were witnessing their first shooting war was Freddie John Falgout of Raceland, La. This

was an exciting time for a young man who would turn 21 on August 21. He had letters to write to his bride-to-be.

Had fate not intervened, he might have described what war was like as his ship and those from Italy, England and France tried to stand between their citizens and 170,000 battling Asians.

The fight for this sixth largest city in the world, with its Chinese communities of four million people surrounding the international settlements, would become the largest land battle since World War I. Four months from now the Japanese would sink the American gunboat Panay. In Asia as in Europe the fragile peace that ended the First World War had come apart.

Shanghai's International settlement was supposedly off limits to the war but in fact the random killings spared no group or city sector. Early in the fighting a Chinese bomb fell by mistake on the Great World Amusement Palace killing 500 Chinese who were seeking diversion even as two square miles of their city went up in flames. During a short-lived lull in the fighting, eager shoppers crowded the exclusive stores along Nanking Road. A huge Japanese naval shell slammed down on the street between Wing On & Company and Sincere Company Ltd. Three hundred civilians died, most of them westerners.

In the first week of battle the Augusta had been relatively secure, despite heavy fighting surrounding her and near misses by shells aimed at the large contingent of Japanese ships anchored in the Whangpoo.

On Aug. 20, her skipper, Capt. Harold V. McKittrick, ordered the routine showing of a motion picture on the well deck. It would be good for morale.

The main level well deck was protected by huge central smoke stacks which vented Augusta's boilers, and by two catapults from which the ship's scout planes were launched. A screen was erected and benches were brought top side from the galley, some by Freddie John Falgout who was taking his turn at mess or kitchen duty. Freddie had brought a book. He sat down to read as the rapidly setting China sun darkened the improvised theater.

But there would be no show that night.

Not far away, a Japanese gun crew fired 36 millimeter "pom-pom" shells at low-flying Chinese planes.

At 6:30 p.m., a pom-pom shell missed its target and arched back to earth with its killing power intact. It landed almost at Freddie's feet. The exploding shell sent hot metal shrapnel ripping through the sailors.

Leaning forward over the teakwood deck, intent on his reading, Freddie's upper body was directly over the blast. A single dime-size fragment tore through his white t-shirt, into his chest and through his heart. He died instantly.

Eighteen other American sailors were wounded. In the confusion and carnage on the well deck, some did not know until later whose blood was on them.

Seaman Second Class C.B. "Red" Strachen carried Freddie a short distance to an aid station. A doctor knew immediately there was no hope. He told Strachen to take off his shirt. Strachen too had been hit. Some of the blood which covered him was his own. Until his death this year, he carried enough shrapnel in his body to trigger airport metal detectors.

Later that evening, Freddie's body was taken by launch through the battle zone of the Whangpoo to the Fourth Marines Regimental Hospital, there to be prepared for the long journey home.

The next day Freddie's father, Harrison, listened in disbelief to a neighbor's account of a radio report of the death in Shanghai. A short while later a telegram brought the dreaded confirmation.

Word spread fast in Louisiana's close knit Acadian community. Five generations of Falgouts had lived there and almost everyone knew the blond haired eldest son who lived with his widowed father in the gray, weathered farmhouse on Highway One.

Six weeks later, Freddie's body arrived in San Francisco and from there was brought home to Raceland. He was buried with full military honors in a massive funeral Oct. 3. Ten thousand mourners from surrounding parishes joined the 600 people who lived in the little town along the Bayou.

At the time Freddie John Falgout fell few Americans understood that a war soon to become much larger was already underway. Historians today realize that the young man from Louisiana was the first American serviceman to fall in the opening of a world war that took the lives of more than 299,600 soldiers, sailors, airmen and Marines.

On the Augusta's well deck where the shell hit Freddie's shipmates placed a small bronze plaque, with a ring surrounding the blast area. Plaque and ring remained with the ship throughout World War II.

Their whereabouts today are unknown because the Augusta, which survived the war, could not survive the peace that followed. She was sold for scrap in 1959. ●

SALUTE TO ST. LOUIS PARK HIGH SCHOOL

● Mr. DURENBERGER. Mr. President, next week I will have the honor of participating in ceremonies recognizing the selection of St. Louis Park High School as one of a select group of schools designated as "National Schools of Excellence" by President Reagan and the U.S. Department of Education.

Across the country, only 271 junior high, middle and high schools received this coveted national honor. Other schools from Minnesota which were so-designated included Oak Grove Junior High School in Bloomington; South View Junior High School in Edina; Valley View Junior High School in Edina; and Centennial Senior High School in Circle Pines.

St. Louis Park and the other schools nominated by State boards of education were judged by a panel of 71 reviewers—two-thirds of them from outside the field of education.

The schools were judged on a wide range of attributes, from test scores to dropout rates. Attendance rates for both students and faculty were checked. And the schools got extra points for their efforts to deal with drug and alcohol problems.

It was fitting that—in this 200th anniversary of the signing of our Constitution—the schools were also judged on how well they taught citizenship and the U.S. Constitution.

In announcing the selection of St. Louis Park High School, U.S. Secretary of Education William J. Bennett

said, "Excellent schools like these renew our faith in American education. They have worked extraordinarily hard and, as a result, they have much to show for it."

Recognition provided schools like St. Louis Park is critical at a time when education needs to be elevated as a national priority.

Just 2 months ago, I had the opportunity to get together with four of the German Franciscan Nuns who were my teachers at the two-room public elementary school I attended more than 40 years ago in rural Stearns County. I was reminded then how much education has been a part of my life, with parents who were both teachers, with growing up in an educational environment around St. John's University, and with four sons who are still at various points in the educational system.

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This former teacher is a living example of the lifelong nature of learning, and how we must be constantly updating and reinforcing our commitment to education.

In fact, the challenges facing education today have never been greater * * * and never has education been more important to a society which must compete in an international marketplace of goods and of ideas.

Outstanding schools like St. Louis Park High School give me great confidence that we will meet that challenge and that education will continue to be the key to the future. ●

PROFIT POLICY

● Mr. STEVENS. Mr. President, the recent debate in the Senate on the Defense authorization bill pointed out again the severe constraints being imposed on the defense budget by the deficit crisis. We faced this same dilemma in drafting the fiscal year 1987 Defense appropriations bill. The profit policy and tooling provisions enacted last year shifted a reasonable share of the investment costs for defense production from the Government to defense contractors. This policy has been assailed by many in the defense industrial community as threatening our national security production base. I believe recent assessments belie that assertion.

I ask, Mr. President, that the article titled "Defense Industry Slims Down to Survive" from the Wall Street Journal of September 30, 1987, be entered into the RECORD. This analysis points to the changes made by defense con-

tractors in response to the reforms installed by Congress last year.

The initiative for these reforms was not to impose punitive losses on the defense industry. These reforms provide an incentive for contractors to be more efficient, to invest in their own production capability, and to obtain financing in the commercial sector for facilities.

The incentive for all these actions is higher profits and we benefit from lower costs to the Government. The article I have referenced testifies to the adjustments made by some of the leading defense producers, Martin-Marietta, Boeing, Lockheed, and Rockwell, to name only a few, to excel in this new environment. Our changes have not devastated these organizations. They do have to do business differently.

A second article, published in the October 8, 1987, Wall Street Journal, entitled "Antique Arsenals," addressed the antiquated production facilities existing at many defense contractors. I would also ask to introduce this article into the RECORD. This piece graphically describes the decrepit conditions and costly waste which fuel the growing prices for many high tech weapons.

While only time will tell, I believe these new rules of engagement serve both the financial interests of the Government, and enhance the competitiveness of the industries to compete in the world market.

These procurement policy reforms have been in place for approximately 1 year. These initiatives are not perfect, and will require adjustments over time. At the request of the Military Logistics Forum, I recently prepared an article discussing my views on the impact of these reforms. I ask unanimous consent that this article be inserted into the RECORD at this time.

I fervently hope that the Congress will grant these reforms a reasonable period of implementation before making significant changes. The Department of Defense has firmly upheld these initiatives, and the General Accounting Office has been an active participant in the development of these new rules and in monitoring their effect.

All indications are that the financial reforms enacted last year are motivating more competitive behavior. That's a benefit and we ought not tinker with these policies unless the impact appears to be otherwise.

The material follows:

[From the Wall Street Journal, Oct. 8, 1987]

MANY DEFENSE FIRMS MAKE HIGH-TECH GEAR IN LOW-TECH FACTORIES

(By Cynthia F. Mitchell and Tim Carrington)

Defense contractors are among America's technological leaders. But you would never know it from some of their factories.

Take Grumman Corp., which developed the F-14. Not long ago, the company was embarrassed to find that the machines cranking out the highly complex jet fighter and four other complex sophisticated naval aircraft had an average age of 34 years.

"It shocked us," says Thomas Ivory, a Grumman executive. "We were mostly using equipment provided from the government during World War II." Under pressure from the Navy, Grumman is over-hauling the plant, but it probably won't be fully up-to-date for a couple of years.

When taxpayers learned a few years ago that were being billed for \$430 hammers, they were outraged. But a bigger problem—and a bigger payoff if it is fixed—is coming under scrutiny: Weapons often are being manufactured by grossly inefficient production processes that couldn't cut it in the commercial sector.

"It's really horrendous," says John Orphanos, a production and acquisitions deputy with the Air Force Systems Command. "We're probably paying in production costs and poor quality anywhere from three to 10 times as much as we should." Other, larger issues: the weapons' reliability and the country's ability to produce them in quantity for a war effort.

Over the past decade, the defense industry invested in new manufacturing equipment and technologies at only half the rate of the commercial sector, according to a study by a National Academy of Sciences panel. "Our defense plants," says Frank Press, the NAS president, "are filled with out-of-date equipment."

Mr. Orphanos cites a facility making metal parts for military-plane skeletons: First, he says, material is wasted. Instead of forming the pieces out of metal already roughly shaped like the final parts—a common practice—the contractor begins by carving up large, rectangular pieces, producing a mountain of scrap. Then, time can be lost. Obsolete machines spew out so many metal chips that they sometimes force shutdowns. Finally, the cutting tools aren't properly flushed with coolants and lubricants—crucial to most machining processes. So they wear out quickly and produce too many faulty parts.

Mr. Orphanos tells many such horror stories. He describes an aircraft landing-gear factory where the floor is gooey with hydraulic fluid leaking from the huge presses designed to shape metal under pressures of 60,000 to 75,000 pounds per square inch. However, the leaky presses average only 35,000 to 50,000 pounds per square inch and thus produce piles of unacceptable, out-of-tolerance parts. He recalls another plant making submarine parts where the scrapage rate runs 70% to 80% because the outdated machine tools can't hold the prescribed tolerances.

Pentagon officials are reluctant to identify contractors still working in industrial museums. They say they tour plants under unwritten agreements of confidentiality and they don't want to embarrass companies while cajoling them to modernize.

The officials also concede that what mainly is keeping America's defense factories behind the times is a byzantine weapons procurement system. For years, contractors' profits were based on their costs; thus, the companies had little incentive to modernize if savings were rewarded with a renegotiated, lower-profit contract. On-again-off again congressional financing for some programs and recent get-tough procurement reforms—such as stinger progress payments

and competitive sourcing—also make companies hesitate to invest in costly new machinery for business that they could soon lose.

Nearly all experts say weapons would be produced more cheaply under long-term contracts. But with Congress insisting on hashing over the defense budget year by year, the services, unlike most businesses, often buy a few items at a time. And when budgets are cut, programs are seldom canceled but rather are stretched out—further reducing annual purchases. Thus, contractors, unable to forecast production levels, work inefficiently.

And, in truth, improving a factory just isn't as sexy—or as profitable—as designing a more sophisticated weapon.

The upshot? "The resources flow to the commercial side" rather than the defense side of a company, says Thomas Murrin, the president of Westinghouse Electric Corp.'s advanced technology group.

But the increasingly worried services are laying out money—about \$200 million so far—to coax arms makers into using robots and computerized production lines. A grab bag of projects, lumped under Industrial Modernization Incentives Program, puts up Pentagon seed money to analyze a contractor's production methods and plan improvements. The contractor buys any equipment and is guaranteed a "healthy" return on it. The government gets the rest of the savings.

Supporters hope that the programs will save taxpayers billions of dollars and help strengthen the defense industry. So far, the Pentagon claims overall savings of close to \$1 billion from the programs. The Air Force, which has taken the lead expects to save \$6 billion over the next five years from about \$400 million in seed money; contractors would invest \$1.2 billion.

For example, modernization projects at General Dynamics Corp.'s F-16 fighter plant have so far saved \$261 million as a result of \$51 million in government seed money and a \$175 million capital investment by the company. Over the next 10 years, those programs and new ones costing the Air Force an additional \$50 million and the company an additional \$150 million are expected to save \$500 million more.

Eventually, the Defense Department predicts another payoff: higher productivity for other defense contractors—which won't necessarily get seed money—and for commercial companies as well. That's because to qualify for seed money, contractors must agree to show what they are doing to any other interested companies, including competitors.

But so far, the programs have had a big impact at only a few dozen manufacturers, and the problem still is far from licked. Just a few months ago, Robert Costello, the Pentagon's head of acquisitions, took some senior officials to a missile plant reputed to be one of the most modern in the industry. They weren't impressed.

They saw a dirty plant, he says. The air wasn't atmospherically controlled. Workers were cleaning the insides of the missiles' warheads with unfiltered air hoses. At the end of the production line, workers were screwing missile parts together by hand, without making exact measurements. "One employee was instructed to 'snug it up.' . . . This was supposedly a precision job," one of the Pentagon officials recalls. The dirt, grease and imprecise connections "absolutely affect reliability," he says.

Grumman found similar problems at its F-14 fighter plant in Bethpage, N.Y. Aided by \$9.4 million in Navy funds, it found not

only outdated machines but also a lot else crying out for change. Grumman was cutting and drilling some sheet-metal parts in three separate plant locations. And it was working as it had for 30 years—almost entirely by hand. After tracing a part's pattern onto aluminum sheets, workers would guide them through 30-year-old bandsaws, and then any required holes would be drilled manually.

Grumman consolidated that parts operation in one area. "There was no way we could afford to automate in two or three different places," says John Huber, the program's manager. Now, two white-smocked technicians tend two enormous \$1.5 million machines that automatically cut, drill and trim aluminum sheets. Computers eliminate waste by nesting 10 parts on a four-foot-square sheet. The parts cost half as much to make as before, Mr. Huber says. Grumman expects its \$80 million plant overhaul to save at least \$275 million over five naval-aircraft programs through 1996.

"Westinghouse also concedes that its old defense-electronics assembly plant in Baltimore probably wouldn't have survived in the commercial world. Only three electronics boards out of every 10 produced there passed muster. Assembly was all by hand. Scheduling was haphazard.

"We didn't manage the place, we just reacted," says John "Tex" Teixeira, who worked in Baltimore and now runs a new electronics plant for the company.

A typical problem: Incoming component kits were incomplete and often faulty. Instead of testing them electronically at the door, "Westinghouse waited until they were stuffed onto a finished board. Catching and correcting a bad component immediately might have cost \$50, but on a finished board it could cost \$500. After a board was in a larger system, the cost might hit \$1,500.

Aided by Air Force money, Westinghouse has built a \$50 million "factory of the future" at College Station, Texas. Now, components are tested before reaching the factory floor and again at subsequent stages. Also, four robots-nicknamed Huey, Dewey, Louie and Screwy—take only eight seconds to place electronic circuits on surface mount boards, compared with 30 to 40 seconds for manual placement and they can work round the clock with little human attention.

So far, the company has slashed expenses by \$95.5 million and by 1992, expects to save at least \$250 million more. Jobs are completed in just three weeks, instead of 12, and 85 percent of its finished boards, rather than just a third, pass muster.

At Rockwell International Corp.'s Collins division, which is making the receiving stations for a mammoth satellite-navigation system, scheduling used to be done manually, largely on guesswork. Dozens of projects expeditors ran around trying to get their jobs "hot-tagged" because no one was quite sure of the hours of work required for incoming jobs or the availability of machines. Employees might be switched around from one project to another.

"It was chaos," recalls Dave Hanzelka, a Collins manufacturing executive. Moreover, 80 percent of the electronics boards needed reworking. Now, he says, a computer tracks the parts requirements and assembly time for each board and automatically dictates which job should come next.

Lately, Congress seems willing to spend money to save money. The Senate Armed Services Committee approved the \$159 million that the services sought for moderniza-

tion program in fiscal 1988 and added \$100 million more. But, some congressional staffers say, support will wane if the programs are perceived as handout to companies that would make the improvements anyway.

Some government money apparently has gone into such projects. "We're getting Air Force funding to go do what we would do anyway," admits James Ellis, Raytheon Co.'s manufacturing program manager. That isn't necessarily bad. Mr. Ellis and Air Force officials contend, because the money speeded up automation of a plant making satellite guidance systems, and Raytheon has to share what it learns with others.

There is also debate how much modernization the programs can achieve. "The Pentagon probably can't do a hell of a lot to influence the reinvestment process except at the margin," concludes Edward M. Kaitz, a consultant who, analyzed incentive programs for the Air Force. Contractors "will modify when it's in their best interest and when they have the cash flow . . . not so much because of a clause in their contract that promises them a share of the savings." Moreover, not all the automation efforts have worked.

Meanwhile, defense officials are recognizing the need to contend with the tens of thousands of subcontractors—whose parts account for close to half of most contract expenses—if they expect pervasive improvements in cost and quality.

The Air Force first dug into that tier by setting up an office at General Dynamics F-16 plant that dished out seed money to 36 subcontractors for the jet. Now, it is embarking on a similar project for subcontractors of Grumman's \$800 million Joint Stars program, a surveillance and target attack system. And it is sponsoring research projects at tiny subcontractors such as Mayday Manufacturing Co. The Lewisville, Texas, maker of aircraft bearings recently spent \$250,000 for an automatic machining cell as part of that program.

"There's a tremendous problem with quality at the supplier level," says an aide to Mr. Costello. "And we haven't come to grips with that yet."

[From The Wall Street Journal, Sept. 30, 1987]

DEFENSE INDUSTRY SLIMS DOWN TO SURVIVE—COMPETITIVENESS BECOMES KEY IN LEAN TIMES

(By Eileen White)

Defense contractors are aggressively trimming their costs and preparing for leaner Pentagon spending ahead. Their belt-tightening moves signal that the companies believe the recent round of procurement reforms may have a more lasting effect than previous efforts and that competitiveness is more crucial than ever.

After seeing its profit margins on airplane engines cut nearly in half by competitive bidding, the Pratt & Whitney unit of United Technologies Corp., for example, is reducing its supervisory staff 10%, shortening delivery time and greatly reducing scrapped parts and waste.

Boeing Co., meanwhile, slashed overhead costs 25%, helping it to win a string of six big contracts recently. Lockheed Corp., facing a slump in aircraft orders, is combining three separate operating subsidiaries into one, and General Dynamics Corp. hopes to chop a whopping 40% off its costs.

SUDDEN CHANGE

The slimming-down has come rather suddenly. Defense contractors—notoriously successful at rebuffing reforms in the past—initially resisted the changes forced on them by Congress and reform-minded military officials. But in the past year, competition, lower contract payments and other changes have squeezed military profits and depressed defense stock prices. With the post-1988 election defense budget projected to remain relatively flat, contractors see no alternative but to adjust.

"We see a different Department of Defense business environment over the next 10 years, and we'd better adapt to it or be faded away," says John Brizendine, president of Lockheed's aeronautical systems group and chief architect of the group's cutbacks.

Besides the Pentagon reforms, the defense industry's internal realignment is being nudged along by restructuring and merger-related changes that have affected American business in general. Allied-Signal Inc. and United Technologies, for instance, have reorganized their commercial operations and are trying to apply higher performance standards to their defense-related assets as well.

MARTIN MARIETTA'S EXAMPLE

Martin Marietta Corp., one of the first U.S. companies to be forced into restructuring by a hostile takeover bid, has become a much-envied example of what can be done. Heavy with debt taken on to resist a 1982 Bendix Corp. overture, it realigned its aerospace business by targeting growth areas in the defense field, submitting fiercely competitive bids and tightly controlling costs. Indeed, Martin Marietta recently announced a new wave of cost-cutting that eliminated an entire level of corporate management.

Rockwell International Corp., too, is combining units and eliminating bureaucratic layers. Although difficult, such measures are viewed as necessary to sustain contractors through a period when the "market"—the defense budget—is expected to grow only about 3% a year.

DELAYS ON PROFIT

At the same time, contractors face the difficult adjustment of being weaned from sole-source contracting, a comfortable system that covered nearly all costs and just about guaranteed a specified profit. Now they have to deal with the risky business of competition and fixed-price contracting.

Cost-sharing, or investing up front in research and development with the expectation of winning a production contract, has also hurt bottom lines. For the five contractors participating in the Air Force advanced tactical fighter, or ATF, competition, it will probably take 14 years to get back from the Pentagon the approximately \$100 million that each plans to invest, company executives say. The funds will be returned through reimbursement of overhead costs.

Sanford N. McDonnell, chairman and chief executive of McDonnell Douglas Corp. predicts the ATF program will result in a financial loss overall. In 20 years, he says, the team that ultimately wins the ATF contract will make money, but not as much as the losing team will lose.

PAYMENTS FOR PROGRESS

Other changes have added to the industry's burden. The government reduced monthly contract progress payments to 75% of contractors estimated costs from 90%, gave itself 30 days instead of 15 days to make the payments and cut regulated profit

on certain contracts by one percentage point.

"Under the old way, you could make a profit four to six years after the (beginning) of a program," says Fred Wood, an executive vice president of General Dynamics. Now, he says, it can take twice that long.

Certain contractors figured out quicker than others how to win under the new rules. When the Air Force in 1984 announced that it was looking for a second supplier for the F-15 and F-16 fighters' engines—which had been made only by Pratt & Whitney—General Electric Corp. snatched away the major share of the business three years in a row and also won overseas orders for 400 engines.

Pratt finally has begun to recover from what the Air Force calls "engine wars," winning 55% of this year's U.S. engine orders. But GE has cut some staff from its engine divisions to remain competitive. "You're looking now at a neck and neck race," a Pratt spokesman says.

Boeing, beaten badly in a few initial rounds of competition, has bounced back. Lockheed, on the other hand, is shrinking. Both companies are trying to change their reputations at the Pentagon as high-cost contractors, but they have different approaches to the future.

For Lockheed, one of the toughest lessons has been learning that it takes lower costs, not just technical superiority, to compete. After losing a battle with McDonnell Douglas to build the C-17 transport, Lockheed will be left with an eight million-square foot plant in Marietta, Ga., that will be nearly empty in a few years. Another massive plant, in Palmdale, Calif., also will be nearly empty unless an updated version of Lockheed's P-3 can win a competition to build Navy reconnaissance planes.

Meanwhile, the Navy says Lockheed's high costs may lead the government to find a second supplier of the Trident II nuclear missile, which accounts for about 12% of Lockheed's annual revenue.

AVOIDING COMPLACENCY

The changes hurt. Lockheed has built nearly every military transport aircraft since the early 1960s. Versions of its P-3 have been in service for 25 years, and fleet ballistic missiles like the Trident have been under contract for 30 years.

"You get to be king in your field, and it's tough to avoid complacency, to keep your competitive edge honed," says Mr. Brizendine.

Lockheed also lost two other competitions this summer and, despite the huge Reagan administration buildup of Navy craft was beaten so badly in shipbuilding competitions that the company will close down its Seattle shipyard.

The recovery strategy for the one-time industry powerhouse is a humbling one. To raise capital Lockheed is planning to shut down certain of its operations at its traditional home base at the Burbank, Calif., airport and to sell off valuable real estate holdings. Lockheed isn't saying how many of the 42,000 jobs in its aircraft group will be eliminated by combining three companies.

Because the market for defense prime contractors is shrinking, Mr. Brizendine says, the company hopes to earn about \$1 billion a year from subcontracts and other business. Lockheed recently swallowed its pride and became a subcontractor to McDonnell Douglas, making the wings on the C-17 transport. In competition with Rockwell—another contractor that soon may have a huge, empty plant in Palm-

dale—Lockheed is also talking to Airbus Industrie about subcontract work for the European commercial jet consortium.

Boeing, too, has been chastened by procurement changes. Once a premier contractor, the company lost prestigious competitions in the past few years, forfeiting the Stealth bomber contract to Northrop and the MX missile and space shuttle external tank to Martin Marietta.

In fact, as the company's motivational film chronicles it, Boeing lost six out of seven large military contracts to Martin Marietta in the past few years. "It's a matter of survival," the narrator says. "We were not competitive."

"MUST WIN" CONTRACTS

Boeing turned from its defeats to an aggressive comeback. Designating certain contracts "must win," it submitted very low bids and initiated its ambitious 25% cost-cutting program. Eyebrows are being raised throughout the industry about the bids, which some have labeled "buying in" or "low-balling." In defense industry jargon, these refer to submitting unreasonably low bids to win a contract, and covering costs through inflated billing later, something Boeing strongly denies.

On two contracts to design launch and control systems for a small intercontinental nuclear missile, Boeing's bid undercut the company's traditional labor-cost formula by 40%. Its \$300 million price on a third contract was \$200 million less than the next lowest bidder. "It is possible the company may recognize losses on some of its newer programs because of aggressive bidding," says Robert Kugel, an aerospace analyst with Morgan Stanley & Co.

Boeing officials dispute this, saying their six, big new contracts are fixed-price and won't cover overruns. "With a firm, fixed-price contract, buying in is just too dangerous nowadays," says Kenneth Russell, a Boeing executive.

Instead, the contractor has initiated a wholesale reorganization of its aerospace operations, designating small teams of engineers and production managers to work on the new projects and giving them an absolute ceiling on costs.

[From Military Logistics Forum Magazine, July/August 1987]

GH IS TOO HIGH?—DEFENSE INDUSTRY HAS TO DO ITS SHARE AS DEFENSE BUDGETS DECLINE

(By Senator Ted Stevens)

A stark dilemma faced Congress as it tried to reach agreement on 1987 defense spending: It could either reduce funding for critical national security programs or find alternative means to finance the defense budget. A crisis in the public's confidence in the U.S. defense industry also confronted Congress. The well-publicized spare parts scandals contributed more than any other factor to the erosion of public support for defense increases.

Congress, therefore, was grappling with two problems: solving the budgetary crunch and restoring the integrity of defense procurement.

We proposed a two-pronged solution in the Senate's version of the 1987 Defense Appropriations Bill. First, we wanted to address the profit formula for negotiated defense contracts. Second, the proposal was designed to motivate contractors to undertake more investment and capital risk. The fact that changes in these areas needed to

be made was reinforced by studies conducted by the Defense Department (DOD) and the General Accounting Office (GAO). But the primary motivating factor for change was the effort to comply with the deficit reduction objectives of the Gramm-Rudman-Hollings bill.

Last year's budget resolution included significant reductions to the President's request. At about \$290 billion, it represented a nominal freeze for defense spending.

But the situation could have been much worse. Because of the peculiarities of Gramm-Rudman-Hollings, annual expenditures have taken on much more significance than in the past. Despite our efforts, Congress agreed to a higher level of obligation authority than could be supported by the outlay, or expenditure, targets.

Cutting the request to \$290 billion by using conventional methods would not have met the expenditure targets. By our estimates, the resolution was short by about \$5 billion for expenditures. In part, the contract financing and profit policy adjustments helped Congress achieve the budget resolution targets, without cutting defense programs even further.

Alternatively, Congress would have had to cut at least \$10 billion more in real programs to achieve the \$5 billion expenditure savings mismatch. By comparison, the financing initiatives were much more palatable.

These were the motivations to look for financing alternatives in the appropriations process. The task was to find reasonable options that met the budget targets and made business sense. So we started by looking at existing policy.

Historically, cost has been the crucial element in determining profit percentages on defense contracts: the higher the negotiated costs, the higher the profits. But this approach provided little incentive for producers to be more efficient or invest to reduce costs.

Breaking tradition, our goal was to install a new profit incentive for the defense industry. In theory, efforts to bring down costs and invest in capital equipment to improve cost efficiency will result in lower cost to the government. And, theoretically, this would give our government procurement officials a new lever in negotiating contracts. No longer should profit be treated as a constant, binding percentage of production and overhead costs.

We broke a second tradition in the 1987 appropriations act: the cycle of the government funding the total cost of research and development, tooling and production start-up costs for DOD contractors.

The effective level of corporate risk under this policy was zero. The incentive to maximize efficiencies and cost-conscious management is marginal when the government assumes all of these costs. Both DOD and GAO studies confirmed that the return on investment for defense production far exceeded the return from commercial work in the early 1980s. It was evident that a mechanism was needed to require contractors to have a stake in the success and effective financial management of defense programs.

The profit policy changes published on September 18, 1986, have permanently shifted the playing field to share the financial risk between government and industry. They are consistent with the policy advocated in the Senate bill. DOD and, particularly, Deputy Secretary of Defense William H. Taft IV deserve commendation for instituting the new regulations.

Industry and Congress should monitor these new rules closely, and certainly fine tuning of the regulations will continue.

Two basic changes were implemented in Section 9105 in last year's appropriations act. The first establishes a statutory endorsement of the September 18, 1986, Federal Acquisition Regulation changes for profit policy calculations. This regulation, as I have already described, emphasizes investment and capital risk for determining profit margins, rather than a cost-based criterion.

The second change firmly establishes a requirement for cost-sharing arrangements in the procurement of production tooling. This is a direct byproduct of the objective to emphasize investment and capital risk.

The government will continue to compensate contractors for the expenses of the tooling requirement. But that initial investment will require cost-sharing agreements. Contractors will now amortize their tooling costs under that provision, which defers government financing over a longer period. This procedure creates a "means test," which did not exist previously.

Now that contractors must bear a portion of the initial investment for tooling, we expect a more judicious procurement procedure. Since contractors will now have capital risk on the line, there is a higher probability that production tooling will be purchased only when it is needed and only in quantities that are actually required.

Time will tell if this is a useful course of action. In the interim, financial risk will be borne by government and industry.

The alternative is to continue upfront financing by the government for the total cost of production tooling—potentially at the expense of other defense programs. As a practical matter, if financing methods do not change, there will be fewer defense programs, because the budget resolution levels have been insufficient to support all the programs requested.

Some in industry have claimed that the major emphasis on competition in contracting has already strained the profitability of defense work. Certainly, competition has saved the government billions compared with the days of cost-plus, sole-source contracting. But those also were the days when public confidence in defense procurement waned.

However, our review last year indicated that between \$55 billion and \$80 billion in annual defense spending is handled through negotiated, sole-source contracts. Once competed, most major programs revert to negotiated contracts. Given this reality, there is all the more reason to consider alternative financing methods to share the risk.

The intent of Congress in enacting the profit policy legislation last year was not to declare war on defense contractors. Our national security unquestionably depends on the continued performance and technical excellence that afford a qualitative edge over potential adversaries. If we cannot bring down the cost of military equipment, the only recourse is to buy less or to reduce manpower and readiness. I am unwilling to make that trade.

Dramatic changes in our economy over the past six years, especially the decline in inflation and interest rates, have changed the way U.S. industry does business in the commercial sector. It is not unreasonable to expect these changes in the defense industry. The reforms instituted last year by DOD and Congress will give us vital budgetary headroom to maintain our national security.●

TRIBUTE TO CLARE BOOTHE LUCE

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to an extraordinary woman, Clare Boothe Luce, who passed away on Friday after a struggle with cancer. Mrs. Luce was 84 years old and lived a remarkable life, full of remarkable things dared and things achieved.

A native New Yorker, Mrs. Luce spent much of her life there as editor of *Vanity Fair* magazine and the writer of hit Broadway plays, including "The Women," "Kiss the Boys Goodbye," and "Margin for Error." She and Henry R. Luce, publisher of *Time* and *Fortune*, met in New York in 1935 and stayed together (not without some adventure) until his death in 1967.

In 1943, Mrs. Luce embarked on a career in politics, running for Congress from Fairfield County, CT. She served as a Republican member until 1946. In 1952, she was appointed Ambassador to Italy by Gen. Dwight D. Eisenhower. The appointment was controversial because of her lack of diplomatic experience and her being a woman; she accepted the challenge with her usual vigor, style, and determination. She was exceptionally popular with the Italians.

The years failed to slow her. She moved to Washington in 1983 from Honolulu, where she had been living since her husband's death. She continued to be influential in politics and served on President Reagan's unpaid Foreign Intelligence Advisory Board.

Mrs. Luce's unique presence and contributions to society—her grace, elan, and sheer power of personality—will be greatly missed and long remembered. We are poorer, and the world a little dimmer, for their absence.●

AUGUST TRADE DATA

● Mr. BINGAMAN. Mr. President, yesterday the Department of Commerce released the August balance of trade figures. The good news is that the trade deficit did decline to \$15.7 billion after 5 months of increase. The bad news is that the deficit did not decline as much as hoped and because of that disappointment, the stock market dropped over 95 points.

It is ironic, however, that the stock market should now pay so much attention to 1 month's trade figures. In yesterday's *New York Times*, Louis Uchitelle says what we all believe but are afraid to say, "the Nation's huge trade deficit in merchandise trade is unlikely to shrink much in this decade." I ask that Mr. Uchitelle's article be included in the RECORD.

Earlier this year, the late Secretary of Commerce Malcolm Baldrige came to a similar conclusion when he testified before the Joint Economic Com-

mittee that getting the deficit below \$100 million is going to be very hard.

As we have seen over the past year, the much-heralded solution to our trade deficit—a devalued dollar—is turning out to be not much of a solution. The task we face, as Mr. Uchitelle points out, is broader than simply “fixing” exchange rates. Our problem has many sources, including our lack of a coherent trade policy in Washington and our remarkable ability to not take the problem seriously despite years of warning signals. Its solution will take a array of actions, both on the demand and the supply sides.

However, simply because the task is difficult does not mean that we should, as some have suggested, sit back, relax and let the “inevitable” decline in America’s standard of living balance our trade flows. To simply throw up our hands and wait for this inevitable end strikes me as irresponsible. The task before us is to craft the long range solutions that will restore our economic competitiveness and remedy our trade deficits. As yesterday’s trade figures indicated, it will be a long task.

The article follows:

[From the New York Times, Oct. 14, 1987]

GLUM OUTLOOK ON TRADE GAP

(By Louis Uchitelle)

As an indicator of a trend, the August deficit in American trade, to be announced this morning, has little value. The deficit might rise, as it did in June and July, or it might decline—the most likely scenario. But whatever the August ending, the outcome of the game should remain the same: The nation’s huge deficit in merchandise trade is not likely to shrink much in this decade.

The problem is that the devaluation of the dollar over the last two years has not been the cure-all that the Reagan Administration and many economists had thought it would be, although there has been some improvement. Instead of continuing to grow by leaps and bounds, the trade deficit has declined slightly since last fall, and that reversal is mostly the fruit of a lower dollar.

Some still put their faith in the lower dollar as solution enough for the trade deficit. But too many other forces are pushing in the opposite direction, nullifying further progress from devaluation and keeping the trade deficit close to last year’s level of \$175.2 billion in inflation-adjusted dollars. “Basically, you can’t cure the trade deficit by devaluation alone—that’s absurd,” said Sam Nakagama, a Wall Street economist and consultant.

Among these various forces, the one that stands out the most is the reluctance of the nation’s trading partners to raise prices for many of their products sold in the United States. The resistance defies traditional economic behavior, which calls for higher prices to maintain profit margins as the dollar falls. A Japanese manufacturer who sold, say, a camera in the United States for \$300 in 1985, when the devaluation began, is still selling the camera for that amount, or only a bit more.

The \$300 price tag converts today into 40 percent fewer yen, greatly reducing or eliminating profits, but keeping American customers from defecting. “In all the major product categories, foreign competitors are

pursuing a strategy of export growth, and the centerpiece of that strategy is a clinging to market share,” said Joseph L. Bower, a Harvard Business School professor.

Meanwhile, to rebuild earnings, many Japanese and Western European manufacturers are switching their production facilities as quickly as possible to lower-cost countries, namely those whose currencies are tied to the dollar and therefore not much affected by the devaluation.

These rising centers of foreign manufacturing include Singapore, Korea, Taiwan, Mexico—and the United States itself. The American trade deficit with the three Pacific rim countries, for example, is running at an annual rate of \$28.3 billion this year compared with \$22.9 billion in 1986. “What we may see is a change in the pattern of merchandise trade, where instead of so much coming from Japan or Europe, more will come from Mexico and Asia,” said John Green of the WEFA Group, formerly Wharton Econometrics.

American consumers themselves are helping to maintain the nation’s huge trade deficit by persevering in their purchases of imports, even when import prices do rise. Consumer demand simply does not let up, and the big reason in nearly every economist’s view, is fiscal stimulus.

That stimulus comes from the budget deficit. The Government, in effect, is spending more than it has, borrowing to funnel into the hands of Americans more funds than the nation can afford. This is done mainly through military purchases, Social Security and other entitlement programs that otherwise would not be as well funded. One result: American consumer demand grows more rapidly than demand in Western Europe and Japan. Goods flow to this country to help meet this demand, rather than from this country abroad.

“Until fiscal stimulus is cut back, devaluing the dollar will not work,” said Paul Krugman, an economics professor at M.I.T.

Nevertheless, dollar devaluation has a further role to play. Although the Reagan Administration is trying to keep the current level, Mr. Krugman and many other economists believe that the dollar must drop an additional 15 or 20 percent—to 110 or 120 yen instead of the present 143. That would put the dollar back at its 1980 level, when American exports were considered competitively priced.

And there are other problems. For most of the postwar years, the United States enjoyed a trade surplus, no matter how strong the dollar, because of its technology edge. Now the edge is gone. So is the huge surplus in agricultural exports, and Latin America has been lost as a net purchaser of American goods because of the debt crisis.

In the end, the Japanese and the Europeans, drawn by the low dollar, might significantly reduce the American trade deficit by relocating their factories in this country—making new inroads into domestic sales and also exporting from here. “In 1992, we could see United States exports rising, and General Motors going broke from the competition,” Mr. Krugman said. ●

PORTABLE PENSIONS

● Mr. BINGAMAN. Mr. President, last Friday the Census Bureau, as part of their Household Economics Studies series, released a report on pensions of U.S. workers. The report was described in the Washington Post of that day,

October 9, in a story under the headline “U.S. Finds Pensions Cover Most Workers.”

The story and the report go on to say that two-thirds of U.S. workers 25 years old or older work for firms with pension plans. While this is technically correct, it is also misleading. When one looks at the statistics contained in the report, rather than in the press release, a different picture emerges. In truth, less than half of the workers in America are actually protected by a pension plan.

The key phrase in the story is “Work for firms with pension plans.” According to the Census Bureau, a worker is covered if he or she works for a company that offers a pension plan to any, I repeat, any worker. This says nothing about whether the worker participates in that pension plan or, more importantly, whether the worker can expect any future benefit from that plan.

I think that the general public’s perception of the term covered differs from the Census Bureau’s definition. The important statistic is the number of workers eligible to receive a pension benefit, either in payments or as a lump sum. I am disturbed that the Census Bureau has chosen to highlight the more positive but superficial at the expense of describing the underlying facts.

Rather than the rosy conclusion that the press release headline suggests, the statistics in the report reveal a much more disturbing picture. According to the report, 67 percent of the work force 25 years of age and older are covered by a pension plan, that is they work for a company that has a pension plan; however, only 55 percent actually participate in those plans. The number of workers who are eligible to receive pension benefits is even smaller. Only 45 percent of American workers are vested—that is eligible to receive benefits—in a pension plan and only 38 percent are entitled to receive pension payments rather than a lump-sum distribution. Thus, less than half of U.S. workers can currently expect to receive any pension benefits, either as retirement payments or as a lump-sum distribution, and just over one-third can currently expect future pension payments.

Mr. President, I ask to insert in the RECORD, two tables from the Census Bureau report.

Some have argued that the fact that fewer workers are eligible for benefits from a pension plan than participate in that plan is perfectly normal. It takes time to become vested in a pension plan and as workers become older, they gain vested pension rights. The data shows that older workers have a higher percentage of vesting than do

younger workers and the percentage increases with the age of the worker.

However, the difference between coverage and vesting among older workers is significant. While 71 percent of workers 50 to 59 years old and 72 percent of workers 40 to 49 years old work for firms with a pension plan, only 58 percent and 54 percent of those workers, respectively, are vested in a plan. Thus, among the age groups with the greatest ability to become vested in a pension plan, more than 40 percent do not have any pension rights.

This difference between so-called coverage and actual eligibility for pension benefits points out the need for changes to our pension system. Studies have shown that American workers over the age of 25 change employers on average every 6 years. Given the fact that Americans change jobs so frequently, it should be no surprise that so few workers are vested in a pension plan.

Our pension system ties benefits to the job rather than to the person. We need to explore pension systems that stay with the worker rather than with the employer. To this end, I offered an amendment to the trade bill, which the Senate accepted, calling for a study by the Secretary of Labor of the feasibility of portable pensions.

Portability is the worker's ability to retain pension rights when changing jobs. At this time it is one of the important barriers to full labor force mobility. Because of the lack of portability, our aging work force avoids job changes to protect pension rights, and employers avoid older, more experienced workers to reduce their pension costs. The lack of pension portability is a major hindrance to our productivity and to individual savings rates.

Mr. President, there are a number of ideas about how to provide portable pensions, and we need to sort out these concepts. I hope, therefore, that the Labor Department's "Workforce 2,000" study will investigate the roadblocks to the portability of pensions and how to overcome them.

The tables follow:

TABLE A. PENSION ELIGIBILITY.—WAGE AND SALARY WORKERS 25 YEARS AND OVER, BY SEX: 1984

Eligibility	Numbers in thousands		
	Both sexes	Male	Female
All wage and salary workers.....	78,619	43,467	35,152
Covered by a pension plan.....	52,727	30,351	22,376
Percent of total workers.....	67.1	69.8	63.7
Participating in a pension plan.....	43,290	26,496	16,793
Percent of total workers.....	55.1	61.0	47.8
Vested in a plan.....	35,479	21,865	13,614
Percent of total workers.....	45.1	50.3	38.7
Entitled to future benefits.....	29,764	18,553	11,211
Percent of total workers.....	37.9	42.7	31.9
Entitled to lump-sum payments.....	5,715	3,312	2,403
Percent of total workers.....	7.3	7.6	6.8

TABLE B. AGE.—WAGE AND SALARY WORKERS 25 YEARS AND OVER, BY PENSION STATUS: 1984

Age	All workers	Covered by a pension plan		Vested in a pension plan		
		Number	Per cent	Number	Percent of—	
					Covered workers	Total workers
Total.....	78,619	52,727	67.1	35,479	67.3	45.1
25 to 29 years.....	16,039	9,686	60.4	4,590	47.4	28.6
30 to 39 years.....	26,350	17,962	68.2	11,527	64.2	43.7
30 to 34 years.....	14,162	9,338	65.9	5,732	61.4	40.5
35 to 39 years.....	12,188	8,624	70.8	5,795	67.2	47.5
40 to 49 years.....	17,190	12,385	72.0	9,295	75.1	54.1
40 to 44 years.....	9,653	6,959	72.1	5,039	72.4	52.2
45 to 49 years.....	7,537	5,426	72.0	4,256	78.4	56.5
50 to 59 years.....	12,846	9,139	71.1	7,474	81.8	58.2
50 to 54 years.....	6,712	4,707	70.1	3,847	81.8	57.3
55 to 59 years.....	6,134	4,432	72.3	3,627	81.8	59.1
60 to 64 years.....	4,054	2,570	63.4	2,043	79.5	50.4
65 years and over.....	2,141	985	46.0	551	55.9	25.7

U.S. Department of Commerce, Bureau of the Census, "Pensions: Worker Coverage and Retirement Income, 1984," Current Population Reports, Household Economic Studies, series p-70, No. 12.

INFORMED CONSENT: NEVADA

● Mr. HUMPHREY. Mr. President, I again present to this body a letter in favor of my informed consent legislation, S. 272 and S. 273, something I have vowed to do daily until a persistent injustice towards women has ceased.

The injustice I speak of is the lack of information provided to women considering abortion. Time after time, trusting women enter abortion clinics seeking honest counsel, but in many many cases, they are either misinformed or even misled. Hundreds of letters sent to my office testify to this reality, a reality that has left thousands if not millions of women downcast, depressed or even sterile. Such are indeed the risks of abortion, but of the many women who wrote me about their experience, the vast majority was never warned of such an outcome.

The letters I bring today is from a woman in Nevada who encountered abortion several years ago. She tells of a great lack of information prior to her consent for an abortion, and in its aftermath she engaged in dangerous, self-destructive behavior. The bright side to her story is that she is now involved in helping other women encountering crisis pregnancies similar to her own.

We owe it to her and to all women to bring the informed consent standards for abortion up to those of other medical procedures. My informed consent legislation, S. 272 and S. 273 will do just that in federally funded facilities, and I urge my colleagues to join me in the support of the bills.

I also ask unanimous consent that the letter from Nevada be entered into the RECORD.

The letter follows:

CARSON CITY, NV,
October 5, 1987.

DEAR SENATOR HUMPHREY: I would like to take a few minutes of your time to tell my

story. Which unfortunately is not an uncommon story. In the spring of 1978 I found myself pregnant, and I chose to have an abortion. That decision would prove to be the most devastating event in my life. And believe me, I have had my share. I was given no counsel as to the procedure, side effects either physical or emotional. The experience itself was the beginning of a 9 year struggle within myself to deal with the reality. As I lay on the table in the clinic and as the procedure began there was instant pain. (Which I was told there would be none). But the most amazing part was that the instant my baby died inside of me I knew. And that was the part that I was not even remotely prepared for. For eight years I was denied the right to grieve for my baby because society tried to make me believe that what I lost wasn't a baby. I spiraled down further and further. My life became focused on self destructive behaviors ranging from alcohol and drug abuse to eating disorders, anxiety attacks and physical punishment. I had been a runner all through high school and because of my anger at myself I would hit myself in the knees with a hammer or whatever destructive object to deny me the pleasure of running. I realize now that the times the behavior would become most destructive was during the "anniversary" date of the would be birth date of my child.

I think the saddest part of this short story is that when I was 14 I found myself with an unwanted pregnancy and at that time I chose to adopt my daughter out. Even though I was even younger then I chose a better option for my daughter. I can honestly say that as I look back over my adoption versus my adoption experience, the outcome or effects on my life as a person was much more positive and healthy through the adoption and much more destructive through the abortion.

There is much more to tell, but that is the basic in a nutshell. Thank you for your time, and I can say that I am very pleased to have gone through a positive healing and grieving process to where I am now able to use my experiences to help women who find themselves in a crisis situation. I am definitely pro-life and will always be but I have such a burden to help women who have gone through the abortion experience to come through a healing process. I truly believe that the more women we can touch and help then the more of a voice our country will have as to the real dangers of abortion.

Sincerely,

KAREN SCHERUPP.●

TOM GREENLEE OF KBCO

● Mr. WIRTH. Mr. President, for the last decade, Boulder and the greater Denver area have been well served by KBCO radio. One of the most creative and progressive stations in the country, KBCO has been a reflection of its very able owners, Diane and Bob Greenlee.

Bob has also been elected and re-elected to the Boulder City Council, and his moderate, thoughtful approach has served the city well. He sold KBCO this summer—maybe this will free him and Diane for full time public service.

The Boulder Daily Camera recently ran a profile of Bob Greenlee which I would like to share with my colleagues. I ask that this article be included in the RECORD.

The article follows:

GREENLEE DARED TO BE DIFFERENT—UNIQUE SOUND, STYLE TOOK KBCO FROM OBSCURITY TO TOP

(By Bill Scanlon)

Bob Greenlee says the world is full of "cookie cutters and carbon paper" and radio stations that sound like one another.

Greenlee, a fan of Mozart chamber music, in 12 years parlayed two small Boulder FM and AM stations into KBCO-AM and FM, the Denver area's leading rock 'n' roll station. (KOSI beat KBCO in the latest Denver-metro Arbitron ratings, but it has an easy-listening format.)

Greenlee did it, employees say, by rejecting a menu approach to radio and by letting the creative people be creative.

And in so doing he and his wife, Diane, parlayed a \$525,000 investment into two radio stations they sold Tuesday for \$27.3 million.

"If Bob doesn't like it, we must be doing something right," is the standing joke of the people who chose the music for KBCO.

Promotions director David Rahn says Greenlee has given them the flexibility to "put a lot of ourselves into the station." That, he says, breeds pride and more interest in "what happens down the road."

Down the road, things shouldn't change much, according to the buyer.

The Greenlees sold their station to the Noble Broadcasting Group in San Diego. President John T. Lynch, whose parents live in Boulder, said he anticipates "no changes whatever" in the operation of the station.

Greenlee, a Boulder city council member, on Wednesday relaxed in the handsome office he'll soon be abandoning at KBCO headquarters, 4801 Riverbend Road, and reflected on the past 12 years.

"People who are fulfilled, who want to contribute, who are expressive and involved (are) the kind of people I like to surround myself with," said Greenlee.

Greenlee was operating a ham radio at 14 in his hometown of Omaha, Neb. He always loved radio but when he found he had "absolutely no math skills," he gave up on the engineering side and went into administration, managing the campus radio station at Iowa State University.

He met his wife, Diane, at the ISU station and she remains an integral part of his work.

They moved to Boulder from Des Moines in 1975 and bought KADE-AM for \$250,000.

Two years later, they bought a 250-watt FM station for \$275,000 and soon changed its call letters to KBCO. KADE became KBCO-AM in 1985.

"We've tried to be unique, to do something out of the ordinary, but not so disruptive and foreign that you come off as strange," said Greenlee. "We've tried to walk that fine line, offering a bigger menu than the fast-food radio stations."

KBCO's signal barely reached the edges of Boulder in the early days, but now the 100,000 watts easily blanket the Denver metro area.

Still, the KBCO people gear the music to what they think Boulder residents in their 20s and 30s want to hear. KBCO is considered a progressive rock station. The station's format consists primarily of modern and classic album rock songs (not Top-40

singles). The inclusion of jazz fusion, blues, acoustic and new age music in the regular playlist gives KBCO its distinctive sound.

The musical directors "have taught me to stay out of that area," said Greenlee, 46.

But on occasion he will "challenge their own notions about the world, if they begin to inject their own biases, without sensibility to the broad audience. "Here, there is a different lifestyle and mentality that somehow permeates and is reflective of what we do on the air," said Greenlee. "That's why we've consistently resisted suggestions to go to Denver. We wanted the new owners to commit to Boulder. Our roots are here."

KBCO disc jockey Richard Ray says, "Bob and Diane are by far the best people I've ever worked for."

In an industry where the average stay at a station is two years, Ray has been at KBCO for 10.

"So often, rock 'n' roll stations are filled with extremely like-minded people. I haven't found that to be the case here and that's one reason why it's been so good. The wildly varying backgrounds of musical tastes gives the potpourri of styles of music on the air."

Ray, Rahn and operations director Dennis Constantine plan to stay and believe almost everyone else will too.

"There's no reason these people would give me, I consider them friends," said Ray. "They would not have sold it to just anybody. They were sold on this company so I'll certainly give it a try."

Constantine has been with the Greenlees from the beginning.

In 1977, he recalls, there was a hole in the market. "Everything was pretty mainstream. There was a place for us."

Success and growth came steadily. The big jump came in 1985 when KBCO grew to 100,000 watts.

"Everybody loves it here," said Constantine. "Some people refer to it as a family or team. . . . Greenlee is the father image of the station. He's been very supportive of everything we've done."

"We have a lot of freedom. We're one of the very few stations in the country where DJs pick the songs."

"He was excellent to work for," said Rahn. "We'd go to Bob for everything from salary questions to needing a new turntable for the studio. That adds up to a personal family touch. On the other hand, he may have been too close to a lot of that, to the ins and outs. Sometimes you have to take a more detached view, but he was good at that as well."

Greenlee and his wife have no specific plans, although he will stay on a while as a consultant to the new owners and may run for one more term on city council. He has represented the businessman's view on the council for two terms. ●

FANNIE MAE HOUSING

● Mr. HEINZ. Mr. President, on September 28, the National Temple Non-Profit Corp. of Philadelphia held a combined ribbon-cutting and ground-breaking ceremony to mark the completion of construction of 20 units of housing for low-income families in north Philadelphia and the beginning of rehabilitation on 12 additional units. This project was financed by Fannie Mae—which invested \$570,000 in the housing—and by the Enterprise Social Investment Corp., CIGNA,

Mellon Bank (East), the Ford Foundation, the William Penn Foundation, and the National Trust for Historic Preservation, as well as the city of Philadelphia.

This project utilizes provisions of the 1986 Tax Reform Act, and it is precisely the kind of low-income housing initiative the Congress contemplated in enacting these tax provisions.

I wish to commend all of the participants in this most worthy project, and give special acknowledgement to Fannie Mae which chose Pittsburgh for its first low-income tax initiative. In May, Fannie Mae announced its investment in the Wood Street Commons Projects which will provide housing for homeless persons.

At a time when Federal housing funds are particularly limited, and our Nation faces a continuing erosion of its low-income housing stock, it is important for corporations to step up and use those tools Congress has provided.

Mr. President, the Philadelphia Inquirer published an article describing this endeavor. I ask that the article be printed in the RECORD.

The article follows:

FANNIE MAE JOINS HOUSING VENTURE IN NORTH PHILADELPHIA

(By Idris Michael Diaz)

The Federal National Mortgage Association has invested \$570,000 in two low-income housing complexes being developed by a North Philadelphia nonprofit corporation.

The investment is part of a drive by the association, known as Fannie Mae, to invest in the development of low-income housing. An official of the agency said yesterday that the investments have become more attractive as a result of tax credits available under the 1986 tax law.

"This does represent a relatively new pattern of business investment" for Fannie Mae, said Larry Dale, senior vice president for multi-family activities for the corporation.

The venture with the National Temple Non-Profit Corp., is Fannie Mae's first equity investment in low-income housing with a non-profit, developer in Pennsylvania. Fannie Mae has made investments with for-profit developers in New York and Pittsburgh, Dale said.

The newly created partnership has enabled National Temple to complete construction of 20 units of low-income housing, which are already occupied, and to begin work on 12 units in a rehabilitated building. The cost of the two projects is about \$2.5 million.

The group has scheduled a "ground-breaking" ceremony for the 12-unit Waller House project at 1437 N. 15th St. on Monday. The event will be followed by a ribbon-cutting ceremony for the 20-unit project at 1418 W. Master St.

The partnership with Fannie Mae is one of the first projects to use tax credits for developers of low-income housing under the tax reform act of 1986, according to Marie Nahikian, director of housing and economic development at National Temple.

Fannie Mae is a federally chartered, investor-owned corporation. It is the nation's largest investor in home mortgages.

In addition to the funding from Fannie Mae, National Temple has received funds from a variety of other sources.

Cigna Corp. is providing a \$500,000 low-interest mortgage to the 20-unit project and a \$575,000 low-interest mortgage to the Waller House project. Mellon Bank has provided construction and bridge loans to the two projects. The City of Philadelphia, William Penn Foundation, Ford Foundation and National Trust for Historic Preservation also are providing financing for the projects.

"With Fannie Mae investing in North Philadelphia, our hope is that Philadelphia-based corporations will follow," Nahikian said. "It is not necessary to be in the mortgage finance business to invest in low-income housing. Any taxpaying corporation can take advantage of the federal low-income housing tax credits."

Samuel Smith, National Temple's president and founder, said, "Much has been written about the state of north-central Philadelphia. We are tired of being portrayed as the nation's model ghetto and a do-nothing, look-the-other-way neighborhood. National Temple is providing the leadership that will show other corporations how to invest in the people of North Philadelphia."

The rehabilitation of the Waller House, which is designated as a historic landmark, will provide investors with historic as well as low-income housing tax credits. The project is named for the late Rev. Bernard J. Waller, former pastor of National Temple Baptist Church, which sparked the development of the National Temple Non-Profit Corp. in 1968.

National Temple has completed more than \$5 million worth of housing in the Philadelphia area in the last six years.●

ADVANCE NOTIFICATION

PROPOSED ARMS SALE

● Mr. PELL. Mr. President, as the result of a 1976 agreement, the executive branch provides Congress with advance notification of proposed arms sales under the Arms Export Control 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 such notification, the Congress has not less than 20 calendar days for informal review and consultation with the administration on the proposed sale. If the executive branch wishes to proceed with the sales proposal following the informal review period, section 36(b)(1) requires that the executive branch submit a formal notification to Congress of the proposed arms sale. Upon such notification, the Congress has 30 calendar days to review the sale. 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 the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point a notification which has been received. Portions of the notification which are classified have been deleted for publication, but are available to

Senators at the Foreign Relations Committee.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, October 14, 1987.

In reply refer to I-15619/87ct.

Mr. GERYLD B. CHRISTIANSON,
Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHRISTIANSON: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by section 36(b)(1) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a European country for major defense equipment tentatively estimated to cost \$14 million or more.

Sincerely,

CHARLES W. BROWN,
Director.●

THE CHILD CARE CRISIS: ANOTHER TRAGEDY

● Mr. CRANSTON. Mr. President, in June of this year, I called this body's attention to the deaths of two small children, Anthony and Maurice Grant. Anthony, 3, and Maurice, 4, died because they crawled inside a clothes dryer—presumably they thought of it as a safe place to play—and closed the door. The dryer, an older model, automatically turned on when the door was closed, and the children were burned to death.

Linda Grant, the children's mother, had left them home alone because she felt she had no other choice. Wanting her children to grow up knowing self-sufficiency, she worked for a living in a school cafeteria. Although a relative cared for the children, Linda Grant knew such an arrangement couldn't last forever and placed Anthony and Maurice's names on a waiting list for subsidized care. But that list was 6,000 names long and the relative's availability ran out before the children's names came to the top of the list.

Leaving her children home alone was not what Linda Grant wanted to do. But she feared losing her job if she took any more time off. So, she went to work that day. And Anthony and Maurice looked for something to do.

I retell this story not just for the sake of reminding my colleagues of what can happen to children who live in a society that does not recognize and respond to their needs. Although I hope that the story will serve that purpose as well.

I raise this subject anew because such a tragedy has struck again, this time here in the Washington area.

On Monday, two 6-year olds—a boy and a girl—died in a fire in an apartment in Reston, VA. The boy was under the care of his 8-year old sister who was able to escape. The girl, a neighbor, had come by to see if her

friends wanted to play. The Washington Post reports that the mother of the brother and sister, Sandra James, who was at work at the time of the fire "had only recently taken the part-time job after she learned that the child care that she had provided in her home was prohibited under condominium rules."

We don't yet know all of the details of this story, but we do know—again as the Post reports:

A recent study found that of 7,200 Reston children between 5 and 14, about 5,000 need child care, but there were only 453 slots available at private day care centers and at school-based programs. It was unknown how many care for themselves.

The county and the state have programs to subsidize child care for low-income families, but these have long waiting lists. . . . Also, the county runs before- and after-school programs for kindergarten to sixth grade. With 2,200 slots at 64 elementary schools in the county, more than 800 children are on the waiting list, according to the Fairfax Office for Children.

The schools that Jermaine James and Amanda Croson [the children killed in the fire] attended . . . are not among those that have the school-based program, officials said. Even where the program exists, it does not operate on some school holidays, such as Monday's Columbus Day break. . . .

Two years ago the State legislature started a \$1.5 million program for subsidizing home day care services for low-income families; the money was gone quickly.

James A. Payne, chairman of the State Board of Social Services, wrote to local social service agencies in September, asking them to push for more funding and saying that day care services otherwise would have to end for some of Virginia's neediest families.

"Many families affected will have to resort to total welfare dependency . . . or face the choice of leaving their young children unsupervised or in substandard care," he said.

The similarities between the two stories are striking: A working mother, small children too young to care for themselves, waiting lists for affordable care, tragedy.

When I first told the story of the Grant children, I ended by saying that "if we fail to address the child care crisis in America then we run the risk of witnessing more tragedies like the one that took the lives of Anthony and Maurice Grant."

I wish I had been wrong.●

CUBAN IMMIGRATION AND CUBAN POLITICAL PRISONERS

● Mr. LAUTENBERG. Mr. President, I rise to draw my colleagues' attention to a provision in the fiscal year 1988 Commerce-Justice-State bill that was approved as an amendment in the Senate Appropriations Committee, and has also been approved as an amendment to the fiscal year 1987 State department authorization bill. The provision was cosponsored by Senators CHILES, HARKIN, and GRASSLEY,

and aims to ease the entry of Cubans into the United States and to thereby correct an injustice that has been done to victims of Castro's tyranny. It is similar to S. 1075, a bill I introduced earlier this year.

Mr. President, I would like to briefly describe the provision concerning Cuban immigration and political prisoners, and why it is necessary.

The provision will eliminate barriers to Cuban entry into the United States that have arisen as a result of the breakdown of the Mariel migration agreement. It directs the Immigration and Naturalization Service to process current and former Cuban political prisoners as refugees for entry into this country when they serve any amount of time in Castro's jails. Under our current policy, they must serve more than 10 years.

It also directs the Immigration and Naturalization Service to restore normal Cuban immigration from Cuba and third countries to the United States, instead of allowing immigration only under certain narrow circumstances. By normal immigration, we mean our immigration processes as commonly applied around the world. We also intend that under this provision, all Cuban nationals applying for immigration visas outside of Cuba should be considered Cuban nationals for the purpose of immigration quotas.

Mr. President, the need for this bill arises from the breakdown of the Mariel migration agreement, which attempted to resolve immigration problems between the United States and Cuba. In that agreement, Cuba promised to take back 2,746 Cubans who came over from the port of Mariel, Cuba, in 1980 as part of the larger Mariel boatlift, and who were found to be excludable from the United States due to their mental illness or past serious criminal offenses.

For its part, the United States promised to process up to 3,000 former political prisoners and their families in fiscal year 1985, with the presumption that the program would continue at that level. It also promised to allow for the restoration of normal migration from Cuba to the United States for various preference category immigrant visas up to the limit of 20,000 persons from any independent country.

On May 20, 1985, Cuba suspended the Mariel agreement in reaction to our beginning broadcasts over Radio Marti. In response to Castro's action, we instituted a policy of processing only Cuban political prisoners in jail more than 10 years, and we cut off normal Cuban immigration from Cuba and third countries. The provision in the bill would remove the 10-year limit, and would reinstate normal immigration of Cubans from Cuba and third countries.

Mr. President, our policy of processing only those prisoners who have

been in jail for more than 10 years makes no sense and ought to be changed. It is unfair and unwarranted to punish Castro's own victims for Castro's behavior toward the United States. It penalizes people who have already suffered at Castro's hands, in his jails, for their opposition to his regime. It should be changed, and the provision in this bill changes it.

The second part of this bill addresses the United States' suspension of normal immigration from Cuba and third countries to the United States as a result of the breakdown of the Mariel agreement.

Cubans who are not former or current political prisoners can come to this country only if they are granted an immigrant visa. Because of the breakdown of the Mariel agreement, however, only two classes of Cubans are now being granted visas: First, immediate relatives of American citizens—defined as spouses, parents, or unmarried minors—from Cuba or third countries, and second, Cubans who left Cuba before August 22, 1986, and who are in one of the "preference" categories for immigration. Cubans in third countries cannot come to the United States if they left Cuba on or after August 22, 1986, and are not immediate relatives of Americans.

The practical effect of this policy is to deny thousands of Cubans living in Cuba the right to be reunited with their families in the United States because of actions by Castro over which they have no control. It means that the over age 21 sons or daughters of American citizens, the spouses or children of legal permanent residents, the married sons or daughters, or the brothers and sisters of United States citizens, if they live in Cuba, cannot come into the United States until Cuba makes good on its promise to take back the Mariels.

My bill would reverse this policy, and reinstate normal immigration from Cuba and third countries regardless of the disposition of the Mariels now in the United States. For those Cubans now living in Cuba, allowing them to emigrate to the United States is a simple humanitarian gesture mandated by the terrible conditions of Cuba's totalitarian society. That gesture becomes even more compelling when we realize that these people have family in the United States.

Our current policy can only discourage the bravery and strength of will required to withstand the psychological and physical assault in the totalitarian system of Cuba. Long-term interests, including the fostering of democracy, are undermined when the impression is given, however erroneous that the United States is willing to abandon freedom-loving people. This provision ends this inhumane policy of condemning Cubans who seek freedom

in the United States to a life under tyranny.

As for those Cubans who have managed to escape to third countries, there are compelling reasons to allow them to immigrate to the United States. First, they have family in the United States, and the family reunification argument is as compelling for Cubans in third countries as it is for Cubans in Cuba.

Second, many of these Cubans who escape to third countries are living in a kind of limbo. Many cannot get a job, and must rely for survival on money from their relatives in the United States.

I have said that our current policy toward Cuban immigrants and political prisoners is unfair. It violates America's proud tradition of providing safe haven for those who are oppressed. But there is an equally compelling argument against it.

It has not worked.

Since its institution for political prisoners in 1985, and for immigrants in 1986, not one Mariel excludable has been sent back to Cuba. The United States and Cuba are not even talking about reinstating the agreement. Meanwhile, Cubans who desperately seek freedom in the United States are denied the right to come here.

The administration's policy on the issue of Cuban immigration and the processing of Cuban political prisoners is a significant departure from the historical generosity of the United States toward those who have suffered for sharing American ideals. It also violates our tradition of encouraging the reunification of families. I believe it should be changed immediately, and the provisions in this bill would do that. I urge the passage of this bill. ●

VOLEL ASSASSINATION

● Mr. HARKIN. Mr. President, I read with great alarm yesterday reports of the assassination of Yves Volel, a Haitian Presidential candidate. Mr. Volel was shot in front of the police headquarters in Port-au-Prince as he delivered a speech demanding the release of a prisoner.

Yesterday morning, with the Haitian Constitution in his left hand and his robe as a lawyer in his right, Mr. Volel appeared before police headquarters to appeal for the release of Jean Raymond Louis. Mr. Louis had allegedly been held without trial for the past month.

Police plainclothesmen then beat and shot several times at Volel, who was struck once in the head and died instantly. Eyewitness accounts and television footage disprove official police accounts that Mr. Volel tried to forcibly free the prisoner and died in an exchange of gunfire.

Mr. President, how can something like this happen in a country where, a year and a half ago, after the fall of the dictatorship of Jean-Claude Duvalier, there appeared real hope for bringing democracy to Haiti.

But neither democracy nor stability has returned to that country.

This summer, the army-dominated provisional government headed by Lt. Gen. Henri Namphy briefly seized control of the electoral process from Haiti's civilian council. General Namphy's government restored civilian control, but street demonstrations continued, resulting in the death of more than 35 civilian protestors.

The death of Yves Volel should shock all of us into realizing that Haiti is in crisis. The euphoria all of us felt in February 1986, when Duvalier fell, should not prevent us from accepting the reality of present day Haiti. Haiti, according to a civilian electoral council spokesman, is "still in a crisis."

And Yves' assassination will have a chilling effect on the upcoming Haitian Presidential election.

The United States has a responsibility to wake up to this crisis and reshape our policy accordingly. I recommend that the Congress fully investigate events surrounding the Volel assassination as well as the current political situation in Haiti.

Tragically, democracy does not easily take root in countries like Haiti, where for generations dictators kept a stranglehold on their countries politics and economies. The Haitian people were shocked into that realization yesterday. I hope that we learn that lesson as well.●

VLADIMIR SLEPAK AND IDA NUDEL

● Mr. DODD. Mr. President, it pleases me greatly to learn today that Vladimir Slepak and his wife, Maria, have been granted permission to leave the Soviet Union and move to Israel.

Each announcement of a dissident being allowed to emigrate from the Soviet Union warms my heart and boosts my spirit to battle on in this struggle for freedom. The release of Vladimir and Maria Slepak, however, is rather special for me.

While visiting the Soviet Union over 12 years ago, I met with Vladimir Slepak. From our lengthy conversation, I gained a sense of a Vladimir Slepak's perspective as a Jew in the Soviet Union. While the facts of his story were discouraging, I emerged from our meeting somehow hopeful and more determined. From this man, I learned how the strength of the human spirit can enable an oppressed individual to rise above the conditions laid before him by injustice and misfortune.

I imagine the moment Vladimir Slepak touched the card that says that

he and Maria will soon receive exit visas. Seventeen years after first applying for emigration, Vladimir Slepak knows that he and his wife will be able to live in freedom, rejoin their two sons and see for the first time their five grandchildren. No longer will they be subject to persecution, false arrest, condemnation and daily harassment because of their religious beliefs. No longer will they be subject to exile to Siberia, something which Vladimir endured from 1978 to 1982 for hanging a banner from his Moscow apartment declaring his desire to move to Israel. According to the Soviet Government in 1978, that was an act of malicious hooliganism.

Vladimir Slepak is the epitome of a leader, gifted with foresight, confidence, compassion, and courage. As Elie Wiesel wrote,

He was the first or one of the first to teach Hebrew and Jewish history, the first to organize courses for young Jews in search of their identity and culture, the first whose erudition and determination presented a powerful challenge to Soviet dictatorship and its policy of fear and isolation.

Knowing the kind of man Vladimir is, I have felt privileged to be a co-founder of the foundation that bears his name, an organization dedicated to the cause of Soviet Jewry.

I would also like to take this opportunity to express joy for Ida Nudel who, I understand, is flying from the Soviet Union to Israel today. I recently wrote Secretary of State George Shultz and urged him to bring forth specifically the case of Ida Nudel in his meeting with Soviet Foreign Minister Shevardnadze. It buoyed me to learn of her release shortly after the meeting.

It is appropriate, wonderful and, of course, just that the Slepaks, only hours after learning of their emigration, attended a farewell dinner for Ida Nudel and that these three people, symbols of the great struggle for freedom, could at last celebrate together.

I hope that these releases are an indication that the Soviet Union is finally realizing how important this issue is to the American people and other decent people of this world. However, several refuseniks who have yet to be granted permission to emigrate were also in attendance at Ida Nudel's farewell party and the Soviet Union must know that we will not forget any of them or any of the other victims throughout that land. As Vladimir Slepak said,

If you turn your eyes from us, even for a moment, we will cease to exist.

We will not turn our eyes even for a moment until everyone is free.●

WARREN, MI, CELEBRATING 30 YEARS AS A CITY

● Mr. LEVIN. Mr. President, this weekend when I travel back to my

home State, I shall join the good people in the city of Warren in celebrating that community's 30th anniversary.

Warren is Michigan's third largest city and has about 160,000 residents. It is a city of great ethnic and economic diversity. It is a city which grew faster than any other in America during the 1960's. It is a city with its own symphony orchestra. It is a city where more than 80 percent of the residents own their own homes—the 13th highest ratio in the Nation for cities with a population of more than 50,000.

Organized in 1837 as Hickory Township, it was renamed Aba in 1838 and adopted its present name many years later to honor Joseph Warren, a Revolutionary War hero. The village of Warren was incorporated in 1893 and now, as a city, it commemorates a proud birthday.

Warren is a major automotive manufacturing center as well as a producer of steel, electronic equipment, tools and dies, and plastic moldings. It is home to Eero Saarinen's futuristic General Motors Technical Center, the Detroit Tank Arsenal, a campus of Macomb County Community College, and it can also boast that it has one of the most advanced waste water treatment facilities in the world.

I look forward to joining Mayor Ronald Bonkowski, other city officials, and its proud citizenry on this festive occasion and know the Senate joins me in saluting and congratulating Warren, MI, on its 30th birthday.●

ORDERS FOR FRIDAY

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 o'clock tomorrow morning.

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

REDUCTION OF LEADER TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the two leaders, with the approval of the distinguished Republican leader, I can cut mine, be limited to 15 minutes to be equally divided.

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 morning business not to exceed 5 minutes following the two leaders.

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

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I will suggest, at about the hour of 9:20 tomorrow morning, the absence of a quorum. I will offer a motion to in-

struct the Sergeant at Arms in the event a quorum is not present. There will be a vote on that motion and that will be a rollcall vote at that time. The yeas and nays have not been ordered but I ask unanimous consent that the call for the regular order occur at the conclusion of 30 minutes.

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

Mr. BYRD. Mr. President, I ask unanimous consent that no quorum call be in order prior to the quorum call I have discussed.

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

NO RESOLUTIONS AND MOTIONS OVER, UNDER THE RULE

Mr. BYRD. Mr. President, I ask unanimous consent that no motions or resolutions over, under the rule, come over tomorrow.

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

CALENDAR CALL UNDER RULE VIII WAIVED

Mr. BYRD. Mr. President, without objection, I ask unanimous consent that the call of the calendar under rule VIII be waived on tomorrow.

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

PROGRAM

Mr. BYRD. Mr. President, on tomorrow, I would alert Senators that there are a number of measures which might be called up and these are not all-inclusive, but they would include, possibly, the transportation appropriations bill; possibly the energy and

water appropriations bill; possibly S. 1474, on which there is a time agreement appearing on page 2 of the calendar of business.

I should also alert Senators that I may ask to go to S. 1293, a bill to amend the Ethics in Government Act of 1978.

Mr. DOLE. Will the Senator yield?

Mr. BYRD. Yes, I will be happy to yield.

Mr. DOLE. The reference to S. 1474, the veterans bill, I am advised if the majority leader should turn to that, I have alerted Senator MURKOWSKI, who is ready to start as early as 9:30 on that bill on this side, if that would help the majority leader.

Mr. BYRD. Yes, if Mr. MURKOWSKI could be prepared. I would not want to say at the moment we definitely can go to that at the close of the rollcall vote.

It might be that that would be the case. If they could be prepared, it would be helpful.

Mr. DOLE. With reference to the ethics in Government bill, there has been a request on this side that that be referred to the Judiciary Committee, but I will speak to the distinguished Senator from South Carolina, Senator THURMOND, tomorrow, and see if he would agree that this bill could come up.

Mr. BYRD. All right.

Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on the motion to instruct the Sergeant at Arms tomorrow morning.

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

Mr. BYRD. I ask for the yeas and nays on that motion.

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

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I should also mention that there is a possibility the Senate could go to the unfinished business on tomorrow, the catastrophic illness legislation. I should also remind all of us that the war powers legislation is also a very strong possibility. I am hoping that something can be worked out by way of an agreement on that matter, although it does not look possible now.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, does the distinguished Republican leader have any further statement to make or business he would like to transact?

Mr. DOLE. I have no business or statement. I thank the majority leader.

Mr. BYRD. I thank the Republican leader.

Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to, and at 8:04 p.m. the Senate adjourned until tomorrow, Friday, October 16, 1987, at 9 a.m.