SENATE—*Thursday, May 7, 1987*

(Legislative day of Tuesday, April 21, 1987)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin.

PRAYER

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

Let us pray:

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

Our Father in heaven, we join with millions throughout the Nation who are participating in this National Day of Prayer, proclaimed by the President in response to a joint resolution of Congress. We are grateful for the Governors who have proclaimed this a day of prayer in their States—and the mayors who have proclaimed it as a day of prayer in their cities. We are unspeakably grateful for the millions who are taking this day seriously in their homes, their churches, their places of work. We ask a special visitation of the Spirit of God upon those who will be joining together from many States to pray on Capitol Hill. We praise You, Lord, that Members of the Senate will be upheld in prayer by millions who believe that prayer makes a difference—who accept the mandate of the Apostle Paul to the church and respond by praying for all who are in authority. Grant, O God, that the spirit of prayer will pervade the Capitol today and that many who labor here will set aside a few minutes to spend in prayer alone or with peers. We pray this in His name Who to His disciples was a model of prayer to be emulated. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 7, 1987.

To the Senate:

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

JOHN C. STENNIS,
President pro tempore.

Mr. PROXMIRE 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 CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I thank the Chaplain for reminding us as Tennyson did that "More things are wrought by prayer than this world dreams of," and for reminding us of the emphasis that our forefathers placed upon prayer and the importance of it and the need for it. In fact, that is our way of communicating with our Maker. We have noted that spiritual awareness that has come down from the very early fathers of the founding of this country to the present day.

Mr. President, it is a little like the old-time religion: What was good for all our fathers is good enough for us.

THE BUDGET

Mr. BYRD. Mr. President, last week in a speech before the Chamber of Commerce, the President reiterated his opposition to discussing a budget with Congress until the Democrats produced a budget. Last night, Senate Democrats produced a budget.

The President says he will veto increased revenues to balance the budget; yet, both his budget and the Senate budget have $18 billion in added revenues next year. The difference is that the revenues in the Democratic budget will help to balance the budget in 1991. The President's budget would still be $36 billion in the red by then.

The President's budget has been soundly rejected by both Houses. Last month, his budget received only 27 votes in the House. Yesterday, his budget got just 18 votes out of 99 votes in the Senate.

By contrast, the House budget passed with 230 votes. The Senate budget was adopted with 56 votes, including the votes of three Republicans.

After a conference with the House, I believe that both bodies will adopt a budget along the lines of that which passed the Senate yesterday.

Mr. President, the results speak for themselves. The Congress has shown that it is prepared to make the tough choices needed to reach a balanced budget. I hope that the President will take this as a sign and begin working with the Congress on a budget. He has been on the sidelines thus far. If he stays on the sidelines, I fear that the country is headed for a real budget crisis.

We are ready to sit down with the President. I hope he will come to the table.

A bipartisan budget is in the best interests of the country and we all owe it, the Republicans and Democrats, to the American people to put aside partisanship and act to put the Nation on a sound course.

Mr. President, have I any time remaining?

The ACTING PRESIDENT pro tempore. The majority leader has 6 minutes 10 seconds.

Mr. BYRD. Mr. President, I ask unanimous consent that I may reserve the remainder of my time.

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

RECOGNITION OF THE MINORITY LEADER

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

Mr. DOLE. Mr. President, I thank the distinguished Presiding Officer.

THE BUDGET

Mr. DOLE. Mr. President, I would indicate to the distinguished majority leader that I think at this point he is probably correct. I think now may be the time for the administration to become involved in this whole budget process. It has been my feeling from the outset that the President sent his budget up and it did not get many votes, as was stated. He fulfilled his responsibility. Now we have adopted our budget, or let us say there has been a budget adopted. It is not my budget. That is the way the system works. I would guess now is the time for us to start sitting down together to see if there is some common ground between Congress and the administration, and that means the President.

So I certainly do not disagree with the remarks of the majority leader. In

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fact, I am going to do what I can to urge our former colleague and now the President's Chief of Staff, Mr. Howard Baker, to become involved in this process. It may be still a bit early. But I think once there is a conference report on the budget itself, then we are going to get into reconciliation, and then it is obviously time. Beyond that, it is too late.

NATIONAL BARRIER AWARENESS DAY

Mr. DOLE. Mr. President, today is an important day for more than 36 million Americans. It is a day to recognize the men, women, and children who represent a vital segment of our society. But unfortunately, it is a group that is oftentimes excluded from society—through no fault of its own!

DISABLED AMERICA

I am talking about disabled America, 36 million strong. And I mean strong: Strong in its desire to be a productive member of society, and strong in the determination to tear down the barriers that stand in its way. But we cannot do it alone.

That is why I ask my colleagues—and those who are watching or listening to these proceedings—to join me in marking "National Barrier Awareness Day." It is a 1-day event that I hope will lead to an everyday understanding of the challenges that confront disabled Americans. And I do not mean the challenge of disabilities; we can deal with that.

I mean physical challenges such as architectural barriers—the sidewalks and steps that prevent the disabled from getting to work; and attitudinal barriers—society's prejudices and insensitivity that segregate the disabled.

TEAR DOWN THE BARRIERS

Today, many Americans—including some caring celebrities—will take part in "National Barrier Awareness Day." They will spend the day in a wheelchair, or on crutches, or blindfolded, or whatever else it takes to discover firsthand what it means to be disabled.

They will then report their experiences at special events in all 50 States. One such event takes place in Washington today at the L'Enfant Plaza Lowes Hotel, in the Monet Ballroom on the second floor, at 3 p.m.

As the event's honorary chairman, I invite my colleagues to join me there. And I ask America to join us in our fight to tear down the barriers. If we do, more than 36 million Americans will have the opportunity to show the world that disabled does not mean unable.

BICENTENNIAL MINUTE

MAY 7, 1834: SENATE REFUSES TO PRINT PRESIDENT'S MESSAGE

Mr. DOLE. Mr. President, 153 years old today, on May 7, 1834, the Senate voted to reject a message from the President of the United States. That action occurred several weeks after the Whig-controlled body took the unprecedented action of censuring Democratic President Andrew Jackson for his refusal to support recharter of the Bank of the United States.

Jackson responded to his censure with a message to the Senate denying its power to take such an action. He wrote:

> Without notice, unheard and untried, I thus find myself charged on the records of the Senate, and in a form hitherto unknown in our history, with the high crime of violating the laws and Constitution of my country.

The President required that the Senate accept his "solemn protest" against its censure proceedings.

The Senate, following heated discussions, agreed, by a party-line vote, to the following four motions:

> First, Resolved, that the protest communicated to the Senate, * * * by the President of the United States, asserts powers as belonging to the President which are inconsistent with the just authority of the two Houses of Congress; and inconsistent with the Constitution of the United States. Second, that while the Senate is, and ever will be, ready to receive from the President all such messages and communications as the Constitution and laws; and the usual course of public business authorize him to transmit to it, yet it cannot recognize any right in him to make a formal protest against votes and proceedings of the Senate, declaring such votes and proceedings to be illegal and unconstitutional, and requesting the Senate to enter such a protest on its journals. Third, the aforesaid protest is a breach of the privileges of the Senate, and it will not be entered on the journal. Fourth, that the President of the United States has no right to send a protest to the Senate against any of its proceedings.

LEVIN AMENDMENT OF THE ABM TREATY

Mr. DOLE. Mr. President, the Armed Services Committee has reported the defense authorization bill, and we may turn to it on the floor as early as next week. As most of my colleagues know, that bill contains the so-called Levin-Nunn amendment which would tie the President's hands on SDI, on ABM Treaty interpretation, and—make no mistake about it—on arms control. It is not too early for us to give some serious thought to how we will handle this issue. This morning I would like to share my thoughts on the matter.

Some may not admit it, but it is President Reagan's strategy which led to progress on arms control, raising the prospect of an intermediate-range nuclear forces agreement.

The President's tough bargaining, and dedication to America's defense, have changed the arms control agenda. The eighth round of START began in Geneva this week, and the Soviets will be discussing real reductions, not theoretical caps; warheads, not launchers; and effective verification.

Everyone knows that our SDI Program has played a major role in getting the Soviets to talk seriously in Geneva. Moscow would very much like to transform our SDI from America's future defense to an endless research project—while they push ahead aggressively to build their own strategic defenses—and some in Congress are unwittingly helping to do just that.

The President is considering his legal options under the ABM Treaty, seriously and cautiously. He is sharing the studies which underpin his thinking with us; and he has engaged us in extensive consultations. Nevertheless, some are jumping ahead, seeking to bind his hands with ill-conceived amendments on crucial bills.

The Levin-Nunn amendment would simply legislate the narrow interpretation of the ABM Treaty: Restricted development and testing could only proceed if approved by a joint resolution of Congress—essentially, a one-House veto. And let us not forget that this amemdment is nothing less than a unilateral constraint on United States defense programs, and a unilateral concession to the Soviets.

The President cannot negotiate with Congress and the Soviets at the same time. He cannot negotiate with the Soviets if Congress has already given the Soviets the prize they want. It is absolutely pointless to expect productive talks in Geneva if Congress starts legislating the Soviet agenda by strangling SDI for them.

I believe that arms control, defense, and the Constitution would be better served if we support our negotiators now, continue to give the President the benefit of our counsel on the ABM Treaty, and await his decision.

President Reagan has repeatedly warned that he will veto any attempt to enact the Soviet agenda. It it comes to that, the American people will support him, and so will a sufficient number of Senators.

Finally, Mr. President, I am sure that all my colleagues were happy to hear that Ambassador Max Kampelman represented the United States at the opening of the eighth round of talks this week. It is good to have him back on the job.

It is in that spirit that we have arms control, that bipartisan spirit. Max Kampelman, as many of us know, is a very active, long-time member of the other party, the Democratic Party, and the President is a Republican. It is this spirit, this nonpartisan spirit, that

I think we will finally achieve the success that most Americans are looking for in Geneva.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 11:30 with Senators permitted to speak therein for 5 minutes each.

(Mr. GRAHAM assumed the Chair.)

WHY MAD SERVES AMERICAN INTEREST BETTER THAN SDI

Mr. PROXMIRE. Mr. President, this Senator is very interested in the concluding remarks by the distinguished Republican leader. The Senator disagrees, of course, strongly with the Republican leader on the efficacy of the SDI and this Senator has a lot of company.

Mr. President, where is the strategic defense initiative [SDI] going? Will it continue to be the No. 1 priority of the Reagan administration? And how will it proceed in this deficit-conscious and SDI-critical Democratic Congress? Last year, the Congress cut the Presidents SDI budget request by a hefty one-third. The administration warded off a far deeper reduction by a bare one vote margin in the Republican Senate. Won't the President suffer diminished clout in the wake of the Iran-Contra fiasco? He certainly will. Won't the last 2 years of the administration make the President's lameduck status increasingly evident? Of course.

Won't the new Democratic Senate enfeeble the President's prime SDI base of support in future congressional battles? It will indeed. Since this diminution in Presidential power over the Congress is so evident, isn't it clear that in the remaining 2 years of the President's administration he cannot possibly win from the Congress the research funding momentum necessary to keep SDI on track toward the comprehensive nationwide antiballistic missile defense that the President and his Secretary of Defense have so often called for? I believe this is the case. So what can we expect the administration to do about what seems like a losing battle?

One major possibility is for the administration to drop the pie-in-the-sky vision of a super nationwide astrodome SDI defense, in favor of the more widely accepted SDI "point defense".

What would the so-called point defense do? The point defense would provide protection for land-based missile sites, submarine pens, bomber bases, and command centers. It would forget the population defense. It would protect our nuclear deterrent. Would such a defense significantly advance the national security of the United States? The answer is no. That kind of defense could serve the interests of the Soviet Union. It could not serve the interests of the United States. Why is this? First, the Soviet Union has deployed most—about 70 percent—of its nuclear deterrent in land-based stationary launchers. We know exactly where every one of these Soviet launchers is. They are stationary. They will be there next month, next year, and 5 years from now. We can easily develop the technology to penetrate any conceivable Russian hardening of these launching sites. But a Soviet defense of this offensive nuclear capability based on radar and deployed interceptors would probably preserve a sufficient capability to permit an effective Soviet retaliation for an American attack aimed at these land-based launchers. So a Soviet point defense SDI could serve the U.S.S.R. security interests. Why wouldn't a similar U.S. deployment serve American interests just as surely?

Answer: there is a difference. Unlike the Soviets, this country does not have 70 percent of its deterrent in vulnerable; stationary land-based launchers. In fact, 75 percent of the American deterrent is already mobile, and largely invulnerable. Fifty percent of our nuclear capability is based on submarines. Many of those submarines are scattered throughout the world's oceans. Each of our Trident submarines—each one—over time has the capability to eliminate every major city in the Soviet Union. Of course, some of those submarines are in port, but most of them could be at sea long before a missile fired from Soviet territory could reach the continental United States. And that isn't all. Another 25 percent of the U.S. deterrent is deployed in bombers—either in the air or capable of being airborne within a very few minutes of the time the Soviets launch an attack. Like the submarines, the bombers are virtually invulnerable to attack. Clearly, a sufficient number of American submarines and bombers would survive any Soviet attack to permit a retaliatory response that would end the Soviet Union as an organized society.

This is the situation right now, today. So do we need SDI? Now you tell me what a point defense could significantly add to the deterrence of our present submarine and bomber borne deterrent.

All of this is exactly why the ABM Treaty that in effect bans a nationwide SDI of any kind is in the strict national security interest of the United States, as well as in the interest of nuclear peace. Yes indeed, the ABM Treaty is grounded on the recognition of the grim doctrine of mutual assured destruction. MAD recognizes the principle of deterrence that has kept the peace since the dawn of the nuclear age more than 40 years ago.

It is working better today than ever. There is every reason to expect that this doctrine of mutual terror will work in the future. We should certainly not spend a trillion dollars on an SDI system that undermines this established and proven doctrine of deterrence.

AN AMERICAN DIES IN NICARAGUA

Mr. PROXMIRE. Mr. President, Benjamin Linder, a young mechanical engineer living and working in Nicaragua, was killed on the morning of April 28. Available evidence indicates that he died in an attack by Contra military forces.

This fact hit home hard in my office where Thomas C. Hecht, a cousin of Mr. Linder's, is in residence as an intern. Often a tragedy only gains significance when it occurs to someone you know. Then the reality of the situation becomes more personal. And the consequences of the loss assume their true proportion.

Mr. Hecht expressed his feelings by way of an article in the Milwaukee Sentinel on May 6. He makes a convincing call to stop the bloodshed in Nicaragua.

In the meantime the Congress can take action. We can refuse to appropriate any more funds for the Contras. And we can insist that the State Department and the administration conduct a full and impartial investigation into this killing—including the extradition of any individuals believed to be guilty of this crime, should that be consistent with U.S. law and the findings of an official inquiry.

Mr. President, I ask unanimous consent that the article by Mr. Hecht in the Milwaukee Sentinel be printed in the RECORD.

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

[From the Milwaukee Sentinel, May 6, 1987]

COUSIN: LET'S MAKE SURE LINDER IS LAST AMERICAN KILLED BY CONTRAS

(By Thomas C. Hecht)

On the morning of April 28, Benjamin Linder, a 27-year-old mechanical engineer building a hydroelectric plant in rural Nicaragua was killed when six Nicaraguan contras ambushed him.

He was the first American killed by the American-backed contras in their increasingly bloody and unavailing attempt to wage war against the Nicaraguan people.

As his older brother John Linder fittingly noted: "His death was not an accident. His death was policy."

To me, the situation in Nicaragua and the erroneous policy of this United States in backing the contras hits home because Ben Linder was my cousin.

American weapons and American aid to the contras were responsible for the killing of an innocent man.

Ben was a civilian technician who, like thousands of other volunteers in recent years, knew that rural electrification, health care and education are universial rights that transcend political disputes.

Like some 60,000 other Americans who have visited Nicaragua since the 1979 revolution, he also saw his presence as a way of repudiating US support for the contra rebels.

Indeed, the only thing that makes his death more noteworthy than the thousands of other civilians that the contras have killed is the fact that he was an American. However, the victim himself stated on several occasions that his life was not worth more or less than that of any Nicaraguan.

In a week where Americans watching the PBS broadcast of "Shoah" were startled at the complicity of Jews shoving Jews into the gas chambers, what is extraordinary is the complacency with which this country supports the brutal slaying of Nicaraguans by Nicaraguans.

Will adding one American's name to the list change our intentions? Will his death change the loathsome contra practice of attacking civilian projects in Nicaragua?

If anything, let us hope that Ben's death brings the holocaust underway in Central America closer to home. Americans must learn that democracy should stand on its own, if it is worth anything. It shouldn't have to be propped up, least of all by resorting to violence. Democracy means building dams for the poor people you love.

If there is any solace in Ben's death, it is that he was able to illuminate several rural Nicaraguan villages. Maybe now he will light up the hearts of Americans to urge their elected representatives to stop the bloodshed.

This will only occur if the United States cuts off further aid to the contras, prohibits private organizations such as Carl Channell's from offering any assistance to their cause, and recognizes that the Sandinista government is here to stay.

Benjamin Linder was a freedom fighter. Let us make certain that he is the last American killed by the contras.

ORDER OF PROCEDURE

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. PROXMIRE assumed the chair.)

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

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

Mr. GRAHAM. Mr. President, I ask unanimous consent that I may have 5 minutes for a statement in morning business.

The ACTING PRESIDENT pro tempore. The Senator has that right.

Mr. BYRD. Mr. President, will the distinguished Senator withhold while the distinguished Republican leader is on the floor, so that we might transact a little business? It will be just 3 minutes.

Mr. GRAHAM. Yes.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr BYRD. Mr. President, I will propound these requests while the Republican leader is on the floor.

HOKULE'A WEEK

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Resolution 193, a resolution commemorating Hokule'a Week.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the resolution.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 193) to express the sense of the Senate at the period commencing on May 23, 1987, and ending on May 30, 1987, is recognized as "Hokule'a Week."

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 193

Whereas the Polynesian Voyaging Society's double-hulled sailing canoe, the Hokule'a, will return to Oahu on May 23, 1987, after a two and one half year voyage of rediscovery;

Whereas the Hokule'a was born out of scientific controversy, and proved that early Polynesian migration could, indeed, have sailed from the west against the prevailing direction of the winds, as ancient chants had described;

Whereas the Hokule'a proved that early Polynesian migration could have been purposefully performed with sophisticated noninstrument navigation;

Whereas the Hokule'a greatest success may have been in gathering together the people of Hawaii with other Pacific islanders to work towards a common goal;

Whereas the people of Hawaii are inviting the Pacific island dignitaries, who became a part of Hawaii's goodwill lei, to celebrate the return of the Hokule'a with them;

Whereas the celebration of the return of the Hokule'a might be an appropriate occasion for a friendly gesture to be made between the United States and the Pacific islanders;

Whereas this celebration would provide an opportunity for mainland American's and the people of Hawaii to share with the Pacific islanders, the goodwill of the return of the Hokule'a; and

Whereas the Hokule'a represents the spirit of challenge that generates exploration and discovery in every age, whether it be ancient Polynesians navigating the vast Pacific by the stars and their senses, or astronaut Ellison Onizuka, who said, "If everything else (navigational) fails, we can still use the stars to get home", or navigator Nainoa Thompson, settling scientific controversy and proving the truths of ancient songs by navigating the Pacific as the ancients did: Now, therefore, be it

Resolved, That it is the sense of the Senate that the period commencing on May 23, 1987, and ending on May 30, 1987, is recognized as "Hokule'a Week".

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

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

The motion to lay on the table was agreed to.

JEWISH HERITAGE WEEK

Mr. BYRD. Mr. President, I ask unanimous consent that the committee on the Judiciary be discharged from further consideration of House Joint Resolution 67, a resolution commemorating Jewish Heritage Week.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 67.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 67) to authorize the President to issue a proclamation designating May 3 through May 10, 1987, as "Jewish Heritage Week."

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H. J. Res. 67) was considered, ordered to a third reading, read the third time, and passed.

MR. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

SOLIDARITY SUNDAY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Resolution 201, a resolution commemorating Solidarity Sunday.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 201.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 201) to express the sense of the Senate in support of Solidarity Sunday.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 201

Whereas, on May 3, 1987, the constituent agencies of the Coalition to Free Soviet Jews will sponsor "Solidarity Sunday for Soviet Jewry" in reaffirmation of the American people's resolve to secure freedom for Soviet Jews and other beleaguered individuals;

Whereas, Americans of all faiths will join with the Coalition in public expressions of solidarity with the more than 2.5 million Jews in the Soviet Union;

Whereas, the right to emigrate freely and to be reunited with one's family abroad is being denied by Soviet authorities to Soviet Jews and other groups in direct contravention of the Universal Declaration of Human Rights, and the Helsinki Final Act, and Madrid Concluding Document, to all of which the Soviet Union is signatory;

Whereas, the government of the Soviet Union has implemented new emigration restrictions designed to make the process of obtaining an emigration visa even more difficult;

Whereas, the emigration of Soviet Jews has been severely restricted in recent years, hovering at 1,000 per year or less, from a high of 51,320 in 1979;

Whereas, those Soviet Jews and other persons who have applied to leave the Soviet Union have been subjected to expulsion from jobs and schools, exile from major Soviet cities, constant surveillance and harassment and even arrest and imprisonment on false charges;

Whereas, the government of the Soviet Union continues to persecute its Jewish citizens and deny them even those few rights and privileges accorded other recognized religions in the Soviet Union;

Whereas, the government of the Soviet Union discriminates against Jewish cultural and religious activities by banning and suspending Hebrew and Jewish cultural classes, arresting Hebrew teachers on false criminal charges, attacking Hebrew teaching circles as "subversive", promoting anti-Semitic ideology under the cloak of "anti-Zionism", and harassing those Soviet Jews who seek only to exercise their right to practice their religious and cultural heritage;

Whereas, the government of the Soviet Union will not succeed in isolating Soviet Jews from their friends in the free world so long as those who cherish liberty and human rights continue to speak out on behalf of beleaguered people everywhere;

Whereas, the Soviet Union has undertaken positive steps in the area of human rights, among these a minimal increase in monthly emigration and the release of several prominent prisoners of conscience;

Whereas, progress in the areas of Jewish emigration and Jewish religious and cultural rights would contribute importantly to improved U.S.-Soviet relations; and

Whereas, "Solidarity Sunday for Soviet Jewry" will serve as an expression of American determination to continue efforts to obtain freedom for Soviet Jews who are prisoners of conscience, to halt exit visas granted to refuseniks, many of whom have sought permission to emigrate for up to seventeen years, and to secure the free exercise of religious beliefs and cultural expression for all minorities: Now, therefore, be it

Resolved, by the Senate of the United States of America that the President is authorized and requested to issue a proclamation designating May 3, 1987 as "Solidarity Sunday for Soviet Jewry" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe these days with appropriate ceremonies, activities and programs.

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

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

The motion to lay on the table was agreed to.

50TH ANNIVERSARY OF DUCKS UNLIMITED, INC.

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Concurrent Resolution 52, a resolution commemorating the 50th anniversary of the conservation organization Ducks Unlimited, Inc.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 52.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 52) to recognize and congratulate Ducks Unlimited, Incorporated, in honor of its 50th anniversary.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

The preamble was agreed to.

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

S. CON. RES. 52

Whereas Ducks Unlimited, Incorporated, is one of the largest and most successful private wetlands and waterfowl conservation organizations in the world, having raised nearly $400,000,000 and conserved more than 4,000,000 acres of wetlands throughout North America;

Whereas wetlands play an integral role in maintaining the quality of life through material contributions to our national economy, food supply, water quality and supply, flood control, and fish, wildlife, and plant resources, and thus to the health, safety, recreation, and economic well-being of all citizens;

Whereas wetlands constitute only a small percentage of the land area of North America, are estimated to have been reduced by half in the contiguous States, and continue to disappear at the rate of nearly 700,000 acres each year;

Whereas governments alone cannot adequately protect valuable wetlands without help from private organizations;

Whereas the members, volunteers, and staff of Ducks Unlimited have given generously of their time, energy, and financial resources to achieve outstanding conservation objectives;

Whereas Ducks Unlimited has established and maintained a singleness of purpose for the protection and enhancement of waterfowl habitats that is a standard other organizations have sought to achieve; and

Whereas January 29, 1987, was the 50th anniversary of the founding of Ducks Unlimited and its pioneering leadership in continent-wide waterfowl conservation programs: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes and congratulates Ducks Unlimited, Incorporated, for its 50 years of unprecedented accomplishments in the protection and enhancement of wetlands waterfowl habitat.

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

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

The motion to lay on the table was agreed to.

ACREAGE DIVERSION PROGRAMS

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 1157.

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendments of the Senate to the bill (H.R. 1157) entitled "An Act to provide for an acreage diversion program applicable to producers of the crop of winter wheat harvested in 1987, and otherwise to extend assistance to farmers adversely affected by natural disasters in 1986", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following are appointed as conferees on the part of the House:

For consideration of all matters except Senate amendment numbered 21: Mr. de la Garza, Mr. Glickman, Mr. Huckaby, Mr. Marlenee, and Mr. Roberts.

Solely for the consideration of Senate amendment numbered 21: Mr. Nowak and Mr. Stangeland.

Mr. BYRD. Mr. President, on behalf of Mr. LEAHY, I move that the Senate insist on its amendments, agree to the conference requested by the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Chair appointed the following confer-

ees on the part of the Senate: Senators LEAHY, MELCHER, PRYOR, BOREN, LUGAR, DOLE, and HELMS; and for areas under the jurisdiction of the Committee on Environment and Public Works, Senators MOYNIHAN and STAFFORD.

RETENTION OF PAY FOR CERTAIN FEDERAL WORKERS IN THE TUCSON AREA

Mr. BYRD. Mr. President, I inquire of the distinguished Republican leader if he is ready to proceed with Calendar Order No. 84, S. 942.

Mr. DOLE. Yes, we are prepared to proceed. It has been cleared on this side.

Mr. BYRD. I thank the leader.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 942.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 942) to amend title 5, United States Code, to extend the pay retention provisions if such title to certain prevailing rate employees in the Tucson area whose basic pay would otherwise be subject to reduction pursuant to a wage survey.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That notwithstanding section 536.104(a)(3) of Title 5, Code of Federal Regulations, Federal wage employees in the Tucson, Arizona wage area whose pay has been reduced as a result of a wage survey conducted during fiscal year 1986 shall be entitled to pay retention under 5363 of title 5, United States Code, commencing on the date such reduction took effect.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

COMMISSIONER OF FOOD AND DRUG ADMINISTRATION

Mr. BYRD. Mr. President, is there a House message at the desk on H.R. 1226, the bill to require Senate confirmation for the appointment of the Commissioner of the Food and Drug Administration?

The ACTING PRESIDENT pro tempore. The bill H.R. 1226 is at the desk.

Mr. BYRD. Mr. President, I ask that the bill be read the first time.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1226) to amend the Federal Food, Drug, and Cosmetic Act to require the appointment of the Commissioner of Food and Drugs to be subject to Senate confirmation.

Mr. BYRD. Mr. President, I ask that the bill be read the second time.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOLE. Mr. President, on behalf of Senator HATCH, I object.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be held at the desk.

Mr. BYRD. I thank the Chair and I thank the Republican leader.

JUST SAY NO TO DRUGS WEEK

Mr. BYRD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 124, "Say No To Drugs Week."

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

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Joint Resolution 124.

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

The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 124) designating May 10, 1987, through May 16, 1987, as "Just Say No To Drugs Week."

The Senate proceeded to the joint resolution.

Mr. BYRD. I thank the distinguished Senator from Florida for yielding. I understand this measure before the Senate is a measure on which he is interested in speaking.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. GRAHAM. Thank you, Mr. President, I appreciate the courtesy of the majority and minority leaders in affording me time to make a few comments on this important joint resolution.

This joint resolution, Mr. President, will call upon the President of the United States to designate the week on May 10 through May 16 as "Just Say No To Drugs Week."

We know that one of the great challenges to our generation of Americans is to resist the constantly rising, frightening flood of drugs and their use in this Nation. This is a special challenge as it relates to young people. Unfortunately, many young people today see many role models that indicate that the use of drugs is acceptable and is an appropriate pattern of life. They see this in figures who are prominent in sports and entertainment. We also know that young people are influenced by their peers and by those whom they accept as role models.

"Just Say No To Drugs" clubs, which have been established in schools across our Nation, have given our young people an option and support to help them choose the option of a drug-free life.

This resolution recognizes the Nation's young people who are publicly fighting drug abuse by saying no to drugs. They are contributing—by dedication and by courageous example—to the important goal of a drug-free America.

Next week, local communities around the country will be conducting events and rallies to demonstrate their commitment to fighting drug abuse. With the leadership of First Lady, Mrs. Nancy Reagan, thousands of schoolchildren, their parents, and other concerned citizens will participate in these events.

In the State of Florida, 75 communities will host "Red Ribbon Day" on May 13. Floridians will wear red ribbons. Police cars and city vehicles in Miami will have red ribbons attached to their antennas. In Tallahassee, the capital of our State, the capitol building itself and other government buildings will be wrapped with red banners as a reminder to be vigilant in the war against drug abuse.

On May 15, 50,000 Florida schoolchildren will march statewide in the national "Just Say No" walk.

We can only combat the tragedy and waste of drug abuse among children and teenagers by education and reinforcement—and positive peer pressure. I ask my colleagues to salute this effort, and the young people who are making a difference, by supporting this resolution to declare "Just Say No To Drugs Week."

The ACTING PRESIDENT pro tempore. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 124

Whereas America's youth are our Nation's most precious resource;

Whereas young people are contributing to drug abuse prevention by starting "Just Say No" clubs and saying "no" to drugs;

Whereas America's youth should be recognized and encouraged for their efforts in the fight against drug abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of this Nation's young people to publicly fight drug abuse by just saying "no" to drugs and thereby contributing to the end of drug abuse in America, the President is

directed to issue a proclamation designating the week of May 10, 1987, through May 16, 1987, as "Just Say No to Drugs Week", and calling on the people of the United States to observe this week with appropriate programs, ceremonies, and activities.

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

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

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, I ask unanimous consent to proceed as though in morning business for a short period of time until the majority leader is ready to proceed.

Mr. BYRD. Mr. President, will the distinguished Senator from Illinois allow the able Republican leader and myself to just proceed with the nomination on the Executive Calendar? It will take less than 2 minutes.

Mr. DIXON. I say to the majority leader, it is always my distinct pleasure to yield to the majority and minority leaders for the purpose of performing Senate business.

Mr. BYRD. I thank the distinguished and very able Senator from Illinois [Mr. DIXON].

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I ask the distinguished Republican leader if the following nominations have been cleared on the Executive Calendar on his side of the aisle: All of the nominations on page 2 under the Department of Health and Human Services, the Judiciary, the Department of Justice, with the exception of Calendar Order No. 90, message No. 98 and the nominations on page 3 under Department of Justice, the Judiciary, International Monetary Fund, and the Department of State and on page 4 the nominations placed on the Secretary's desk in the Foreign Service.

Mr. DOLE. Mr. President, if the majority leader will yield I think he is correct with one addition. Calendar No. 88 has not yet been cleared as he mentioned; Calendar No. 90, Calendar No. 100 has not been cleared.

Mr. BYRD. Very well. I thank the Republican leader.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the following nominations en bloc: Calendar Order Nos. 89, 91, 92, 93, 94, 95, 96, 97, 98, 99, 101, 102, and the nominations placed on the Secretary's desk in the Foreign Service.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the nominations not only be considered en bloc but confirmed en bloc, and that the motions to reconsider en bloc be laid on the table, and that the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Bohdan A. Futey, of Ohio, to be a Judge of the U.S. Claims Court for the term of 15 years vice Philip R. Miller, term expired.

Reena Raggi, of New York, to be U.S. District Judge for the Eastern District of New York, vice Frank X. Altimari, elevated.

Ronald S. W. Lew, of California, to be U.S. District Judge for the Central District of California vice Laughlin E. Waters, retired.

Richard J. Daronco, of New York, to be U.S. District Judge for the Southern District of New York vice Lee P. Gagliardi, retired.

David S. Doty, of Minnesota, to be U.S. District Judge for the District of Minnesota, vice Miles W. Lord, retired.

DEPARTMENT OF JUSTICE

J. Keith Gary, of Texas, to be U.S. Marshal for the Eastern District of Texas for the term of four years vice James G. Barton, term expired.

Earl L. Rife, of Ohio, to be U.S. Marshal for the Northern District of Ohio for a term of 4 years. (Reappointment)

Dwight G. Williams, of Mississippi, to be U.S. Marshal for the Northern District of Mississippi for a term of 4 years. (Reappointment)

Robert W. Foster, of Ohio, to be U.S. Marshal for the Southern District of Ohio for a term of 4 years. (Reappointment)

THE JUDICIARY

Wilkes C. Robinson, of Kansas, to be a Judge of the U.S. Claims Court for a term of 15 years vice Judith Ann Yannello, term expired.

INTERNATIONAL MONETARY FUND

Charles H. Dallara, of Virginia, to be U.S. Executive Director of the International Monetary Fund for a term of 2 years. (Reappointment)

DEPARTMENT OF STATE

Fred J. Eckert, of Virgnia, for the rank of Ambassador during the tenure of his services as U.S. Representative to the United Nations Agencies for Food and Agriculture in Rome.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

Foreign Service nominations beginning Ain H. Kivimae, and ending Ravindar Kumar Sikand, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 10, 1987.

Mr. BYRD. I thank the distinguished minority leader.

Mr. DOLE. Mr. President, as is in executive session, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

Mr. BYRD. I again thank the Senator from Illinois.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Illinois is recognized.

Mr. DIXON. Thank you, Mr. President and I thank the majority leader.

YOUNG U.S. CITIZENS ABDUCTED TO SAUDI ARABIA: WHERE CAN THEY TURN?

Mr. DIXON. Mr. President, not long ago I related to the U.S. Senate the tragic case of two young American citizens illegally abducted by their fugitive father to the Kingdom of Saudi Arabia. For over 1 year I have been pressing the Saudi Arabian monarchy to bring these two young children home.

Khalid Hammad Al-Geshayan came to the United States in 1974 as a student. He married a young American woman, Patricia Roush, whom he had met at San Francisco City College, in 1978. They had two daughters together, named Alia and Aisha, both of whom are U.S. citizens by birth.

Soon after the marriage, problems began to arise stemming from Geshayan's documented alcoholism and schizophrenia. A period ensued, Mr. President, when Geshayan beat his wife and his first child repeatedly.

Needless to say, Patricia filed for divorce and was granted one in December 1985. Judge Charles J. Grupp of the Circuit Court of Cook County, IL, granted a dissolution of marriage on the grounds of mental cruelty. Judge Grupp awarded sole custody of Alia and Aisha to Patricia.

Shortly thereafter, Mr. President, Geshayan returned to the United States, harassed his ex-wife, and ultimately abducted the two young girls to Saudi Arabia.

I have a prepared statement, Mr. President, in which I detail the entire course of Geshayan's activities since arriving in the United States on a diplomatic visa in December 1974. This statement contains a comprehensive analysis of the U.S. Government's case against Geshayan. It documents his alcoholism and schizophrenia, and his activities in the United States for which he is criminally charged. I will ask unanimous consent that this statement be printed in the RECORD.

At this point, Mr. President, I would like to describe to the Senate my efforts to bring this very unfortunate state of affairs to the attention of our State Department and the Saudi Arabian Government.

I regret to say, Mr. President, that the response I have received has been dismal. My constituent, Patricia Roush, has been told by the State Department that there is nothing our Government can do to bring these two young U.S. citizens back to their mother and their country. I personally brought this matter to the attention

of Saudi representatives in my Senate office, and again urged that the decisions of the U.S. court be honored. Again, Mr. President, I was told that these children could not be returned.

What I learned from the Saudis, Mr. President, is that they intend to do absolutely nothing to bring these United States citizens home to their mother, in spite of the fact that Geshayan has committed criminal acts in this country and kidnapped two U.S. citizens from my State. I discussed the following things with the Saudis:

A letter from Geshayan's physician to a San Francisco hospital outling his paranoid schizophrenia diagnosis. May I point out to the Senate precisely what kind of an individual we are describing: One with a drinking problem, assaultive behavior, and angry mood swings.

Next, Mr. President, I presented a portion of Khalid Al-Geshayan's San Francisco criminal docket, which outlines drunken driving, battery on a person, entering a noncommercial dwelling unlawfully, vandalism, and disturbing the peace.

Finally, Mr. President, I showed the Saudis a criminal complaint, the United States of America versus Khalid Hamad Al-Geshayan. A warrant for the arrest of Mr. Geshayan was recently issued by the Circuit Court of Cook County for child abduction. Under Federal law, he is charged with unlawful flight to avoid presecution.

I presented the Saudi Embassy officials with each of these documents, and I asked the Saudi Government to honor the laws of this country and return these children to their mother, who has been awarded sole custody of Alia and Aisha. It seemed difficult to believe that Saudi law would protect Mr. Geshayan after his violent behavior toward his American wife and his criminal history.

The Saudi representatives, however, asserted that my constituent, Patricia Roush, has few rights under Saudi religious law, and under that same law, has no claim to her two American children. The Saudis informed me that under these laws, even the irresponsible father, Geshayan, has a greater claim to these children than their American mother. I learned further, Mr. President, that in the event Mr. Geshayan is deemed an unfit parent by the Saudi courts themselves, the children, Alia and Aisha, would not go to their mother but to a relative of Khalid Geshayan's!

While we must accept the reality that different nations maintain diverging legal systems. I find the specifics of this case grossly unfair, Mr. President. I was told that there was nothing that the Saudi Arabian Government could do to bring these children back to their mother. I was told that, under Saudi law, Geshayan enjoys the right to these two United States citizens, and that there is no opportunity for a greater Saudi Government role in this matter, that the King, the Ambassador, and the ruling family of this Saudi Arabian monarchy can't help these children at all.

I cannot accept this, Mr. President. I hear all too often that we have a friend in this Saudi Arabian kingdom, that we have an influential friend in the Middle East. I hear on the floor of this great body about arms sales and other military agreements. I hear about the importance of trade and economic cooperation with the kingdom of Saudi Arabia.

I believe the Saudi Government can and must do something about these two young American girls currently being held hostage in Saudi Arabia. In the spirit of comity and in the spirit of goodwill, I believe the ruling monarchy in Saudi Arabia can restore these two young United States citizens to their mother, in whose custody they belong, according to the United States courts.

I intend to focus on this matter continually on the Senate floor, and I intend to introduce legislation to increase the level of the State Department's involvement in these and other matters at the earliest opportunity. Implementing legislation for a recently ratified Convention on International Child Abduction is expected to reach this body in the near future, Mr. President, and as we discuss the thousands of cases of young abducted Americans, I guarantee my colleagues that this case involving Saudi Arabia, as well as many others, will recive a full hearing on the Senate floor. This state of affairs simply must not be allowed to continue!

This particular case involving Saudi Arabia is especially egregious, Mr. President. The tragic case of these two young girls, their mother and their fugitive father, who today enjoys the safe haven and protection of Saudi "religious law," is absolutely incomprehensible and intolerable. Khalid Al-Geshayan has violated the United States law by abducting two United States citizens to Saudi Arabia. It is as plain as can be, Mr. President.

I will not accept the answer the Saudi Government has given, and I urge my colleagues to look closely at cases in their own States involving children abducted to Saudi Arabia. Today I am demanding from the Saudi Government its respect for American laws and the decisions of American courts.

Mr. President, I ask unanimous consent that the entire record—which is this thick—on the criminal violations and the misconduct of Mr. Geshayan be printed in the RECORD.

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

MISCONDUCT OF MR. GHESHAYAN

Mr. President, I come before you today to plead the case of Patricia Roush and her two young daughters, Alia and Aisha Gheshayan. Alia and Aisha were abducted by their father, Khalid Hammad Al-Gheshayan, from their home in Cicero, Illinois, after he had abandoned his family, and subsequently lost all custodial rights to his children. Mr. President, to demonstrate the very serious nature of this crime and the tragedy Patricia Roush and her children live with each day that this travesty of justice is allowed to continue, I will present to you a history of the family situation leading to the abduction as follows:

1. In December of 1974, Mr. Khalid Hammad Al-Gheshayan came to the United States on a A-1 Diplomatic Visa to study at the University of San Francisco. (The A-1 Visa was later changed by the U.S. to a F-1 Student Visa.) In the fall of 1975, Gheshayan transferred to City College of San Francisco after his enrollement was dropped by the University. Gheshayan's study in the U.S. was sponsored by the Saudi Arabian Education Mission which had granted him a full scholarship.

2. Patricia Roush met Gheshayan in San Francisco where she also attended college in pursuit of a Bachelor in Arts Degree, which she completed in 1978.

3. On November 9, 1978, Roush and Gheshayan were married in San Francisco, California.

4. Two children were born of the marriage, Alia Angelica Al-Gheshayan, born January 5, 1979 and Aisha Alexandra Al-Gheshayan, born July 2, 1982.

5. Soon after the marriage, problems began to arise stemming from Gheshayan's documented alcoholism and schizophrenia. Records show that on December 12, 1977, Gheshayan was admitted to St. Frances Memorial Hospital in San Francisco, by Dr. Bruce Fisher, for alcohol related medical problems. This admission was the beginning of a series of admissions for alcoholism and schizophrenia spanning approximately five years.

In 1977, Gheshayan also began psychiatric treatment with Dr. Frederick Lasker, M.D., in Psychiatry, San Francisco, California. Records show that Dr. Lasker, in consultation with S.D. Glass, M.D., of Mary's Help Hospital (now: Seton Medical Center), and Mary's Help Hospital's Crisis Team diagosed Gheshayan as having paranoid schizophrenia, alcoholism, and medical problems secondary to alcoholism. These records also show that Gheshayan was in and out of French Hospital in San Francisco, as well as a 10-day stay in Houston International Hospital in 1977, during this approximate five year period.

These records also show Martin Lorber, M.D., Mary's Help Hospital stating, "This is the first St. Mary's Help Hospital admission for this 30 year old Arabic student with a history of alcoholism over the past five years since he came to the U.S. as a student. He has multiple family problems associated with his drinking. . . . DISCHARGE DIAGNOSIS; Acute and chronic alcoholism. Alcohol hepatitis. Paranoid Schizophrenia. PROGNOSIS; Poor." (5/5/1980-5/23/1980)

Mary's Help Hospital's original admitting records show that Gheshayan told the admitting nurse, on May 5, 1980, that he had a variety of injuries from fights and hit and run auto accidents, and that the last time he had achieved sobriety was during a 7-8 month period in jail.

6. Prior to the marriage, Gheshayan had been arrested on several occasions by the San Francisco Police Deparment. However, after marriage, the situation worsened. The arrest charges ranged from misdemeanor drunk driving, to hit and run accident, battery on a person, vandalism, disturbing the peace, and public drunkenness.

7. In 1981, The Saudi Arabian Education Mission discontinued Gheshayan from the scholarship program for poor scholarship. Academic records show Gheshayan receiving 1 A, 1 D, 1 Incomplete, 2 Withdrawals, and 11 Fs, for a cumulative grade point average of 0.21 on a 4.00 scale.

8. On February 6, 1979, approximately one month after the birth of Alia, Gheshayan was deported by the Immigration and Naturalization Service, (INS). Allowing his student visa to expire, and with his Permanent Residency petition pending, (through marriage to a U.S. citizen), the INS began an investigation of Gheshayann's criminal arrest record. The deportation followed an incident of battery, by Gheshayan, against Patricia and his newborn baby, Alia. The police picked up Gheshayan and then turned him over to the INS. INS Agent Jeanette Kimball, (now stationed in West Germany), told Patricia that Immigration felt Gheshayan's U.S. citizen family would be better off with him out of the country. Patricia agreed.

9. Gheshayan stayed in Saudi Arabia, following his deportation, approximately one month. He then traveled to Vancouver, Canada, moving in with a friend, Mr. Nebil Beirouti.

During his stay in Vancouver, from approximately March of 1979 to July of 1979, Gheshayan began working on expediting his Permanent Residency application, calling Patricia and pleading for help, and he resumed drinking. Documents and letters obtained by Special Agent Robert Gomora, of the Illinois State Police, through Nora Beattie, Security Investigator for British Columbia Telephone, (B.C. Tel.), show that Gheshayan was under investigation by B.C. Tel. and Pacific Telephone for credit card fraud committed during his stay in Vancouver. And, that although Gheshayan admitted to the fraud, the District Attorney in California did not prosecute.

These records include a letter from G. R. Mackie, Senior Security Investigator for B. C. Tel., to Pacific Telephone describing an interview with Mr. Beirouti, He states:

"It is his feeling that Khalid is mentally sick. While he was living with Beirouti he was always drunk. This was one of the reasons he was evicted . . . When Beirouti kicked him out he went to the Olympic Hotel.

"I checked with the manager of the hotel. They remember him well . . . The desk clerk stated that he was drunk most of the time and using drugs. At one point he got into a fight and ended up in the hospital. She said that a woman and a baby came to see him during his stay and he beat her and the baby." (January 1, 1980 letter from G.W. Mackie to Mike O'Toole, Security Department, Pacific Telephone.)

10. In July of 1979, despite these problems, Mr. Gheshayan received his U.S. Permanent Residency and returned to San Francisco. He again began study under the Saudi Arabian Education Mission's scholarship program. Patricia agreed to try again, feeling sorry for Gheshayan, wanting a father for Alia—now six months old, and hopeful that medical treatment would begin to help.

11. In July of 1979, Patricia was working as an insurance investigator when Gheshayan returned to San Francisco. Soon after his return, Gheshayan began drinking again, and stopped attending school. During this stay, and all subsequent stays, Gheshayan stayed with his family for only a few nights at a time.

12. In October of 1979, Gheshayan left Patricia and Alia permanently to stay with friends in San Francisco, eventually taking his own apartment. From October of 1979 to August of 1981, Gheshayan would travel between Saudi Arabia and San Francisco. When in San Francisco he would stay with his family for a few nights at a time, was in and out of the hospital, and in and out of jail.

13. In August of 1981, while Gheshayan was in Saudi Arabia, Patricia began divorce proceedings. Gheshayan returned to San Francisco and convinced Patricia to reconcile for the sake of Alia. During this reconciliation Patricia became pregnant with Aisha. One month into the pregnancy, Gheshayan again returned to Saudi Arabia leaving his family without money.

Gheshayan's family agreed to send Patricia money, through the family's U.S. attorney, Mr. George Mashie of Syracuse, N.Y., for the length of the pregnancy only.

While pregnant with Aisha, Pat continued to work, and began nursing school while Alia went to childcare. Patricia felt the nursing degree would offer the children long-term financial security.

Gheshayan returned to San Francisco for the last five months of the pregnancy. During this time period he did not work or go to school since he had now been discontinued from the scholarship program. Four days after Aisha was born, on July 2, 1982, Gheshayan returned to Saudi Arabia, leaving Patricia, Alia and Aisha with no money.

14. In September of 1982, Gheshayan returned to San Francisco. Three months later, in December of 1982, he left the U.S., never again returning to the U.S. to live with his family.

15. In January of 1985, Patricia went to Saudi Arabia in a final attempt to save her marriage. She remained in Saudi Arabia until May 2, 1985. At this time, Patricia left Saudi Arabia with the assistance of U.S. Embassy employees, Mr. James Bigus and Ms. Stephanie Smith. This followed a beating by Gheshayan so severe that it left Patricia with two broken ribs and a cardiac contusion.

16. In May of 1985, leaving Saudi Arabia, Patricia left Gheshayan for good, returning to her family home in Cicero, Illinois with Alia and Aisha. She enrolled in Morton College, in Cicero, to complete her nursing degree, graduating with a Bachelor of Science degree in Applied Sciences in the Spring of 1986 and becoming a registered nurse.

17. In the Fall of 1985, Patricia filed for Dissolution of Marriage. Gheshayan was notified by mail of the divorce proceeding, and was ordered to appear for court in Cook County, Illinois, on December 26, 1985. He returned to the U.S. on December 17, 1985, and although he was in Illinois, and had been properly notified, he failed to appear in court.

18. On December 26, 1985, Judge Charles J. Grupp of the Circuit Court of Cook County, Illinois granted the Dissolution of Marriage. The Dissolution of Marriage was granted on the grounds of mental cruelty. Based on Gheshayan's prior history of abandonment, Judge Grupp awarded Patricia sole custody of Alia and Aisha.

19. In January of 1986, in an action designed to gain access to his children, and Patricia, Gheshayan filed an Order to Vacate the Dissolution of Marriage claiming falsely that he had been improperly notified. Based on false statements given by Gheshayan, Judge Grupp granted the Order to Vacate, on January 17, 1986, putting pressure on Patricia to allow Gheshayan to see Alia and Aisha.

20. Within a matter of days following January 17, 1986, Order to Vacate, Patricia obtained new counsel and asked to appear before Judge Grupp to prove that Gheshayan had lied to the Court to gain access to the children. However, in the meantime Patricia was refusing to allow Gheshayan to see the children for fear that he would abduct them as punishment for her divorce action. Gheshayan began an incredible campaign of harassment against Patricia and her family. At the advice of her former counsel and family, and with Judge Grupp's order for visitation standing, Patricia succumbed to pressure, allowing Gheshayan limited visitation. Judge Grupp also issued an order preventing removal of the children from the Court's jurisdiction.

21. On January 25, 1986, Gheshayan's second visit with the children, he abducted the children taking them to Saudi Arabia against Court orders and in violation of the law.

22. After a mandatory legal notification period, on April 23, 1986, Patricia and her new counsel, Dennis M. Feinberg, again appeared before Judge Grupp to ask that the Dissolution of Marriage be reinstated. Judge Grupp agreed with counsel Reinberg and found in Patricia's favor reinstating the Dissolution of Marriage, Nunc Pro Tunc, as if it had never been overturned. This decision of the Court was based on evidence presented by Feinberg that demonstrated the fraud committed by Gheshayan in the petition to vacate. Judge Grupp agreed with Feinberg's statements that Gheshayan had, ". . . perpetrated a fraud on this Court through his misrepresentations contained in the verified Petition to Vacate Dissolution of Marriage and by his actions and course of conduct in abducting the aforesaid children. The Respondent never intended to be bound by any order of this Court, but, rather, intended from the time of December 17, 1985 to January 25, 1986, to abduct the children and permanently keep them in Saudi Arabia against their individual wills."

23. On January 28, 1986, a warrant for the arrest of Khalid Hammad Al-Gheshayan was issued by the Circuit Court of Cook County for child abduction. Bail was fixed in the amount of $10,000.

24. On January 30, 1987, the United States District Court Judge Bernard Weisberg, found that, "Khalid Hammad Al-Gheshayan, defendant herein, did move and travel in interstate commerce with the intent to avoid prosecution for child abduction, a felony under the laws of the State of Illinois, in violation of Title 18, United States Code, Section 1073." The case is now pending on the fugitive calendar.

25. Patricia Roush continues to reside in Cicero, Illinois where she is employed as a registered nurse.

MESSAGES FROM THE HOUSE

At 2:20 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed

the following bill, in which it requests the concurrence of the Senate:

H.R. 27. An act to facilitate the provision of additional financial resources to the Federal Savings and Loan Insurance Corporation and, for purposes of strengthening the reserves of the Corporation, to establish a forebearance program for thrift institutions and to provide additional congressional oversight of the Federal Home Loan Bank Board and the Federal home loan bank system.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 27. An act to facilitate the provision of additional financial resources to the Federal Savings and Loan Insurance Corporation and, for purposes of strengthening the reserves of the Corporation, to establish a forebearance progam for thrift institutions and to provide additional congressional oversight of the Federal Home Loan Bank Board and the Federal home loan bank system.

MEASURES READ THE FIRST TIME

The following bill, previously received from the House of Representatives, was read the first time:

H.R. 1226. An act to amend the Federal Food, Drug, and Cosmetic Act to require the appointment by the Commissioner of Food and Drugs to be subject to Senate confirmation.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 7, 1987, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 55. Joint resolution designating the week of May 10, 1987, through May 16, 1987, as "National Osteoporosis Prevention Week of 1987".

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-111. A joint resolution adopted by the Legislature of the State of California; to the Committee on Banking, Housing, and Urban Affairs.

ASSEMBLY JOINT RESOLUTION No. 3

"Whereas, California is the nation's leading exporter, with $32.4 billion worth of goods exported through its ports during 1985 alone; and

"Whereas, Exports are vital to this state's employment, tax revenue base, and economic growth, with trade projected to equal one-quarter of the state's entire output by the year 2000; and

"Whereas, California is the world's leading center for high-technology development and production, employing more than 30 percent of the nation's total work force and contributing to the productivity of virtually every other industry sector; and

"Whereas, High-technology firms, especially those which are highly dependent on overseas markets, are particularly impacted by export controls, and rely strongly on an export climate as unrestrained as possible; and

"Whereas, Under the Federal Export Administration Act, certain exports may be restricted to prevent diversion of American technology to unfriendly nations; and

"Whereas, Exporters of high-technology products subject to these restrictions must obtain a special license, known as a validated license, to export their product from the United States Department of Commerce; and

"Whereas, A validated license is subject to review by some or all of the following agencies: the United States Department of Commerce, the Department of Defense, the United States Customs Bureau, and COCOM (a coordinating committee composed of a group of 15 countries which coordinate export controls for security purposes; and

"Whereas, Each of these agencies and organizations have their own methods of review which may cause further delays in the licensing process; and

"Whereas, The United States Department of Commerce reports that 40 percent of all export license applications received by their department each year are filed by California exporters, who are thousands of miles and three time zones away, and are therefore at a disadvantage when attempting to provide and receive necessary information in order to comply with the export regulations, receiving limited assistance from the Department of Commerce's International Trade Administration offices; and

"Whereas, Many exporters find it difficult to interpret the massive volumes of Export Administration Regulations and the tens of thousands of entries under the Commodity Control List; and

"Whereas, Providing the required supporting documentation can be burdensome, especially when substantial technical information is needed or where foreign countries must provide certifications; and

"Whereas, There is clearly overlapping jurisdication over the development and enforcement of export control policies between the Department of Commerce, the Department of Defense, and the United States Customs Bureau, leading to delays in license approval and difficulties in resolving compliance investigations; and

"Whereas, The cumulative effects of these burdensome bureaucratic licensing procedures increases the cost of doing business as an exporter in California, not only by necessitating the employment of staff and consultants simply to manage the paperwork, but also through contractual penalties for delayed deliveries and the loss of current and future business opportunities; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the California Legislature respectfully memorializes the President of the United States, Secretary of the Department of Commerce, Secretary of the Department of Defense, Director of the United States Customs Bureau, and the Congress of the United States to streamline the export licensing process, consistent with national security, by doing all of the following:

"(a) Reducing the licensing requirements for exports to friendly countries which maintain similar export controls.

"(b) Establishing a comprehensive operations license to facilitate multiple transactions with foreign subsidiaries, affiliates, vendors, joint ventures, and licensees.

"(c) Streamlining the interagency review procedures and approval time; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Secretary of Department of Defense, the Secretary of the Department of Commerce, the Director of the United States Customs Bureau, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-112. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Commerce, Science, and Transportation:

"HOUSE CONCURRENT RESOLUTION

"Whereas, The proposed Superconducting Super Collider (SSC) is a high-energy research accelerator that, when completed, will be the largest and most ambitious purely scientific project ever constructed; and

"Whereas, As designed, the facility will be located 30 feet below ground and will consist of a circular tunnel 10 feet in diameter and 52 miles in circumference; and

"Whereas, Scientists believe the device, essentially the world's largest atom smasher, will enable them to discover more about minute particles; spin-off research from a smaller European model has already led to a nuclear scanning device that has considerably advanced the field of X-ray technology; and

"Whereas, The accelerator's design requires as much as 11,000 surface acres with a site tilt of less than one degree, making Texas an ideal choice for the laboratory's location; and

"Whereas, The flat land and loose rock formations available in certain sections of Texas provide optium conditions for the SSC's construction; further, the project will coexist harmlessly with farming and ranch usage and poses no hazard to human, plant, or animal life; and

"Whereas, With an initial construction cost of roughly $3 billion and an annual operating budget of over $200 million, this important research center would be an appreciable addition to the Texas economy; at least 2,300 new jobs will be generated during the six-to-nine year construction phase and roughly 2,700 positions will become available once the facility is fully operational; and

"Whereas, Conservative estimates indicate that net benefits from the project's building phase and first 20 years of operation will total approximately $553 million; other states have already mounted lobbying campaigns in an attempt to secure this lucrative and prestigious project; and

"Whereas, Construction of the SSC in Texas would greatly enhance the state's sagging economy by bringing much-needed economic diversity, and the research performed in connection with the project promises to produce long-range benefits of great scientific and practical value; and

"Whereas, The State of Texas possesses a competent and hardworking labor pool; and

"Whereas, Texas is the nation's leading energy-producing state and has the power

resources necessary for a project on the scale of SSC; and

"Whereas, Texas is the home of great public and private universities and colleges, which can readily provide much-needed expertise for the project and capable resources to accelerate spin-off research and development that will be of great benefit to this country; and

"Whereas, Texans stand united in their desire to attract the SSC to this state; and

"Whereas, The Texas Legislature in 1985 created the Texas National Research Laboratory Commission to serve as the coordinating unit and authority within the state for the formulation of a siting proposal for SSC; and

"Whereas, The Texas Legislature remains committed to providing whatever support is necessary to the success and timely advancement of the SSC project; now, therefore, be it

"Resolved, That the 70th Legislature of the State of Texas hereby request the Congress of the United States to support construction of the Superconducting Super Collider in Texas; and, be it further

"Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the vice-president of the United States, to the speaker of the United States House of Representatives, to the secretary of energy, to the science advisor to the president, and to all members of the Texas delegation to the congress, with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States."

POM-113. A resolution adopted by the California Republican Assembly opposing any legislation that would create a Federal designation of status for the Big Sur coast; to the Committee on Energy and Natural Resources.

POM-114. Joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Energy and Natural Resources.

HOUSE JOINT MEMORIAL NO. 9

"We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

"Whereas Alaska's Arctic National Wildlife Refuge includes more than 19 million acres of land, amounting to approximately five percent of the entire state landmass; and

"Whereas the Coastal Plain is approximately eight percent of the refuge and it is considered to be highly prospective for the discovery of large quantities of oil and gas; and

"Whereas Congress has reserved the discretion to decide if the 1.5 million acres will be opened to further exploration, development and production; and

"Whereas national energy security depends on the development of domestic oil and gas resources to replace depleted reserves of the United States; and

"Whereas the United States must prepare to develop domestic petroleum resources if it is to preclude overwhelming dependence on foreign petroleum sources in the 21st century; and

"Whereas the Nation stands to derive revenues including portions of bonuses, royalties and rents from oil and gas development; and

"Whereas the petroleum industry has consistently demonstrated its ability to operate in conditions similar to those found on the Coastal Plain in a safe, responsible manner without significant adverse environmental impacts; and

"Whereas opening the Artic National Wildlife Coastal Plain to further exploration, development and production will generate increased employment and business opportunities for residents of the State of Idaho and all Americans.

"Now, therefore, be it resolved by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we strongly urge the Congress of the United States to open the Arctic National Wildlife Refuge Coastal Plain to environmentally responsible oil and gas exploration, development and production.

"Be it further resolved that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-115. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Energy and Natural Resources:

"HOUSE JOINT MEMORIAL NO. 8

"We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Forty-ninth Idaho legislature, do hereby respectfully represent this:

"Whereas the people of the State of Idaho having played an important role in the development of nuclear power as evidenced by the fact that the Idaho National Engineering Laboratory is located at the site where many of the key developments in the commercial nuclear power program and the birth of the Naval nuclear power program; and

"Whereas the people of the State of Idaho have pursued the benefits of nuclear power with the sincere belief that properly developed and regulated nuclear power could offer clean, safe and secure power for our sons and daughters for many generations; and

"Whereas the dedication and knowledge of the people of the State of Idaho has played a key role in the development of Naval nuclear power; the ability of nuclear power to meet the demanding requirements of service at sea while maintaining the highest standards of safety and reliability. In no small part, these achievements can be traced to the construction and testing of prototypes in Idaho. These prototypes have led to standard reactor designs that can be relied upon to provide the power necessary to meet the needs of our national defense. Long after the reactors which were born in Idaho went to sea, the people of Idaho have continued to train the Navy crews necessary to operate the reactors and do the development work and testing necessary to assure the continuing safety of the Naval reactors; and

"Whereas the commercial nuclear power industry has not reached its full potential and the construction of standard designs has not been implemented. The results are a decline in public confidence, decreases in plant availability, high production cost, and the suspension of new reactor ordering; and

"Whereas this situation threatens the economic health of some segments of the Idaho population and makes it more likely that there will be delays in developing and demonstrating reactors that meet the public requirements for an environmentally sound power source, with assured safety, economy and reliability.

"Now, therefore, be it resolved by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we respectfully call upon the United States government, the governments of our sister states and the government of this state to implement a national program of commercial nuclear power development that conforms to the following seven principles:

"1. The United States government must create an environment that fosters the development of the nuclear option. Legislation providing licensing reform and "Price-Anderson protection" must be enacted. The United States government should provide sites for prototype reactors and the United States Department of Energy should be responsible for the operation and testing of the prototypes. Electrical power from the prototype reactors should be made available by the United States government to utility companies.

"2. The State of Idaho and its sister states must allow power generation by either major utilities or generating companies. Only specialized, experienced companies can insure that nuclear power plants are operated in accordance with uniform national standards and backed by an appropriate staff.

"3. The State of Idaho must encourage the installation and testing of prototype reactors in Idaho.

"4. Private industry must design and construct standardized reactors suitable for use throughout the country. The goals should be focused on smaller, simpler, more flexible plants with larger safety margins. Design and construction practices should be adaptable to fixed price sales. Prefabrication in specialized off-site facilities should be encouraged.

"5. Nuclear waste disposal should be managed in interim facilities until the advanced concepts being developed in Idaho and elsewhere have been fully explored. The opportunity to burn nuclear waste in specialized fast reactors must be carefully considered.

"6. In every case, the concepts being developed in the United States should incorporate international experience. International licensing standards should be developed and put into use. Safety and reliability information should be shared on an international basis. Nuclear power is too important an item to be addressed only on a national basis.

"7. The uranium industry in the United States must regain its viability if nuclear power is to provide the promise of energy independence. The "enrichment policies" of the United States government should be used to insure the survival of the domestic uranium mining business.

"Be it further resolved that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to President Ronald Reagan, to Secretary of State George P. Shultz, to the Secretary of Energy, John S. Herrington, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing

the State of Idaho in the Congress of the United States, to the governors and presiding officers of both houses of the state legislatures of the States of Alaska, Arizona, California, Colorado, Hawaii, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming."

POM-116. A concurrent resolution adopted by the Legislature of the State of South Dakota; to the Committee on Energy and Natural Resources:

"HOUSE CONCURRENT RESOLUTION No. 1019

"Whereas the state of South Dakota has already spent considerable time and funds in developing state water project priorities; and

"Whereas the United States has previously committed to provide construction and study funds to jointly move forward with such projects; and

"Whereas the United States Department of the Interior has proposed a reduction in funding for South Dakota water projects in fiscal year 1987 and fiscal year 1988 in order to increase funding of water projects in other states; and

"Whereas the state of South Dakota is willing to do its share to help accomplish balanced federal budget objectives if such measures are equitable to all involved states; and

"Whereas the proposed funding reductions are inequitable and would seriously delay the construction and planning schedules for our state water project priorities; and

"Whereas these South Dakota water projects enjoy strong local citizen support:

"Now, therefore, be it resolved, by the House of Representatives of the Sixty-second Legislature of the state of South Dakota, the Senate concurring therein, that the United States Congress swiftly adopt legislation to restore fiscal year 1987 funds and appropriate fiscal year 1988 funds to continue with the construction of the WEB rural water system and Belle Fourche rehabilitation project as currently scheduled, and to conduct general investigations of other currently proposed or authorized water projects in South Dakota; and

"Be it further resolved, that the Chief Clerk of the House of Representatives of the state of South Dakota forward copies of this resolution to the South Dakota congressional delegation, the Clerk of the United States House of Representatives and the Secretary of the United States Senate."

POM-117. A joint resolution adopted by the Legislature of the State of New Mexico; to the Committee on Energy and Natural Resources:

"A MEMORIAL URGING THE UNITED STATES CONGRESS AND THE UNITED STATES DEPARTMENT OF ENERGY TO ENCOURAGE THE TRANSFER OF TECHNOLOGY FROM DEPARTMENT OF ENERGY NATIONAL WEAPONS LABORATORIES

"Whereas there is great potential for entrepreneurial spin-offs into the private sector of technologies developed at Los Alamos and Sandia national laboratories; and

"Whereas the legislature understands that many of the technologies developed at Los Alamos and Sandia national laboratories are not weapons-related and may be appropriate for technology transfer without compromising national security; and

"Whereas the United States government in the 1980s has made a strong commitment to encourage technology transfer from national laboratories, and legislation to make patent rights from government-sponsored research more accessible to private enterprise was enacted, including the Stevenson-Wydler Technology Innovation Act of 1980, the Bayh-Dole Act of 1980, Public Law 98-620 and the Federal Technology Transfer Act of 1986; and

"Whereas government-owned, contractor-operated facilities that engage in weapons-related programs, such as Los Alamos and Sandia national laboratories, are subject to cumbersome and time-consuming processes which make transfer of technologies to the private sector very difficult; and

"Whereas Federal legislation has been proposed that would place new restrictions on laboratories involved in the nuclear weapons program and such legislation would discourage industry by reducing already limited incentives for technology transfer from weapons laboratories; and

"Whereas, Los Alamos and Sandia national laboratories are not only a national resource in science and technology but have a major economic impact in New Mexico and are a rich potential source for technology-related entrepreneurial spin-offs and new business development in the state;

"Now, therefore, be it resolved by the legislature of the State of New Mexico, that it urges the United States Congress and the United States department of energy to continue the strong Federal commitment to technology transfer by easing and encouraging the transfer to the private sector of technologies from department of energy national weapons laboratories, provided such transfer does not compromise national security; and

"Be it further resolved that a copy of this memorial be sent to the speaker of the United States House of Representatives, the president pro tempore of the United States Senate, each member of the New Mexico congressional delegation, the chairman of the armed services committee of the United States Senate, the chairman of the science and technology committee of the United States House of Representatives, the secretary of the United States department of energy, the manager of the Albuquerque operations office of the United States department of energy, the director of the Los Alamos national laboratory and the president of Sandia national laboratories."

POM-118. A concurrent resolution adopted by the Legislature of the State of Mississippi; to the Committee on Energy and Natural Resources:

"HOUSE CONCURRENT RESOLUTION No. 275

"Whereas the Mississippi Nuclear Waste Policy Advisory Council has developed and adopted, effective July 12, 1985, a position on liability resulting from nuclear waste related incidents; and

"Whereas the Mississippi Energy and Transportation Board has concurred in this position:

"Now, therefore, be it resolved by the House of Representatives of the State of Mississippi, the Senate concurring therein, that it is the policy of the State of Mississippi:

"(1) That the state, its agencies, subdivisions, officials, employees and all private individuals should be absolved from any liability whatsoever for damages suffered as a result of the nuclear waste disposal program in the State of Mississippi;

"(2) That the United States Government assume full liability for all damages suffered as a result of the nuclear waste disposal program in the State of Mississippi and make full compensation for any damages;

"(3) That the Energy and Transportation Board shall coordinate with the Mississippi Congressional Delegation to assure that the State of Mississippi and its citizens are absolved from any liability for damages suffered as a result of the nuclear waste disposal program in the State of Mississippi;

"(4) That all state and local governmental entities, state and local officials, and employees should be provided by the United States Government total and absolute liability coverage or immunity from suit;

"(5) That any monetary amount for claims related to the nuclear waste disposal program be paid from the Nuclear Waste Fund established under Section 302 of the Nuclear Waste Policy Act and in the event of a catastrophic event which would require the payment of funds in excess of funds in the Nuclear Waste Fund, the Department of Energy or any successor agency shall be entitled to borrow from the United States Treasury such funds as may be required to settle all claims fully and shall be repaid to the Treasury from the Nuclear Waste Fund;

"(6) That the establishment of a separate Court of Claims should be considered by the Congress;

"(7) That a Waiver of Defense is endorsed; and

"(8) That there shall be no time limitation for the filing of actions related to the nuclear waste disposal program.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Mississippi Congressional Delegation, Governor William Allain and to the members of the Capitol Press Corps."

POM-119. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Energy and Natural Resources:

SENATE CONCURRENT MEMORIAL 1002

"Whereas since early 1981 the Smithsonian Institution and the Steward Observatory at the University of Arizona, in cooperation with the National Optical Astronomy Observatories at Kitt Peak, have considered Mount Graham, Arizona as a suitable site for a modern astronomical observatory and have diligently pursued that proposal; and

"Whereas the current project proposes ten telescopes, constructed in three phases over thirty years with a life span of one hundred years; and

"Whereas there are only a limited number of astrophysical sites worldwide that are suitable for the modern generation of telescopes of unprecedented size and sensitivity that utilize not only visible light but also infrared and submillimeter radio wavelengths; and

"Whereas there are only two developed sites in the world that could fulfill any of the Arizona Universities' astronomical requirements and neither would accommodate all of the requirements, and both of the sites are excessively distant and would pose logistic and travel cost limitations; and

"Whereas the United States Forest Service considered seven development alternatives in a draft environmental impact statement for the proposed Mount Graham astrophysical area; and

"Whereas only two of the alternatives would allow Steward Observatory to achieve its objectives of maintaining a world-class

astronomical research and teaching program at the University of Arizona and bringing first-class national and international astronomy projects, and their attendant technological base, to this state; and

"Whereas this development plan would provide up to six hundred fifty new jobs connected with the observatory and in recreation and tourism and over fifteen million dollars in personal income to economically distressed Graham County, Arizona plus over eight hundred new jobs and twenty-two million dollars in personal income to Pima County, Arizona. Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

"1. That the Congress of the United States and the United States Forest Service give due consideration and approval to the development alternative for the Mount Graham astrophysical area that would allow Steward Observatory to proceed to site and fully develop its proposed observatory.

"2. That the Secretary of State of the State of Arizona transmit certified copies of this Memorial to the Chief of the United States Forest Service, the President of the United States Senate, the Speaker of the United States House of Representatives and to each Member of the Arizona Congressional Delegation."

POM-120. Joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Energy and Natural Resources:

SENATE JOINT MEMORIAL No. 104

"We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

"Whereas, Idaho has no national park; and

"Whereas, the Craters of the Moon attracts an average of only 220,000 visitors a year, many of them Idaho residents who go year after year; and

"Whereas, the unique beauty and grandeur of the area should attract many times that number from throughout the Nation; and

"Whereas, the description of a monument, as a memorial stone or building erected in remembrance of a person or thing, does not fit the Craters of the Moon area and therefore does not attract the maximum number of tourists; and

"Whereas, changing the status of the Craters of the Moon National Monument to the Craters of the Moon National Park would create more publicity for the State and thereby generate more tourist appeal and a better economy; and

"Whereas, there are no grazing, agricultural, or mineral resources within the boundaries of the Craters of the Moon National Monument; and

"Whereas, administration of the area would not need to change because the Craters of the Moon National Monument is already administered by the National Park Service; and

"Whereas, increase in tourist traffic would more than offset any additional cost due to more tourists; and

"Whereas, no additional land would be needed; and

"Whereas, chambers of commerce throughout Idaho have given evidence of their support for a Craters of the Moon National Park; and

"Whereas, as part of Idaho's centennial celebration, the redesignation of the Craters of the Moon National Monument to the Craters of the Moon National Park would be an appropriate historic event. Now, therefore, be it *"Resolved* by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully request that the United States Congress enact, and the President of the United States approve, legislation providing for the redesignation of the Craters of the Moon National Monument, containing 53,545.06 acres of federal land to the Craters of the Moon National Park, as part of Idaho's centennial celebration.

"Be it further resolved that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to President Ronald Reagan, Secretary of the Interior Donald Hodel, the President of the Senate and the Speaker of the House of Representatives of Congress, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States."

POM-121. A concurrent resolution adopted by the legislature of the State of North Dakota; to the Committee on Energy and Natural Resources:

"HOUSE CONCURRENT RESOLUTION No. 3003

"Whereas, local governments in North Dakota depend heavily on their tax base in real property as a means of maintaining adequate fiscal management; and

"Whereas, lands held in trust or owned by the federal government are generally exempt from real property taxation; and

"Whereas, in those cases where the federal government makes payments in lieu of real property taxes, the payments are generally far below the moneys that would be received from privately owned land; and

"Whereas, the removal or purchase of land for federal purposes and the existence of lands held in trust causes an adverse economic effect on local government at all levels; Now, therefore, be it

"Resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein: That the Congress of the United States is urged to enact legislation requiring the federal government to make payments in lieu of taxes on all land withdrawn, held in trust, or purchased for federal purposes to replace real property tax revenue foregone by local governments; and

"Be it further resolved, That copies of this resolution be forwarded by the Secretary of State to the presiding officers of the United States House of Representatives and the United States Senate and to each member of the North Dakota Congressional Delegation."

POM-122. A concurrent resolution adopted by the Legislature of the State of North Dakota; to the Committee on Energy and Natural Resources:

"SENATE CONCURRENT RESOLUTION No. 4004

"Whereas, the Garrison Diversion Unit Commission was established by an Act of Congress, Public Law 98-360, to review the contemporary water development needs of the State of North Dakota; and

"Whereas, the Garrison Diversion Unit Commission, in its final report to the Secretary of the Interior and committees of the Congress of the United States, agreed with the Congress that a moral commitment was made in 1944 to the Upper Missouri Basin States and Indian Tribes with the passage of the Pick-Sloan Missouri Basin Program, and found that the State of North Dakota sacrificed hundreds of thousands of acres of land, much of it prime river bottom land, for the greater benefit of the Nation; and

"Whereas, the Garrison Diversion Unit Commission further found that the Federal Government promised but has not provided assistance to replace the economic base of the State and Indian Tribes; and

"Whereas, at the recommendation of the Garrison Diversion Unit Commission, the Secretary of the Interior on May 10, 1985, established the Garrison Unit Joint Tribal Advisory Committee to examine the impact of the impoundment of waters under the Pick-Sloan Missouri Basin Program on the Fort Berthold and Standing Rock Indian Reservations; and

"Whereas, the Garrison Unit Joint Tribal Advisory Committee held several hearings during which it was made aware of the accuracy of the observation of the Garrison Diversion Unit Commission that the tribes of the Fort Berthold and Standing Rock Indian Reservations bore an inordinate share of the cost of implementing the Pick-Sloan Missouri Basin Program mainstream reservoirs; and

"Whereas, the Garrison Unit Joint Tribal Advisory Committee made findings and recommendations to find ways to resolve inequities borne by the tribes and to provide full potential for irrigation and financial assistance for on-farm development costs, development of shoreline recreation potential, return of excess lands, protection of reserved water rights, replacement of infrastructures lost by the creation of the Garrison and Oahe Reservoirs, preferential rights to Pick-Sloan Missouri Basin power, additional financial compensation, and other items; and

"Whereas, the inundation of rich Missouri River bottom land by the Garrison and Oahe Reservoirs and project delays have resulted in agricultural, mineral, and forestry losses not only to tribal interests but nontribal interests as well; now, therefore, be it

"Resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein: That the Congress of the United States is urged to enact legislation implementing the recommendations of the Garrison Unit Joint Tribal Advisory Committee, and authorizing the creation of a similar advisory committee to review the impact of the impoundment of waters under the Pick-Sloan Missouri Basin Program on the economic base of nontribal persons and entities; and

"Be it further resolved, that copies of this resolution be forwarded by the Secretary of State to the presiding officers of the United States House of Representatives and United States Senate, to each member of the North Dakota Congressional Delegation, and to the Secretary of the Interior."

POM-123. Joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION No. 8

"Whereas, 122 years have passed since Nevada became a state and the United States Government still retains more than 86 percent of the land in Nevada; and

"Whereas, The growth in population within this state and the resulting change in the use of the land has placed a heavy demand on the state and local services,

thereby creating many ghost towns in this state; and

"Whereas, The vast federally owned areas create a major tax burden for the owners of private property in this state in order to meet their needs for services; and

"Whereas, Intermingled ownership of land among private persons and federal governmental agencies severely restricts proper practices for the conservation of the natural resources of the state, including wildlife, and the preservation of areas for recreation which are best suited for management by the state and local governments; and

"Whereas, Federal ownership of a majority of the land in this state prohibits the orderly expansion of landlocked cities on a planned basis, without an adverse effect on the existing economy of the local areas; and

"Whereas, This state has established an innovative program to prepare statements of policy and plans relating to the future jurisdiction of the land, requiring the cooperation of and consultation with all levels of government and members of the general public; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That the Nevada Legislature urges the Congress of the United States to support and cooperate with the efforts of the state to acquire gradually its fair share of federal land so that Nevada has parity with its neighboring states of Arizona, New Mexico and Utah; and be it further

"Resolved, That copies of this resolution by the Secretary of the Senate to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Committee on Energy and Natural Resources, the Chairman of the House Committee on Interior and Insular Affairs, the Secretary of the Interior, the Secretary of Agriculture and each member of the Nevada Congressional Delegation; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

POM-124. A resolution adopted by the City Commission of Lake Worth, Florida urging adoption of legislation to eliminate the disparity in certain Social Security benefits; to the Committee on Finance.

POM-125. A resolution adopted by the Board of Commissioners of Shelby County, Tennessee favoring reinstatement of Federal revenue sharing; to the Committee on Finance.

POM-126. Joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Finance.

"HOUSE JOINT MEMORIAL NO. 5

"We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

"Whereas, the Legislature of the State of Idaho finds and declares that the State has been seriously handicapped in its ability to collect legally due use taxes on interstate sales because of the 1967 United States Supreme Court decision in the National Bellas Hess case; and

"Whereas, the National Bellas Hess decision denies Idaho the legal authority to require the collection of use taxes by out-of-state mail order firms which have no physical presence in the State but which may advertise extensively there; and

"Whereas, the National Bellas Hess decision has resulted in a loss of tax revenue, based on U.S. Advisory Committee on Intergovernment Relations Report for 1985, of between 4.5 and 11.6 million dollars to the State of Idaho; and

"Whereas, Idaho retailers have lost, based on a U.S. Advisory Committee on Intergovernment Relations Report for 1985, between 120 and 290 million dollars in retail sales during that period to out-of-state firms not required to remit a sales tax; and

"Whereas, the problems of state revenue loss and the competitive disadvantage of local business have been intensified in recent years because of the great growth in mail order sales through television, radio, and credit card advertising; and

"Whereas, these problems can be resolved only by the correction of the National Bellas Hess decision; now, therefore, be it

Resolved by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring, that we do hereby petition the Congress of the United States to act immediately to introduce, consider, and enact legislation which would prevent the huge revenue loss and remove the competitive advantage now enjoyed by out-of-state businesses and that it do so by authorizing Idaho to require the collection of sales and use taxes by interestate sellers who solicit business in Idaho through catalogs, advertising materials, radio, television, and the press.

"Be it further resolved that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-127. Joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Finance:

"We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

"Whereas, the numbers of stock ewes in Idaho and the Nation has declined by eighty percent in the four decades since World War II; and

"Whereas, the sheep rancher's main source of income is the market for the sale of delicious, wholesome lamb; and

"Whereas, this market has been severely depressed over the forty year period since World War II; and

"Whereas, this extremely low market has been primarily responsible for the near demise of the domestic sheep industry in this country; and

"Whereas, a flood of imported lamb is coming into this country from principally New Zealand and Australia; and

"Whereas, lamb, the only meat which is not currently protected by import quotas; and

"Whereas, beef is protected and imports into the United States only accounted for seven and seven-tenths percent of the domestic beef supply for 1985; and

"Whereas, imported lamb accounted for nine and nine-tenths percent of the domestic lamb supply for 1985, now, therefore, be it

Resolved by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully request that Congress enact legislation and the President approve such legislation which would include lamb in the 1979 Meat Import Act and that the lamb imported into the United States not be a greater percentage of the total lamb supply in the United States than beef imports are a percentage of the total beef supply in the United States.

"Be it further resolved that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of Congress, to the honorable congressional delegation representing the State of Idaho in the Congress of the United States, and to the Secretary of Agriculture of the United States."

POM-128. Joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Foreign Relations:

"RESOLUTION

"Be it resolved by the Legislature of the State of Alaska:

"Whereas Canadian maritime transportation companies are providing cargo services from Canadian ports to communities in Alaska under a provision of 46 U.S.C. 883 (Jones Act); and

"Whereas United States maritime transportation companies are prohibited from serving communities in the Yukon Territory under an order issued by the Canadian government; and

"Whereas the United States and Canada have historically cooperated to ensure that the communities of Alaska and the Yukon Territory are well served by competitive, efficient, and cost-effective marine and surface transportation of goods; and

"Whereas only practical cooperation between the United States and Canada can assure competitive, cost-effective, and efficient marine transportation services to the communities of Alaska and the Yukon Territory; and

"Whereas reciprocal and equal treatment under the laws of each country is necessary to ensure that companies of neither country have an unfair competitive advantage; and

"Whereas the current situation in which Canadian marine transportation companies are permitted to move cargo between Alaska ports while United States companies are prohibited from providing similar service through Alaska ports to communities in the Yukon Territory is unfair; be it

Resolved that the Alaska State Legislature respectfully request the President of the United States, the Secretary of State, the Secretary of Transportation, and the Secretary of Commerce to pursue equitable and reciprocal treatment from the Canadian government for United States marine transportation companies seeking to provide services to the Yukon Territory and to take action limiting the authority of Canadian marine transportation companies to operate in Alaska until the Canadian government grants rights to United States companies to operate in the Yukon Territory; and be it

"Further resolved that the Alaska State Legislature respectfully requests the Congress to amend 46 U.S.C. 883 (Jones Act) to require that the authority for Canadian marine transportation companies to operate between ports of Alaska is contingent upon a reciprocal grant of authority by the Canadian government for United States marine transportation companies to provide service

to communities of the Yukon Territory; and be it

"Further resolved that nothing in this resolution should be construed to mean that the Alaska State Legislature supports amending 46 U.S.C. 883 (Jones Act) in a way that would diminish the effects of the third proviso of that Act; and be it

"Further resolved that the Alaska State Legislature respectfully requests the Alaska delegation in Congress to initiate legislation and to seek administrative action to ensure that United States marine transportation companies are accorded the same treatment in Alaska and Yukon Territory markets as are Canadian marine transportation companies."

POM-129. A resolution adopted by the California Republican Assembly in support of states' rights; to the Committee on Foreign Relations.

POM-130. A resolution adopted by the California Republican Assembly in support of President Reagan's South Africa policy; to the Committee on Foreign Relations.

POM-131. A resolution adopted by the California Republican Assembly opposing legislative interference in foreign policy; to the Committee on Foreign Relations.

POM-132. Joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Governmental Affairs.

"ASSEMBLY JOINT RESOLUTION No. 29

"Whereas, Numerous agencies of the Federal Government hold large amounts of unclaimed property belonging to people who cannot be located; and

"Whereas, This property rightfully belongs to the citizens of the individual states rather than the Federal Government; and

"Whereas, State laws governing unclaimed property provide that if the owners of the property cannot be located, the unclaimed property is held and used by the states; and

"Whereas, Presently there is no statutory mechanism to require the transfer of this unclaimed property from the federal agencies to the states; and

"Whereas, The agencies of the Federal Government have resisted all efforts to make any such transfers; and

"Whereas, The National Association of Unclaimed Property Administrators is working with the appropriate leaders in Congress to schedule public hearings on the need for federal laws to address the problems arising in connection with unclaimed property held by federal agencies; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, jointly, That Congress is hereby urged to enact legislation to transfer unclaimed property held by federal agencies, but belonging to the residents of the several states, to each state respectively in which the owners of the property last resided so the states can hold and disburse these unclaimed properties in accordance with their laws for the benefit of their residents; and be it further

"Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the Assembly to the Speaker of the House of Representatives, the Vice President of the United States as the presiding officer of the Senate, and to each member of the Nevada Congressional Delegation; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

POM-133. A concurrent resolution adopted by the Legislature of the State of North Dakota; to the Select Committee on Indian Affairs:

"HOUSE CONCURRENT RESOLUTION No. 3004

"Whereas, the establishment and governance of the several Indian reservations within the state of North Dakota and other states have resulted from treaties and other acts of the United States government; and

"Whereas, the various relationships among state, tribal, local, and federal governmental units are both unique and often ill-defined and are extraordinary to the normal relationships envisioned by the framers of our federal system; and

"Whereas, the solutions to problems regarding the authority of state, tribal, local, and federal governments to exercise governmental powers as they might apply to Indian and non-Indian persons living within reservation boundaries are not readily apparent; and

"Whereas, tribal governments have purported to extend their jurisdiction to all persons and lands within the boundaries of Indian reservations, including non-Indians and land that is not owned by an Indian or an Indian tribe; and

"Whereas, the uncertainties of this jurisdictional morass raise substantial questions concerning the availability of full constitutional guarantees to non-Indian citizens residing within reservation boundaries; and

"Whereas, tribal members are entitled to certain privileges and protections in addition to the privileges and protections of other United States citizens which tends to establish various classes of citizenship with attendant differences in the rights and obligations of these classes of individuals in important areas such as taxation; and

"Whereas, free and orderly commerce and economic development on reservations is endangered by a lack of certainty in the application of state and federal laws and regulations relative to banking, and other commercial transactions, liquor and gambling control, and other aspects of commerce; and

"Whereas, these undesirable conditions are largely a result of acts of the United States government, and the state of North Dakota is virtually powerless to achieve their fundamental resolution; now, therefore be it

Resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein: That the President of the United States is urged to establish a presidential commission to study the impact of federal Indian policies on non-Indians living or working on or near Indian reservations in the United States and to report the results of its study and its recommendations to the President, the Congress of the United States, and the Secretary of the Interior; and

"Be it further resolved, that the President is urged to authorize such a commission, in carrying out its responsibilities, to conduct hearings and interviews at sites across the nation and to confer with state, local, tribal, and other government officials, private sector business people, private property owners, and other organizations and individuals affected by matters pertaining to the commission's study; and

"Be it further resolved, that copies of this resolution be forwarded by the Secretary of State to the President of the United States, the United States House of Representatives and United States Senate, each member of the North Dakota Congressional Delegation, the Secretary of the Interior, and the governors and legislative bodies of the states of Arizona, California, Idaho, Minnesota, Montana, New Mexico, Oregon, South Dakota, Washington, Wisconsin, and Wyoming."

POM-134. A resolution adopted by the House of Representatives of the State of New Mexico; to the Select Committee on Indian Affairs:

"A MEMORIAL DEPLORING THE FORCED RELOCATION OF NAVAJOS BY THE UNITED STATES CONGRESS

"Whereas, the United States congress has passed laws to force the removal of twelve thousand Navajos from lands which they have occupied for generations; and

"Whereas, the forced relocation by the United States congress of these twelve thousand Americans is an injustice unworthy of America; and

"Whereas, in instances where large groups of non-indians were deemed to be living on lands illegally taken from Indians, the United States government has not forced removal of thousands of people; and

"Whereas, the Navajos who are being forced to relocate from the reservation interior have heretofore been buffered by the rest of the reservation and are less accustomed to modern culture than most Navajos; and

"Whereas, the Navajos who face relocation and those who have been relocated are suffering culturally, emotionally, physically and economically; and

"Whereas, New Mexico is directly affected by this relocation because some of those being relocated will be settled in New Mexico and many Navajos in New Mexico have relatives who are hurt by the relocation;

"Now, therefore, be it resolved by the House of Representatives of the State of New Mexico, That it deplores the forced relocation of Navajos who are American citizens and calls upon the United States congress to take all necessary steps to stop the relocation and to alleviate the suffering of those who have already been displaced; and

"Be it further resolved, That in the future the United States congress refrain from passing legislation to relocate whole communities of Indians and other American citizens; and

"Be it further resolved, That a copy of this memorial be sent to the chairman of the Navajo tribe, the speaker of the United States house of representatives, the president pro tempore of the United States senate and each member of the New Mexico congressional delegation."

POM-135. A petition from a citizen of Danbury, Connecticut praying for a redress of grievances; to the Committee on the Judiciary.

POM-136. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on the Judiciary.

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RATIFYING A PROPOSED AMENDMENT TO THE UNITED STATES CONSTITUTION CONCERNING PAY INCREASES FOR MEMBERS OF CONGRESS

"Be it resolved by the Senate and the House of Representatives of the State of Montana: (1) "That the Legislature of the State of Montana, pursuant to Article V of the United States Constitution, ratify an amendment to the Constitution of the United States proposed by resolution of the First Congress of the United States in New

York, New York, on September 25, 1789, which reads as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, That the following [Article] be proposed to the Legislatures of the several States, . . . which [Article], when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz:

"[An Article] in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

"(2) That the Legislature of the State of Montana acknowledge that the above-quoted article of amendment to the United States Constitution has already been ratified by the legislatures of the following states on the dates indicated: "Maryland on December 19, 1789; North Carolina on December 22, 1789; South Carolina on January 19, 1790; Delaware on January 28, 1790; Vermont on November 3, 1791; Virginia on December 15, 1791; Ohio on May 6, 1873 [70 *Ohio Laws* 409-10]; Wyoming on March 3, 1978 [124 *Cong. Rec.* 7910]; Maine on April 27, 1983 [130 *Cong. Rec.* H9097, S11017]; Colorado on April 18, 1984 [131 *Cong. Rec.* S17687]; South Dakota on February 21, 1985 [131 *Cong. Rec.* H971, S3306]; New Hampshire on March 7, 1985 [131 *Cong. Rec.* H1378, S3597]; Arizona on April 3, 1985 [131 *Cong. Rec.* H2060, S4750]; Tennessee on May 23, 1985 [131 *Cong. Rec.* H6672, S10797, S13504]; Oklahoma on July 10, 1985 [131 *Cong. Rec.* H7263, S13504]; New Mexico on February 13, 1986 [132 *Cong. Rec.* H827, S2207-8, S2300]; Indiana on February 19, 1986 [132 *Cong. Rec.* H1634, S4663]; and Utah on February 25, 1986 [132 *Cong. Rec.* S6750]; as well as by the Senate of the State of Georgia on February 2, 1984 and on January 21, 1985."

"(3) That the Legislature of the State of Montana acknowledge that the above-quoted amendment to the United States Constitution may still be ratified by states' legislatures as a result of *Coleman v. Miller,* 307 US 433 (1939), in which the United States Supreme Court ruled that Congress is the final arbiter on the question of whether too much time has elapsed between Congress' submission of the amendment and the most recent state legislature's ratification of the amendment if Congress failed to specify a consideration deadline.

"(4) That the Secretary of State notify the Archivist of the United States (pursuant to 1 U.S.C. 106b) of the action of the 50th Legislature by sending him a copy of this resolution.

"(5) That the Secretary of State send copies of this resolution to the Montana Congressional Delegation, the Secretary of the United States Senate, and the Clerk of the United States House of Representatives with a request that it be printed in full in the *Congressional Record.*"

POM-137. A resolution adopted by the California Republican Assembly relating to line item veto; to the Committee on the Judiciary.

POM-138. A resolution adopted by the California Republican Assembly relating to Japanese-American reparations; to the Committee on the Judiciary.

POM-139. A resolution adopted by the California Republican Assembly relating to the English Language Acquisition Act; to the Committee on Labor and Human Resources.

POM-140. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Labor and Human Resources.

"SENATE JOINT MEMORIAL NO. 105

"We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

"Whereas, Idaho's hard-working and productive citizens should not be unjustly limited in their economic efforts; and

"Whereas, several Idaho enterprises have been started which are able to produce unique and highly marketable products within a home environment; and

"Whereas, federal law arbitrarily restricts the sale of certain homemade products; and

"Whereas, consumer products and goods must be produced economically in order to compete with foreign producers; and

"Whereas, many products can be fabricated at a lower cost by home industries; and

"Whereas, the Ninety-eighth Congress, First Session, considered S 1245 by Senator Hatch, which would have exempted certain home industries from marketing restrictions; and

"Whereas, enactment of federal legislation is essential to allow development and growth of home industries.

"Now, therefore, be it resolved by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we do respectfully request the Congress to enact legislation similar to S 1245 of the First Session of the Ninety-eight Congress, or to take other appropriate measures to allow productive and competitive home enterprises to flourish.

"Be it further resolved, that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States."

POM-141. A resolution adopted by the Senate of the State of New Mexico; ordered to lie on the table:

"SENATE MEMORIAL 14

"Whereas, New Mexico is the fifth largest state in the union; and

"Whereas, United States Interstate Highways 10, 25 and 40 enter and leave New Mexico, with Interstate Highway 25 crossing the State from North to South and Interstate Highway 40 bisecting the State from East to West; and

"Whereas, with a population density of 11.5 per square mile and with a rank of thirty-seventh in population in the United States, New Mexico has endless miles of interstate highways which travel through rural areas, bypassing small towns and communities; and

"Whereas, New Mexico is also a heavily traveled 'crossover' state with innumerable automobiles and trucks traveling across its boundaries into other states in all directions; and

"Whereas, the fifty-five mile per hour speed limit is difficult for New Mexicans to obey since they must travel so many miles through rural areas when they use the interstate highways; and

"Whereas, in 1985 the Senate of the State of New Mexico did respectfully request the Congress of the United States to make an exception to the fifty-five mile per hour speed limit on interstate highways in rural areas and no satisfactory congressional response has been received to date;

"Now, Therefore, be it resolved by the Senate of the State of New Mexico, That it again hereby respectfully requests the Congress of the United States to make an exception to the fifty-five mile per hour speed limit on interstate highways in rural areas, particularly in New Mexico; and

"Be it further resolved, That copies of this memorial be sent to the President Pro Tempore of the United States Senate, to the Speaker of the United States House of Representatives and to each member of the New Mexico Congressional Delegation."

POM-142. A resolution adopted by the California Republican Assembly censuring former Congressman Pete McClosky for an attack upon a fellow Republican and support of a Democratic candidate; ordered to lie on the table.

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. BYRD (for himself and Mr. DOLE):

S. 1160. A bill to establish constitutional procedures for the imposition of the death penalty in espionage cases, and for other purposes; to the Committee on the Judiciary.

By Ms. MIKULSKI (for herself and Mr. BUMPERS):

S. 1161. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program for routine mammograms; to the Committee on Finance.

By Ms. MIKULSKI:

S. 1162. A bill to amend chapter 89 of title 5, United States Code, to provide authority for the direct payment or reimbursement to certain health care professionals; to clarify certain provisions of such chapter with respect to coordination with State and local law, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ROCKEFELLER:

S. 1163. A bill to suspend the tariff on certain carbodiimides; to the Committee on Finance.

By Mr. RIEGLE (for himself and Mr. PRESSLER) (by request):

S. 1164. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 1165. A bill to authorize the Secretary of the Interior to provide for the development and operation of a visitor and environmental education center in the Pinelands

National Reserve, in the State of New Jersey.

By Ms. MIKULSKI:

S. 1166. A bill to establish a quality assurance system for homecare services provided under Medicare and Medicaid Programs, the Social Services Block Grant Program, and the Older Americans Act of 1965; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM:

S. Res. 208. A resolution to express the sense of the Senate regarding the Caribbean Basin Initiative; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD (for himself and Mr. DOLE):

S. 1160. A bill to establish constitutional procedures for the imposition of the death penalty in espionage cases, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. BYRD and the text of the legislation appear earlier in today's RECORD.)

By Ms. MIKULSKI (for herself and Mr. BUMPERS):

S. 1161. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program for routine mammagrams; to the Committee on Finance.

MEDICARE COVERAGE FOR ROUTINE MAMMAGRAMS

● Ms. MIKULSKI. Mr. President, today I am introducing legislation to provide Medicare reimbursement for mammagrams, the x-ray screening procedure used to detect breast cancer. It will save lives and reduce unnecessary surgery and increased medical costs due to late detection of the disease.

Breast cancer strikes 1 out of 10 women in America today. Each year, 40,000 women will die from the disease and thousands more will undergo extensive surgery, that could have been prevented, in order to survive. What is worse is that much of this tragedy is preventable.

The purpose of breast screening by mammography is to improve the survival of women by detecting breast cancer at an early stage. Mammagrams can detect a tumor 2 to 3 years before a physician is able to by physical exam. It is a highly safe, reliable, and acceptable procedure. Mammography is capable of providing the diagnosis of carcinoma of the breast before it spreads to other parts of the body. Treatment applied at this stage can produce a cure rate in excess of 90 percent, according to the American College of Radiology.

My legislation will enable Medicare recipients to benefit from this well-known screening technique. It provides Medicare reimbursement for a mammagram every other year. It also has a built-in cost-containment feature because it caps the reimbursible cost at $50, and mandates that payments be made on an "assignment" basis. This prevents additional costs from being passed on to the consumer.

This legislation will enable older women to obtain an inexpensive preventive procedure that will save lives and reduce later health care expenses and trauma by reducing the severity of breast cancer.●

By Ms. MIKULSKI:

S. 1162. A bill to amend chapter 89 of title 5, United States Code, to provide authority for the direct payment or reimbursement to certain health care professionals; to clarify certain provisions of such chapter with respect to coordination with State and local law; and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEES HEALTH CARE FREEDOM-OF-CHOICE ACT

● Ms. MIKULSKI. Mr. President, today, I am introducing the Federal Employees Health Care Freedom-of-Choice Act of 1987. This legislation will guarantee enrollees in the Federal Employees Health Benefits Program [FEHBP] access to licensed, qualified health providers of their choice.

Freedom of choice has been a hallmark of the FEHBP. As the largest employer-sponsored group health program in the world, the FEHBP includes almost 300 plans from which Federal employees can choose to meet their health insurance needs.

But freedom of choice is important within the plans as well. Currently, Federal employees who have enrolled in fee-for-service plans do not always have direct access to qualified and licensed health providers of their choice. FEHBP may currently refuse to reimburse a licensed health care professional, simply because that provider is not a physician.

My legislation corrects this inequity in reimbursement policy. It requires FEHBP plans to reimburse the full range of allied health providers. In order to be reimbursed, these professionals must be licensed under State laws where they practice.

Expanded access to health providers increases the likelihood that FEHBP enrollees will be able to find the health care they need. In addition, greater choice among qualified providers will promote increased cost effectiveness within the FEHBP. Often, qualified allied health providers charge fees lower than those of physicians.

To ensure that Federal law does not conflict with State statutes licensing health care providers and regulating the practice of medicine, I have included language in my legislation which restates and strengthens current policy that Federal law governing FEHBP shall not override State or local laws which relate to the licensing or certification to practice medicine, nursing, or other health professions.

FEHBP insurance plans may not, however, impose their own requirements on practitioners in addition to those mandated by law. To do so restricts freedom of choice, inhibits compensation, and denies Federal employees access to health care providers.

This legislation mandates expanded access to providers, but does not provide expanded coverage for health services. It represents an important improvement in the FEHBP, especially in medically underserved areas where insufficient access and choice have threatened the quality of health care.

In conclusion, this legislation has been written to expand freedom of choice and promote cost effectiveness while protecting the quality of health care. It carries out a principle I believe in that the Federal Government should not discriminate in its reimbursement policies among health providers licensed in their States to provide health care.●

By Mr. RIEGLE (for himself and Mr. PRESSLER) (by request):

S. 1164. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NASA AUTHORIZATION ACT

● Mr. RIEGLE. Mr. President, at the request of the Administrator of NASA, Senator PRESSLER and I are introducing the administration's proposed fiscal year 1988 NASA authorization bill today.

In fiscal year 1988, the President has requested $9.481 billion for the programs of the National Aeronautics and Space Administration. However, since this bill was introduced in January, there have been some additional developments that will warrant serious consideration by the Senate Commerce Committee, which are scheduled to mark up the fiscal year 1988 NASA authorization bill next week. In particular, the members of the committee will need to review additional budget requirements for expendable launch vehicles and space shuttle anomaly resolution activities.

During the course of next week's markup, I intend to offer a complete substitute to the administration's proposed authorization bill, a substitute

that I hope will be strongly supported by the members of the Subcommittee on Science, Technology, and Space and the members of the full committee. The intent of this substitute will be to put NASA and the Civil Space Program back on track and to initiate formulation of a coherent and rational space policy. The complete details of this measure will be available early next week.

Mr. President, we are at a critical juncture in the history of the Civil Space Program. The decisions that the Senate and the House make this year will determine the future course and direction of the Civil Space Program. Next week's markup of the NASA authorization by the Senate Commerce Committee will be the first step in forging a new consensus on the goals and policies of the Civil Space Program and in firming up our Nation's commitment to the Civil Space Program. And I hope all of my colleagues in the Senate will join myself and the distinguished ranking member of the subcommittee in initiating this effort and in reestablishing the preeminence of the U.S. Civil Space Program.●

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 1165. A bill to authorize the Secretary of the Interior to provide for the development and operation of a visitor and environmental education center in the Pinelands National Reserve, in the State of New Jersey; to the Committee on Energy and Natural Resources.

NEW JERSEY PINELANDS PRESERVATION ACT

Mr. BRADLEY. Mr. President, New Jersey's Pinelands National Reserve grew from historic Federal and State legislation in 1978 and 1979. It represented a cooperative experiment among Federal, State, and local governments. It's a partnership that rarely has been accomplished with the success of this effort. In the case of the Pinelands, the results have been solid. This national reserve has faced numerous obstacles, which have repeatedly been overcome by imagination and determination.

Prior to the passage of the Federal National Park and Recreation Act in 1978 and the State's 1979 Pinelands Protection Act, more than 240,000 acres in the Pinelands were under public ownership as parks, wildlife areas, and State forest. Because of the unique and fragile nature of the pinelands, the Pinelands National Reserve legislation sets aside a 1.1-million-acre area—nearly 22 percent of the land area in the State—for special consideration and protection.

Most visitors to New Jersey pass the pinelands without notice. Millions of people yearly drive on the New Jersey Turnpike and the Garden State Parkway which border the Pinelands area. There are no snow-capped peaks, no soaring waterfalls, no spectacular caverns. This 1.1 million acres of scrub pine forest, wetlands, and rare plant and animal species is subtle and precious. The Pinelands represents a vast wilderness area, made even more remarkable by its proximity to the Northeast's population and industrial centers.

But it is a fragile area—the Pinelands' sandy soils and shallow ground water table are easy victims to industrial pollution or abuse.

Mr. President, today I am introducing legislation which supplement these efforts to establish the Pinelands Reserve. I am pleased to have as a cosponsor, Senator LAUTENBERG. A central goal of this legislation is to end the anonymity of this wild and beautiful region. Passage of this legislation will enable the creation of a Pineland's visitor or interpretive center. This legislation includes a Federal spending authorization of roughly $5 million for the development of such a facility.

This center would serve two key purposes: to focus attention on the vast and beautiful Pinelands Wilderness, and to provide an easily accessible center for environmental education and telling the Pinelands story.

A decade ago, this wilderness area was in danger and, today, because of the historic efforts, the Pinelands are alive and well. In 1983, the United Nations itself recognized the importance of the Pinelands by designating it as an International Biosphere Reserve, a distinction it shares with only the world's most remarkable ecosystems such as Yellowstone National Park and the Florida Everglades.

It is the Pinelands Commission that has the tough job of protecting the most fragile and remarkable areas. The Pinelands Commission uses its comprehensive management plan as a blueprint for the protection and development of this vital wilderness. Much of the plan represents an effort to channel development away from sensitive areas. However, an essential component of this plan is a land acquisition program which is designed to protect critical environmental and cultural areas and provide a wide range of recreational opportunities.

Approximately 100,000 acres of land have been targeted for acquisition with the goal of establishing a system of self-maintaining ecological reserves which are representative of the Pinelands. So far, roughly 67,000 acres have been funded for acquisition. Unfortunately, with a Federal grant of $5.8 million last summer, the original spending authorization of $26 million contained in the 1978 legislation was exhausted.

It is my goal to give the Pinelands Commission and the State DEP, which actually must purchase the land, the tools they need to complete this vital acquisition program. To this end, I am proposing to increase the Federal spending authorization by $21.2 million.

There are two main targets for this new land acquisition program: The Wading River ecosystem in the central Pinelands, and lands in the Manumuskin River watershed area in the south.

The Wading River watershed area includes the unique pine plains (12,000 acres of pygmy pine forest) and white cedar swamps. The Wading is one of New Jersey's purest streams and a popular spot for canoeists—two features it shares with the Manumuskin River in the south.

I note that, earlier this month, the Senate approved my legislation which designates the Maurice, Manumuskin, and Menantico Rivers as study rivers for possible inclusion in the Nation's System of Wild and Scenic Rivers. The features that make these rivers exceptional are the features of the Pinelands itself.

Mr. President, that the Pinelands can exist at all in New Jersey, the most densely populated State in the Nation, is amazing. The Pinelands demonstrates the power of people to hold back, to reflect on the land's meaning and promise, and to decide positively that the collective interest is preservation and restraint.

I ask unanimous consent that the legislation be printed in the RECORD.

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

S. 1165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 502 of the National Parks and Recreation Act of 1978 (Public Law 95-625; 16 U.S.C. 471i), establishing the Pinelands National Preserve in the State of New Jersey, is amended by adding at the end the following new subsection:

"(l)(1)(A) In furtherance of the findings and purposes of this section, and to enhance public education and appreciation of the natural and cultural resources of the Pine Barrens area of New Jersey, the Secretary shall, in cooperation with the planning entity and appropriate departments and agencies of the State of New Jersey, implement an interpretive program for the Reserve.

"(B) The program authorized by this subsection shall include—

"(i) the preparation of interpretive and informational materials, exhibits, films, lectures, and other devices and educational methods, and making them available, directly and through appropriate offices of the State of New Jersey, to the public; and

"(ii) the planning, construction, and operation, in accordance with this subsection, of a visitor and environmental education center and related facilities located in the Reserve.

"(2)(A)(i) Within 12 months of the date of enactment of this subsection, the Secretary, with the concurrence of the planning entity and the State of New Jersey, and the cooperation of other public and private entities as may be necessary and appropriate, shall complete a plan and design for the visitory

and environmental education center and related facilities.

"(ii) The plan shall—

"(I) indicate the location or locations of the center and related facilities;

"(II) set forth the method of acquisition, the prospective ownership of the real property on which the center shall be constructed, and the estimated cost of the acquisition, construction, and operation of the center; and

"(III) indicate the manner in which the planning entity established pursuant to this section and the State of New Jersey shall participate in the acquisition, construction, and operation of the center.

"(iii) The design of the interpretive center shall include a provision for an observation facility at an appropriate site, consistent with the relatively primitive nature of the area, to demonstrate the openness and expanse of undeveloped land that characterizes the Pine Barrens region.

"(B) Within 18 months of the completion of the plan and design of the center, the Secretary shall substantially complete the construction of the center and related facilities. Notwithstanding any other provision of law, the Secretary may accept the donation of real property and construct the center and related facilities thereon, or the Secretary may construct the center and related facilities on property owned by the State of New Jersey or a political subdivision thereof, as indicated in the plan and design. Federal funds in an amount of 75 percent of the cost shall be available for the construction of the center and related facilities.

"(C) The Secretary shall cooperate in the operation and maintenance of the center and related facilities, including the assignment of professional staff of the National Park Service to assist in the interpretation of the Pine Barrens area. Federal funds in the amount of 75 percent of the cost shall be available for operating and maintaining the interpretive center and facilities.

"(3) The Secretary may enter into such contracts and agreements with the planning entity, the State of New Jersey, and other public and private entities as may be necessary and appropriate to carry out the authorities and responsibilities of the Secretary under this subsection. There is authorized to be appropriated such sums as may be necessary to carry out the interpretive program for the Preserve, not to exceed, however—

"(A) $1,000,000 for completion of the plan and design for the visitor and interpretive center, pursuant to paragraph (2)(A), and

"(B) $5,000,000 for construction of the center, pursuant to paragraph (2)(B) and related facilities and exhibits.".

(b) Section 502(k) of such Act is amended by—

(1) striking out "of this section" in the first sentence and inserting in lieu thereof "subsections (a) through (j) of this section"; and

(2) adding at the end thereof the following new sentence: "Effective October 1, 1987, in addition to the funds authorized pursuant to this subsection, there are hereby authorized to be appropriated not to exceed $21,200,000 for land acquisition.".

By Ms. MIKULSKI:

S. 1166. A bill to establish a quality assurance system for home care services provided under Medicare and Medicaid programs, the Social Services Block Grant Program, and the Older Americans Act of 1965; to the Committee on Finance.

HOMECARE QUALITY ASSURANCE ACT

● Ms. MIKULSKI. Mr. President, today I am introducing the Homecare Quality Assurance Act of 1987 in order to ensure that quality care is provided to persons receiving care in their homes. This bill is a companion to the legislation introduced in the House of Representatives by the chairman of the House Aging Committee, EDWARD R. ROYBAL.

The home care industry has mushroomed over the past two decades and current trends are creating an even greater demand for these services as the number of elderly increase.

One of the principal reasons for the increased need for home care services is hospital cost containment programs. The pressure of hospital cost containment has resulted in earlier hospital discharges. Patients are being released "sooner and sicker" and often require post-hospital care. Most people would agree that, when medically appropriate, homecare services are preferable to institutional care and should be at the heart of any long-term care plan.

Yet in spite of the dramatic growth and need for home care, we know little about the quality of care provided. A 1986 report by the American Bar Association entitled, "The Black Box of Homecare Quality", points out the deficiencies in the home care quality assurance system. Of particular concern is the in-home location of services that makes the actual delivery of care virtually invisible, and therefore, largely beyond the reach of public and professional scrutiny.

This legislation addresses the deficiencies the ABA study cites in the current quality assurance system. The bill covers all home care services provided under Medicaid, Medicare, the social service block grant and the Older Americans Act.

The legislation provides for greater consumer protection by establishing a consumer bill of rights, expanded ombudsman activities, consumer hotlines, and State consumer boards.

It ensures quality assurance by establishing standards and conditions of participation, a monitoring system, Federal surveys and enforcement mechanisms.

The legislation also provides for research and demonstration and training funds to address the current lack of training opportunities for home care workers and the lack of professional esteem among these workers.

Home care plays a vital part in permitting older persons to continue living independently or with their families. Yet, providing care in the home carries the risk of poor care, unreliable services, and outright abuse and exploitation. It is therefore imperative that we have a means of assuring the quality of home care if we are to succeed in providing elderly and disabled persons with the opportunity for a meaningful, healthy and independent life. We must ensure that quality care does not stop at the hospital or nursing home door.●

ADDITIONAL COSPONSORS

S. 81

At the request of Mr. METZENBAUM, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 81, a bill to amend the Older Americans Act of 1965 to establish the Alzheimer's disease and related dementias home and community based services block grant.

S. 248

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 248, a bill to amend title 10, United States Code, to permit members of the Armed Forces to wear, under certain circumstances, items of apparel not part of the official uniform.

S. 773

At the request of Ms. MIKULSKI, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 773, a bill to amend title XIX of the Social Security Act to clarify that, in the case of an institutionalized spouse, income and resources required under court order to be used for the support of a noninstitutionalized spouse are not considered to be available to the institutionalized spouse.

S. 774

At the request of Ms. MIKULSKI, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 774, a bill to amend the Internal Revenue Code to provide for the deduction of contributions to long-term care savings accounts.

S. 775

At the request of Ms. MIKULSKI, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from Nebraska [Mr. KARNES] were added as cosponsors of S. 775, a bill to amend title II of the Social Security Act to require that certain individuals be informed of the limitations imposed upon entitlement to extended care services under the Medicare Program and of the conditions that such individuals are—or may be—required to meet to be eligible for long-term care under a State plan approved under title XIX of such act.

S. 776

At the request of Ms. MIKULSKI, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Ohio [Mr. GLENN], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 776, a bill to amend title XIX of the Social

Security Act to protect the welfare of spouses of institutionalized individuals under the Medicaid Program.

S. 780

At the request of Mr. REID, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 780, a bill to amend the enforcement provisions of the Federal Election Campaign Act of 1971.

S. 814

At the request of Mr. HATFIELD, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Vermont [Mr. LEAHY], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Connecticut [Mr. DODD], the Senator from South Dakota [Mr. DASCHLE], the Senator from Hawaii [Mr. INOUYE], the Senator from Rhode Island [Mr. CHAFEE], the Senator from North Carolina [Mr. SANFORD], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 814, a bill to facilitate the resettlement of Indochinese refugees and to provide for the protection of Indochinese refugees along the border of Thailand from cross-border attacks, and for other purposes.

S. 838

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 838, a bill to provide financial assistance to the States for computer education programs, and for other purposes.

S. 858

At the request of Mr. BRADLEY, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 858, a bill to establish the title of States in certain abandoned shipwrecks, and for other purposes.

S. 860

At the request of Mr. BOREN, the names of the Senator from Idaho [Mr. MCCLURE], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 860, a bill to designate "The Stars and Stripes Forever" as the national march of the United States of America.

S. 943

At the request of Mr. ADAMS, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 943, a bill to amend the Federal Aviation Act of 1958 to ensure the fair treatment of airline employees in airline mergers and similar transactions.

S. 1007

At the request of Mr. HATFIELD, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of S. 1007, a bill to enable States located on a river or aquifer affected by the siting of a repository for high-level radioactive waste or spent nuclear fuel to participate effectively in the site selection, review, and approval process for such repository, and for other purposes.

SENATE JOINT RESOLUTION 44

At the request of Mr. DURENBERGER, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Georgia [Mr. NUNN], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 44, a joint resolution to designate November 1987, as "National Diabetes Month."

SENATE JOINT RESOLUTION 76

At the request of Mr. QUAYLE, the names of the Senator from Kansas [Mr. DOLE], the Senator from Ohio [Mr. METZENBAUM], the Senator from Ohio [Mr. GLENN], the Senator from Connecticut [Mr. WEICKER], the Senator from Connecticut [Mr. DODD], the Senator from Virginia [Mr. TRIBLE], the Senator from Vermont [Mr. LEAHY], the Senator from Vermont [Mr. STAFFORD], the Senator from California [Mr. WILSON], the Senator from California [Mr. CRANSTON], the Senator from Nebraska [Mr. EXON], the Senator from Colorado [Mr. WIRTH], the Senator from Oklahoma [Mr. BOREN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from North Carolina [Mr. HELMS], the Senator from Idaho [Mr. SYMMS], the Senator from Arizona [Mr. DECONCINI], the Senator from New York [Mr. MOYNIHAN], the Senator from Maine [Mr. MITCHELL], the Senator from Florida [Mr. CHILES], the Senator from Alaska [Mr. STEVENS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Washington [Mr. ADAMS], the Senator from Mississippi [Mr. STENNIS], the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Illinois [Mr. SIMON], the Senator from Illinois [Mr. DIXON], the Senator from Delaware [Mr. ROTH], the Senator from Montana [Mr. BAUCUS], the Senator from Wisconsin [Mr. KASTEN], the Senator from Tennessee [Mr. GORE], the Senator from North Dakota [Mr. CONRAD], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 76, a joint resolution to designate the week of October 4, 1987, through October 10, 1987, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 103

At the request of Mr. LAUTENBERG, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from New York [Mr. MOYNIHAN], the Senator from Hawaii [Mr. INOUYE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 103, a joint resolution to designate October 1987, as "Computer Learning Month."

SENATE JOINT RESOLUTION 117

At the request of Mr. LAUTENBERG, the names of the Senator from Mississippi [Mr. STENNIS], the Senator from Alabama [Mr. SHELBY], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 117, a joint resolution designating July 2, 1987, as "National Literacy Day."

SENATE JOINT RESOLUTION 125

At the request of Mr. ROTH, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor 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 CONCURRENT RESOLUTION 43

At the request of Mr. STEVENS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Senate Concurrent Resolution 43, a concurrent resolution to encourage State and local governments and local educational agencies to provide quality daily physical education programs for all children from kindergarten through grade 12.

SENATE CONCURRENT RESOLUTION 54

At the request of Mr. HATFIELD, the names of the Senator from Illinois [Mr. SIMON] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Concurrent Resolution 54, a concurrent resolution expressing the sense of the Congress with respect to relations between Vietnam and the United States.

SENATE RESOLUTION 208—SENSE OF THE SENATE REGARDING THE CARIBBEAN BASIN INITIATIVE

Mr. GRAHAM submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 208

Whereas the Caribbean and Central American countries historically have had close economic, political, and cultural ties to the United States;

Whereas promoting Caribbean and Central American prosperity is in the economic and security interests of the United States;

Whereas the Congress proposed the Caribbean Basin Initiative as a key means of promoting regional prosperity;

Whereas the Congress has decided that the best way to promote Caribbean and Central American prosperity is through the Caribbean Basin Initiative;

Whereas Caribbean and Central American countries view the Caribbean Basin Initiative as a test of the long-term commitment of the United States to the economic prosperity of the region;

Whereas the Caribbean Basin Initiative is not expected to have any significant effect on the overall United States economy, according to the United States International Trade Commission; and

Whereas the Caribbean Basin Initiative represents an important opportunity for mutual economic benefit for the United States and Caribbean and Central American countries: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Senate should ensure that—

(1) the Caribbean Basin Economic Recovery Act shall be preserved, and extended for an additional 12 years.

(2) to the extent that the Congress imposes changes that are intended to improve the competitive environment for United States industry workers, such changes do not unduly affect the unilateral duty free trade system available to the beneficiary countries designated under such Act,

(3) generic changes in the trade laws of the United States do not discriminate against imports from such beneficiary countries in relation to imports from other United States trading partners, and

(4) the United States maintain the commitment made by such Act to the countries of the Western Hemisphere which is in the economic and security interests of the United States.

Mr. GRAHAM. Mr. President, several weeks ago our attention was focused on Central America, several weeks from now our attention will again be riveted on this region. In our recent previous action that attention was focused on the specific question of United States financial aid to the Contras in Nicaragua.

We will be determining by our action, in the next few weeks if that will again be the sole issue upon which this Senate expresses its interest in a region of great strategic, economic, cultural, and historic interest to our Nation.

If we do nothing we are going to end up with the same limited issue, defining U.S. policy in solely military terms.

We have the opportunity however, to broaden consideration of the United States interests in the region to include diplomatic, economic, and scholarship initiatives—as well as the military component of the United States presence in the Caribbean Basin.

The House of Representatives has already passed—and we will soon be considering—a major revision of our Nation's trade laws. This legislation will focus primarily on the trade issues that exist among our largest trading partners. This focus could lead to the inadvertent slighting of the Caribbean Basin trading partners.

Today I am introducing a resolution to safeguard our investment in the Caribbean Basin Initiative, only by carefully evaluating the effects of our overall trade legislation on the economies of the CBI nations, can we ensure that our efforts to help those developing countries will be successful.

We need to be particularly sensitive as we work on the larger trade bill—to the needs of our neighbors in the south—to the continued viability of the Caribbean Basin Initiative.

Economic issues are among the most significant to the future of Central America and the Caribbean, if we are to broaden our agenda to address the real needs of these small nations in our own hemisphere, we must help them to economic stability and development.

Unlike the trading partners whose relationship has largely shaped and been the driving force behind our current consideration of trade laws, all 23 countries currently participating in the Caribbean Basin Initiative are a minor component of U.S. trade policy, together, they constitute less than 1 percent of our trade deficit.

But the limited preferential treatment we give those CBI nations is vitally important to them. Trade with the United States represents 75 percent of their trade activity.

The Caribbean Basin Initiative recognized the importance of this region to the United States; recognized the importance of stimulating economic growth through private sector initiatives.

We can protect our mutual interests in the region by extending our original commitment to the program for a minimum of an additional 12 years. The security of a long-term investment strategy will be the most significant single factor in attracting new investment and encouraging growth and stability.

The purpose of the resolution I am introducing today is to raise the flag of caution. In our pursuit of the giants of global trade we want to be careful not to trample on the emerging economies of these friendly and very close neighbors. Some particular examples of areas we should be sensitive to are:

CUMULATION

CBI countries should not be counted in with other, large-scale exporters whose products unfairly impact U.S. manufacturers and laborers. In most cases the CBI trade is of too small a volume to affect our own economy.

DIVERSION OR CIRCUMVENTION

When CBI countries attempt to implement the program by diversifying their economies we should ensure that any embargoed raw materials they use in manufacturing are embargoed only from the country of origin, not from the smaller CBI nation which turns those materials into goods for export.

PRESIDENTIAL WAIVER

We should require that the President take the CBI into account in all decisions which involve a Presidential waiver of U.S. trade laws to protect our own economy from unfair foreign competition. Without this precaution we could damage the struggling economies we are trying to encourage.

Mr. President, I and my colleagues appreciate the opportunity to present these concerns before you today. We look forward to sustaining the energy and interest in the shared economic future we and our Caribbean trading partners have worked so hard to build.

Our support for the principles of CBI demonstrates our sensitivity to the special relationship between our country and our neighbors. By supporting the CBI we will send the larger message that the United States recognizes the necessity of a comprehensive, sustained and pragmatic policy toward the countries of Central America and the Caribbean.

Upon such a policy, a future of peace and prosperity can be established in the region. Without it, we condemn ourselves and our neighbors to repeated challenges to the stability, both economic and political, of our region and of our mutual interests.

NOTICES OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place Tuesday, May 19, 1987, beginning at 10 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on two measures currently pending before the subcommittee. The measures are:

H.R. 278 and S. 1145, bills to amend the Alaska Native Claims Settlement Act to provide Alaska Natives with certain options for the continued ownership of lands and shares received pursuant to the act, and for other purposes.

I would also like to note that the hearing on H.R. 799 which was originally scheduled for 2 p.m. on Thursday, May 21, 1987, is now scheduled to begin at 1:15 p.m.

Finally, the hearings on S. 84 and S. 735—bills to amend the Land and Water Conservation Fund—originally scheduled for May 12 and May 14, 1987 have been canceled.

Those wishing information about testifying at the hearing or submitting written statements should write to the Subcommittee on Public Lands, National Parks and Forests, U.S. Senate, room SD-364, Dirksen, Senate Office Building, Washington, DC. For further information, please contact Beth Norcross at 224-7933 or Tom Williams at 224-7145.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 7, 1987, at 9:30 a.m. and 2:30 p.m. to mark up S. 490, the Omnibus Trade Act of 1987.

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks, and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 7, 1987, at 10 a.m. to receive testimony concerning H.R. 191/S.261, bills to authorize the establishment of a "Peace Garden" on a site to be selected by the Secretary of the Interior; and S. 451, a bill to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park system units.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks, and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 7, 1987, at 2 p.m. to continue hearings concerning S. 839, the Nuclear Waste Policy Act Amendments Act of 1987.

SUBCOMMITTEE ON NUCLEAR REGULATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on May 7, beginning at 9:30 a.m., to hold a hearing on emergency planning.

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

ADDITIONAL STATEMENTS

PRICE REDUCTION IN THE SENATE RECORDING STUDIO

● Mr. FORD. Mr. President, I am pleased to notify the Senate that I have approved a new price schedule for the recording studio that the Sergeant at Arms has proposed. The new schedule has the overall effect of lowering prices by about 20 percent. The prices will go into effect as of May 1.

At a business meeting on April 1, the Rules Committee approved a modernization project prepared by the director of the studio. In that plan about $710,000 would be spent on upgrading the facilities and replacing obsolete equipment. The money would come from the studio revolving fund, which is made up of fees charged to the users. So these expenditures for replacing the old equipment called for no additional appropriations. However, the Rules Committee also approved additional staffing for the studio, which would be funded by the Senate.

The Sergeant at Arms and the director of the studio have concluded that with this new equipment they will not only give better service but that the studio will operate more efficiently. Therefore the reduction in rates.

New equipment; improved service; lower prices; the new Sergeant at Arms and the new director in the recording studio are getting off to a great start.●

S. 79, THE HIGH RISK OCCUPATIONAL DISEASE NOTIFICATION ACT

● Mr. HUMPHREY. Mr. President, it is important to offer some clarification regarding the relative position of the business community on S. 79, the High Risk Occupational Disease Notification and Prevention Act.

Some companies, and their associations, have chosen to support the version of the bill that was reported from the Subcommittee on Labor on April 28. Most notable are General Electric, IBM, Occidental Petroleum, Crum & Forster Insurance Co., the Chemical Manufacturers Association, and the American Electronics Association. There may be others as well.

However, many more companies and associations oppose the legislation without necessarily quarreling with the premise that workers deserve notification in those situations where exposure leads to occupational disease.

A quick glance at the legislation compels many in the business community, I suspect, to have grave reservations about many of the bill's "process" provisions. For instance, S. 79 sets up an independent risk assessment board within the HHS Department. The Secretary of Health and Human Services [HHS] is authorized to appoint the board and, I suppose, fire the board as well. But the board has final rule making authority, and is therefore unaccountable to a duly elected President and the President's appointed HHS Secretary.

Further, I would point out that this risk assessment board is a policy/administrative body, and not an adjudicative or quasi-adjudicative body. There is no precedent for such independence and, if let stand, it could well result in government run amok.

Mr. President, so that all can see that not everyone in the business community has jumped on board S. 79, I ask that a letter from the Coalition on Occupational Disease Notification be printed in the RECORD. It is signed by a number of groups and organizations in opposition to S. 79 as now drafted.

The letter follows:

COALITION ON OCCUPATIONAL DISEASE NOTIFICATION,
April 30, 1987.

DEAR SENATOR HUMPHREY: We the undersigned, representing more than a million companies in the United States, many of which are located in your state, oppose the High Risk Occupational Disease Notification and Prevention Act of 1987, S. 79, as currently drafted and revised. The bill will result in billions of dollars in unwarranted litigation claims against employers, staggering costs for all businesses, especially small businesses, and the creation of an unnecessary and costly new government bureaucracy. These costs are simply not affordable in these days of tough competition and budget restraint.

We urge you to vote no on S. 79.

Very truly yours,

National Association of Manufacturers, Chamber of Commerce of the United States, National Federation of Independent Businesses, National Association of Wholesalers, Aerospace Industries Association, Alliance of American Insurers, American Mining Congress, American Coke and Coal Chemicals Institute, American Furniture Manufacturers Association, American Paper Institute.

American Retail Federation, American Road and Transportation Builders Assn., American Subcontractors Association, American Wood Preservers Institute, ARMTEX Corporation, Associated Builders and Contractors, Associated General Contractors of America, Association of Plumbing-Heating - Cooling Contractors, Bridgestone Tire Company.

Cast Metals Association, Caterpiller Inc., Composite Can & Tube Institute, Food Marketing Institute, Ford Motor Company, Gates Rubber Company, GenCorp, Inc., General Motors, Georgia-Pacific, Houston Lighting and Power Company, McCreary Tire and Rubber Company.

Michelin Tire Corporation, Motor Vehicle Manufacturers Association, National Association of Casualty & Surety Agents, National Association of Homebuilders, National Association of Independent Insurers, National Food Brokers Association, National Forest Products Association, National Industrial Sand Association, National Kitchen Cabinet Association, National Moving & Storage Association, National Particle Board Association, National Ready Mixed Concrete Association, National Restaurant Association.

National Sand & Gravel Association, National Small Business United, National Stone Association, National-American Wholesale Grocers Association, Owens-Illinois, Inc., Petroleum Marketers Association of America, Portland Cement Association, Printing Industries of America, Procter & Gamble, R.R. Donnelly & Sons Company, Rubber Manufacturers Association, Sterling Drug Inc., The American Society of Personnel Administrators, The AntiFriction Bearing Manufacturers.

The B.F. Goodrich Company, The Firestone Tire and Rubber Company, The Formaldehyde Institute, The Goodyear Tire and Rubber Company, The National Cotton Council, The Small Business Legislative Council, The Society of the Plastics Industry, The Standard Oil Company, U.S. Borax and Chemical Corporation, Union Camp, Uniroyal Goodrich Tire Company, USG Corporation.●

FORTIETH ANNIVERSARY OF KORCZAK ZIOLKOWSKI'S ARRIVAL IN BLACK HILLS

REMEMBERING KORCZAK ZIOLKOWSKI AND CRAZY HORSE

● Mr. LEVIN. Mr. President, the 19th century poet's call for "men to match my mountains" was answered on May 3, 1947—40 years ago last Friday—when sculptor Korczak Ziolkowski arrived in the Black Hills of South Dakota. Korczak, already a renowned artist, went West in response to a request from Sioux Chief Henry Standing Bear who asked him to carve a sculpture of the Indian hero Crazy Horse out of a Black Hills mountain. Standing Bear told Korczak that "my fellow chiefs and I would like the white man to know that the red man has great heroes too."

Before embarking on the project to which he would dedicate the rest of his life, Korczak Ziolkowski studied the life of Crazy Horse. He concluded that the chiefs were right in choosing this particular American Indian leader as a symbol of Indian heroism. Crazy Horse was a fearless fighter. But Korczak pointed out that he resorted to battle with the white man only after the U.S. Government had reneged on its treaty obligations to the Sioux and only after he saw "his peoples' lives and their way of life ravaged and destroyed * * *."

Crazy Horse died at the age of 34. Not surprisingly, in view of the treachery he had witnessed repeatedly in his life, he was slain by a soldier at Fort Robinson, NE, where he had gone under a flag of truce. By the time of his death, Crazy Horse knew that the Sioux had lost their beloved, sacred Black Hills and that they were destined to live on reservations. Just prior to his death, Crazy Horse was taunted by a white trader who rhetorically asked him "where are your lands now?" Crazy Horse looked out to the horizon, pointed over his horse's head, and said: "My lands are where my dead lie buried."

It is that moment that Korczak Ziolkowski sought to memorialize in stone. From 1947 until his death in 1982, Korczak worked on a mountain sculpture of Crazy Horse—his arm outstretched over the land. Korczak's Crazy Horse, when complete, will be the most massive sculpture in the world—563 feet high and 641 feet long. Crazy Horse's head will be 90 feet high, large enough to envelop all four President's heads on the nearby Mount Rushmore. His arm will be as long as a football field, long enough for 4,000 people to stand on.

Given these dimensions, it is not surprising that Korczak's work is not yet completed. Although he removed millions of tons of granite from Thunderhead Mountain, there are still millions of tons which must be blasted away by Korczak's successors—most notably his wife, Ruth, and their 10 children. Like Korczak, they are determined that Crazy Horse be commemorated with the same grandeur and in the same spirit as other American heroes, such as those chiseled in the stone of Mount Rushmore.

I share that belief. But I also believe that Korczak Ziolkowski himself was an American hero—an example of the idealism, grit, and determination that built this country. Korczak created the Crazy Horse Memorial without any State or Federal assistance. Twice he turned down potential funding of $10 million. Instead, Korczak built this national monument—a site visited annually by a million sightseers—with contributions from his supporters across the land. And with his own physical and spiritual power and that of his wife and family.

For many years I have been inspired by Korczak and his work. I was fortunate enough to get to know him in the years prior to his death in 1982 and I value my continuing friendship with his widow, Ruth, and the rest of the family. I'd like to conclude with a portion of the remarks I made on September 6, 1981 at a ceremony commemorating the unveiling of a stamp honoring Crazy Horse, a stamp that featured Korczak's design.

> Perhaps never before (and perhaps never again) has there been such a physical and spiritual commitment of artist to subject. . . . We are enobled by Crazy Horse's life and Korczak's transcendent vision of it. We are better people because we remember Crazy Horse today and because Korczak remembered him all these years.

For 40 years a man, Korczak Ziolkowski, carved a mountain. It is a task that staggers the mind and fills it with awe. But Korczak did it. He's gone but his work continues. And his dream lives on, transforming a mountain and our souls.●

THE REVISED CHILES BUDGET RESOLUTION

● Mr. MITCHELL. Mr. President, debate concerning the Federal budget and the budget deficit is not new. Throughout this decade the fundamental issues have not changed.

In 1981, the deficit was $78.9 billion and the public debt was $998.8 billion. Last year, it exceeded $200 billion for the third time since 1981, reaching an all-time high of $220.7 billion. The public debt, which 6 years ago President Reagan described as equivalent to a stack of $1,000 bills 67 miles high, has now risen to about 150 miles—$2.25 trillion.

The current account balance which measures the merchandise trade balance, the trade services balance, investment earnings, and transfers clearly shows the decline of our economic stature in the world. In 1981, the United States ran a current account surplus of more than $6 billion. Last year, the current account deficit was over $150 billion. Our merchandise trade deficit alone last year was $170 billion.

This year, we will spend $134 billion on interest payments to finance the national debt. And for next year, each budget resolution—that of Senator CHILES, Senator HOLLINGS, Senator DOMENICI, the President, and the sequester—call for interest payments over $138 billion. Interest payments alone since 1981 have increased over 100 percent.

We find ourselves in a situation where we must make some very difficult decisions. We must decide whether we will continue borrow and spend policies, or whether we will pay as we go for our spending.

It is never easy to decide how to allocate national resources. This year it is particularly difficult because of the enormous amount of savings we needed to achieve the acceptable deficit targets under Gramm-Rudman-Hollings.

The Budget Committee has worked very hard to achieve the needed savings, while also providing some increases in areas of national importance. The revised Chiles budget plan would balance the budget by 1991. It continues to reduce the deficit by $37 billion next year—slightly above the $36 billion requirement mandated under Gramm-Rudman-Hollings.

I am pleased that the Budget Committee has removed the cap on Medicare catastrophic insurance. This will allow more flexibility in addressing the health care of the Nation's elderly. As chairman of the Finance Subcommittee on Health, I have been working with Senator BENTSEN and others to develop an effective catastrophic care proposal. The cap on catastrophic care included in the Budget Committee's earlier plan would have made our task much more difficult.

The revised Chiles plan adds back $300 million next year, or $1.2 billion over 4 years, from the original Medicare savings required. This brings the level of savings required under Medicare to $3 billion next year. The revised Chiles plan, like the original Chiles plan, maintains that the savings will not affect beneficiary premiums, deductibles, or be achieved by delaying eligibility.

The President originally requested $5 billion in Medicare savings, $35 billion over 4 years. The House approved savings of $1.3 billion next year, $10.2 billion through 1990. My own Subcommittee on Health heard testimony just a short time ago concerning savings in this area. Since enactment of the Prospective Payment System in 1984, which as many of you know replaced the cost-based reimbursement system, reimbursements to hospitals have averaged 15 percent above costs. While

hospital profits are not the central issue, these numbers do indicate that some reductions are possible.

I expect that the savings in this area, once a conference committee has met, will ultimately be around $2 billion. During the reconciliation process, I will work to ensure that the savings are achieved in a fair manner. Studies have shown that rural hospitals have not profited nearly as much as urban providers. In fact some rural hospitals have not profited at all. It is my intent that the savings achieved will not unduly burden rural providers.

The revised Chiles plan provides for increases in education funding to bring the level of spending to $2.2 billion above the baseline, plus an additional $200 million for the Head Start Program. Job programs are increased $700 million. Space and science programs are increased by $1.3 billion. Increases in funding are also provided for EPA programs and land acquisition, aid to the homeless, NIH and AIDS research, the Women, Infants, and Children's Feeding Program [WIC], law enforcement and judiciary programs, the Customs Service, and about a 5-percent annual increase in State and local grant assistance.

Given the budget constraints facing us this year, some other programs have been cut back. I regret that this was necessary, but to achieve savings we simply can't freeze all spending. I believe the Budget Committee has made a number of compromises in spending cuts compared to both its original budget resolution and the budget presented to Congress earlier this year by the President.

The revised Chiles plan reduces the Community Development Block Grant Program [CDBG] by 10 percent and the Urban Development Action Grant Program [UDAG] by 5 percent. I fully recognize the importance of these programs to many cities and towns throughout the country and I know substantial reductions in these areas have been made in the past. Again, I wish we could freeze spending so that States could continue level funding in these areas. However, these cuts under the revised budget are much better than the original Chiles plan that sought to reduce CDBG by 25 percent and UDAG by 10 percent. And, the revised plan is much better than the President's budget that would have terminated UDAG and reduced funding for CDBG by nearly 20 percent while substantially broadening the areas which CDBG funds would be allocated.

There are areas in which the revised Chiles plan assumes a freeze compared to the substantial reductions or outright elimination proposed by the President. For instance, funds for the Small Business Administration would be frozen at fiscal year 1987 levels. Housing for the elderly and handicapped would be frozen at fiscal year 1987 levels as would rural housing. Rural water and waste disposal grants would be frozen. Funds for the Economic Development Administration would be frozen. Veterans medical care would receive full funding, and new construction for veterans nursing homes and rehabilitation centers would continue.

The revised Chiles plan represents a difficult but well balanced compromise to achieve real savings. The revised Chiles plan lowers the total national debt $100 billion more than the President's plan over 4 years. Savings are evenly distributed between domestic cuts, military spending restraint, and revenues earmarked soley for deficit reduction. Under the President's economic assumptions, the Chiles plan meets the $108 billion deficit target under Gramm-Rudman-Hollings. An extra $7 billion in defense outlays will be provided should the Senate and the President decide to pay for the increase with additional revenues.

The Federal budget deficit has been a growing problem that needs to be addressed in a balanced and responsible manner. The revised Chiles budget meets those objectives.●

NAUM MEIMAN

● Mr. SIMON. Mr. President, the Soviet Union has made certain changes that indicate that they would like to improve relations with our country. I believe that such actions should be encouraged to continue. Hopefully, the Soviet Government will adopt a policy that recognizes the human rights of all its citizens. Until that day comes, however, we must continue to work on behalf of the hundreds of thousands of individuals in the Soviet Union who are denied their basic rights.

The Soviets' treatment of Naum Meiman exemplifies the harassment and discrimination accorded Soviet Jews. Naum is a political activist and long-time refusenik who has been seeking permission to emigrate to the West for over 10 years. He is presently adjusting to the recent loss of his wife Inna.

Naum, in his seventies, desperately wishes to live what is left of his life in the West. I urge the Soviet Government to grant Naum this wish and allow him to emigrate.●

AFGHANISTAN: LETTERS FROM THE STATE OF ARKANSAS

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A Situation Approaching Genocide."

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of Arkansas for the RECORD.

The letters are as follows:

DEAR SIR: I have just finished reading "Agony in Afghanistan" in the March issue of Reader's Digest, and would like to join many others, I'm sure, in expressing my concern about the problems suffered by this country.

Somehow, the United States must take a stand and use their influence in terminating this situation.

Sincerely,

Mrs. J.W. O'BRIEN.

HARRISON, AR.

DEAR SENATOR HUMPHREY: What is being done about the people of Afghanistan? Why are we allowing such torture to continue?

I thought the U.N., if not individual countries of the "free world" could do something in the face of such denial of human rights.

I have no answers but feel that our country should do something to put a stop to such blatant abuse of virtually helpless people. The Indians, the Cheks, Cambodians. . . . where does it end?

Whenever a person or people lose their rights, we all lose.

Sincerely,

BARBARA SMITH.

MAYNARD, AR.●

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the laying down of the supplemental appropriations bill at 11:30 a.m. be extended for an additional 5 minutes.

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

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may continue to speak under the previous order with certain conditions in regard to morning business.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there is no further morning business, morning business is closed.

SUPPLEMENTAL APPROPRIATIONS, 1987

The PRESIDING OFFICER. Under the previous order, the Senate will

proceed to the consideration of H.R. 1827, which the clerk will report.

The legislative clerk read as follows:

H.R. 1827, an act making supplemental appropriations for the fiscal year ending September 30, 1987, and for other purposes.

The Senate proceeded to consider the bill (H.R. 1827) making supplemental appropriations for the fiscal year ending September 30, 1987, and for other purposes, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

(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. 1827

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, to provide supplemental appropriations for the fiscal year ending September 30, 1987, and for other purposes, namely:

TITLE I—PROGRAM SUPPLEMENTALS

CHAPTER I

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

[The sum of $62,500,000, to be derived from $27,500,000 appropriated pursuant to Public Law 99-500 and Public Law 99-591 for commercialization of the land remote sensing satellite system and $35,000,000 appropriated pursuant to the same law for the polar orbiting satellite system, is hereby reprogrammed for a two spacecraft land remote sensing satellite system under a plan which provides for the cost of the second satellite from funds from users or other sources other than funds from the National Oceanic and Atmospheric Administration. The release of such funds is subject to the funding plan being approved by the House and Senate Committees on Appropriations.

[At such time as funds are appropriated to carry out Sec. 118 of the Federal Water Pollution Control Act, the funds transferred to the National Oceanic and Atmospheric Administration in accordance with subsection (h)(3) of such section, shall be used to carry out the provisions of subsection (d) of such section at the Great Lakes Environmental Research Laboratory.]

None of the funds appropriated for the Department of Commerce in fiscal year 1987 shall be obligated or expended to promulgate or implement the March 2, 1987 proposed rulemaking on Sea Turtle Conservation; Shrimp Trawl Requirements for waters described in the proposed rulemaking as western Gulf of Mexico offshore, western Gulf of Mexico inshore, and Louisiana inshore, zones 10 through 21.

Of the funds deposited in the Fisheries Promotional Fund pursuant to section 209 of the Fish and Seafood Promotion Act of 1986, $750,000 shall be made available as authorized by said Act, to remain available until expended.

DEPARTMENT OF JUSTICE

[GENERAL ADMINISTRATION

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses", $10,450,000, to remain available until September 30, 1988.

[LEGAL ACTIVITIES

[SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

[For an additional amount for "Salaries and expenses, general legal activities", $5,499,000, to remain available until September 30, 1988.

[SALARIES AND EXPENSES, ANTITRUST DIVISION

[For an additional amount for "Salaries and expenses, Antitrust Division", $299,000, to remain available until September 30, 1988.

[SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

[For an additional amount for "Salaries and expenses, United States Attorneys", $887,000, to remain available until September 30, 1988.]

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

[For an additional amount for "Salaries and expenses, United States Marshals Service", $405,000, to remain available until September 30, 1988: *Provided,* That in] *In* the appropriation language under this heading in Public Law 99-500 and Public Law 99-591, add at the end thereof the following: "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 an additional amount for "Support of United States Prisoners", $9,630,000, to remain available until September 30, 1988.

[SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

[In the appropriation language under this heading in Public Law 99-500 and Public Law 99-591, delete "$29,637,000 of which $23,266,000 shall remain available until expended" and substitute the following: "$29,637,000 of which $22,791,000 shall remain available until expended".

[UNITED STATES TRUSTEE SYSTEM FUND

[In addition to amounts made available under the head "Salaries and expenses, oversight of bankruptcy cases", for the expansion of the United States Trustees Program, as authorized by Sec. 115 of the "Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986" (Public Law 99-554), $16,436,000: *Provided,* That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors.

[FEDERAL BUREAU OF INVESTIGATION

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses", $3,989,000, to remain available until September 30, 1988.

[DRUG ENFORCEMENT ADMINISTRATION

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses, Drug Enforcement Administration", $776,000, to remain available until September 30, 1988: *Provided,* That in appropriation language under this head in the Department of Justice Appropriations Act, 1987, as included in Public Law 99-500 and Public Law 99-591, delete "five hundred seventy-five" and substitute "1,030".]

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $147,793,000, to remain available until September 30, 1988: *Provided,* That in appropriation language under this head in the Department of Justice Appropriations Act, 1987, as included in Public Law 99-500 and Public Law 99-591, delete the phrase "(not to exceed four hundred ninety, all of which shall be for replacement only)" and substitute "(not to exceed 1,796, of which 490 shall be for replacement only)"*: Provided further, That not to exceed $3,264,000 of the funds appropriated under this head in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, fiscal year 1987, Public Law 99-500 and Public Law 99-591 may be transferred to any other appropriation account of the Department of Justice to pay costs related to the relocation of employees of the Criminal Division.*

[FEDERAL PRISON SYSTEM

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses", $548,000, to remain available until September 30, 1988.]

[NATIONAL INSTITUTE OF CORRECTIONS

[For an additional amount for "National Institute of Corrections", $15,000.]

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 1. Notwithstanding any other provision of law, of the funds appropriated to the Department of Justice in Public Law 99-500 and Public Law 99-591, not to exceed an additional $5,000,000 may be transferred to "Salaries and expenses, general legal activities" 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 Committee on Appropriations of the House of Representatives and the Senate and approval under said Committees' policies concerning the reprogramming of funds contained in section 607 of section 101(b) of Public Law 99-591.

SEC. 2. Section 205(h)(1)(A) of the Departments of Commerce, Justice, and State, and the Judiciary and Related Agencies Appropriations Act, fiscal year 1987, in Public Law 99-500 and Public Law 99-591 are amended by striking "All of the fees collected under subsection (d) shall be deposited in a separate account within the general fund of the Treasury of the United States" and inserting in lieu thereof "All of the fees collected under subsection (d) shall be deposited in a separate account within the general fund of the Treasury of the United States, to remain available until expended".

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses", $61,750,000, to remain available until September 30, 1988.]

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

[For an additional amount for "Acquisition and Maintenance of Buildings Abroad",

$12,000,000, to remain available until expended: *Provided*, That these funds shall be available subject to the approval of the House and Senate Appropriations Committees' policies concerning the reprogramming of funds contained in House Report 99-669.]

Of the funds appropriated under this head in the Departments of Commerce, Justice, and State, and the Judiciary, and Related Agencies Appropriations Act, fiscal year 1987, Public Law 99-500 and Public Law 99-591, not to exceed $5,000,000 may be transferred to Department of State, Administration of Foreign Affairs, "Salaries and expenses": Provided, That 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 further, 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 if the Soviet Union fails to provide 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 August 30, 1987, 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.

[INTERNATIONAL ORGANIZATIONS AND CONFERENCES

[CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

[For an additional amount for "Contributions to International Organizations", $268,831 for payment of the United States assessed contribution to the Interparliamentary Union: *Provided*, That in the appropriation language under the heading "Contributions to International Organizations" in the Department of State Appropriations Act, 1987, as included in Public Law 99-500 and Public Law 99-591, delete the phrase that reads "of which $130,000,000, to remain available until expended, shall become available for expenditure on October 1, 1987".

[INTERNATIONAL COMMISSIONS

[AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

[For an additional amount for "American Sections, International Commissions", $600,000, to remain available until September 30, 1988.]

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", [$45,645,000] *$33,500,000*, to remain available until September 30, 1988.

[DEFENDER SERVICES

[For an additional amount for "Defender Services", $2,500,000, to remain available until expended.]

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", [$98,000] *$100,000*.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", [$1,017,000] *$1,000,000*.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

Funds appropriated under this head in Public Law 98-396 for a training vessel for the State University of New York Maritime College shall be available for acquisition, preconversion and conversion costs of such vessel.

FEDERAL SHIP FINANCING FUND

For payment to the Secretary of the Treasury for debt reduction, $1,375,000,000, [to remain available until expended, and for payment of interest on said amount to the Secretary of the Treasury, $73,000,000,] to remain available until expended.

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For an additional amount for "Grants and expenses", $33,195,000, to remain available until expended.

[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, $275,000, to remain available until expended.

[DWIGHT DAVID EISENHOWER CENTENNIAL COMMISSION

[EXPENSES

[For necessary expenses of the Dwight David Eisenhower Centennial Commission as authorized by Public Law 99-624, $50,000, to remain available until expended.]

FEDERAL COMMUNICATIONS COMMISSION

The authority under the Supplemental Appropriations Act, 1985 (Public Law 99-88) with respect to the relocation of the Fort Lauderdale Monitoring Station shall extend through fiscal year 1988 and under the same terms and conditions of Public Law 99-88.

[SMALL BUSINESS ADMINISTRATION

[GENERAL PROVISION

[Notwithstanding any other provision of law, rule, or regulation relating to the Small Business Administration, the Administrator of the Small Business Administration shall, with respect to small business concerns involved in the fishing industry, declare the recent Texas Gulf Coast-related red tide contamination a disaster for purposes of section 7(b) of the Small Business Act (15 U.S.C. 636(b)). Such declaration shall be made not later than 60 days after the date of the enactment of this Act. Disaster loan assistance shall be provided pursuant to paragraph (2) of such section to such small business concerns.

[For purposes of this provision—

[(1) the term "recent Texas Gulf Coast-related red tide contamination" means the contamination of customary fishing grounds by red tide, the closing of (or reduction of catch limits in) customary fishing grounds due to excessive harvesting on such grounds prompted by red tide contamination outside the nominal boundaries of such grounds, and the contamination of such customary fishing grounds or significant reductions in the normal populations of fish resulting from heavy rainfall, flooding, or the runoff waters thereof, which has occurred along the Texas Gulf Coast since September 1, 1986; and

[(2) the terms "fish" and "fishing industry" have the meanings given such terms in sections 23(1)(B) and 23(1)(C), respectively, of the Small Business Act (15 U.S.C. 650(1)(B), 650(1)(C)).

[For purposes of paragraph (2) of section 7(b) of such Act (15 U.S.C. 636(b)(2)), eligibility of individual applicants shall not in any way be dependent upon the number of disaster victims in any county or other political subdivision.

[UNITED STATES INFORMATION AGENCY

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses", $8,098,176, of which $598,176 shall be used for purchase of Pakistani Rupees from the special account for the Informational Media Guarantee Program to carry out the provisions of section 1011(d) of the Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1442(d)).

[RADIO BROADCASTING TO CUBA

[For an additional amount to carry out the provisions of section 7 of the Radio Broadcasting to Cuba Act, as amended (22 U.S.C. 1465(e)), $993,000, to remain available until expended.]

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

[MILITARY PERSONNEL

[MILITARY PERSONNEL, ARMY

[For an additional amount for "Military personnel, Army", $255,452,000.

[MILITARY PERSONNEL, NAVY

[For an additional amount for "Military personnel, Navy", $40,600,000.

[MILITARY PERSONNEL, MARINE CORPS

[For an additional amount for "Military personnel, Marine Corps", $36,520,000.

[MILITARY PERSONNEL, AIR FORCE

[For an additional amount for "Military personnel, Air Force", $157,800,000.]

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army", $75,000,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy", [$50,000,000] *$70,000,000.*

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force", $20,000,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", [$382,500,000] *$442,000,000.*

[OPERATION AND MAINTENANCE, ARMY RESERVE

[For an additional amount for "Operation and maintenance, Army Reserve", $15,000,000.]

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and maintenance, Navy Reserve", $5,000,000.

[OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

[For an additional amount for "Operation and maintenance, Army National Guard", $10,000,000.

[PROCUREMENT

[AIRCRAFT PROCUREMENT, AIR FORCE

[For an additional amount for "Aircraft procurement, Air Force", $313,700,000: *Provided,* That none of the funds appropriated in this paragraph shall be obligated or expended unless authorized.]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For an additional amount for "Research, development, test, and evaluation, Army", [$3,300,000] *$25,000,000.*

[RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

[For an additional amount for "Research, development, test, and evaluation, Navy", $14,000,000, for Manufacturing Technology: *Provided,* That none of the funds appropriated in this paragraph shall be obligated or expended unless authorized.

[RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

[For an additional amount for "Research, development, test, and evaluation, Air Force", $19,000,000: *Provided,* That none of the funds appropriated in this paragraph shall be obligated or expended unless authorized.]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

For an additional amount for "Research, development, test, and evaluation, Defense Agencies", [$4,400,000] *$131,000,000.*

[DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

[For an additional amount for "Developmental test and evaluation, Defense", $13,900,000.]

ADMINISTRATIVE PROVISIONS

[SEC. 1. Section 9073 of the Department of Defense Appropriations Act, 1987 (Public Law 99-500 and Public Law 99-591) is amended to read as follows:

["SEC. 9073. The test authority provided for in section 618 of Public Law 99-145 and section 8083 of Public Law 99-190 shall remain in effect until such time as the system provided for by section 614(a) of the Department of Defense Authorization Act, 1987 (Public Law 99-661) is implemented for both Department of Defense military and civilian employees.".]

SEC. [2] *1.* Within the funds appropriated for operation and maintenance of the Armed Forces for fiscal year 1987, and pursuant to section 403(a) of title 10, United States Code, funds may be used for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code.

SEC. 2. Section 9102 of the Department of Defense Appropriations Act, 1987, (as included in Public Laws 99-500 and 99-591) is amended by inserting ", except for civilian personnel employed on January 1, 1987" after the words "United States".

SEC. 3. Section 9015 of the Department of Defense Appropriations Act, 1987, (as included in Public Laws 99-500 and 99-591) is amended by striking the amount "$1,100,000,000" and in lieu thereof inserting the amount "$1,590,372,000".

SEC. 4. Section 9105 of the Department of Defense Appropriations Act, 1987, (as contained in section 101(c) of Public Laws 99-500 and 99-591), is amended—

(1) in the second proviso, by striking out "for more than 50 percent" and inserting in lieu thereof "for less than 50 percent"; and

(2) in the third proviso, by inserting "or the program with respect to which the contract was awarded" after "if such a contract".

SEC. 5. None of the funds previously appropriated to the Air Force may be used to conduct a trainer aircraft competition unless such competition includes candidate aircraft from at least two United States firms and at least one candidate aircraft is compliant with the T-46/Next Generation Trainer system specifications as it pertained to the source selection of the Next Generation Trainer in 1982.

SEC. 6. Section 9061 of the Department of Defense Appropriations Act, 1987, Public Laws 99-500 and 99-591, is amended by inserting after the year "1984" and before the period "except reasonable costs incurred in promoting American aerospace exports at domestic and international exhibits".

SEC. 7. (a) None of the funds appropriated by this or any other Act for research, development, test, and evaluation for the Department of Defense or any of its components for any activities associated directly or indirectly with the Advanced Launch System/Heavy Lift Launch Vehicle, hereinafter referred to as "ALS", may be obligated or expended until the Secretary of Defense, with the concurrence of the Administrator of the National Aeronautics and Space Administration, has submitted to the Committees on Appropriations of the Senate and House of Representatives a certification, which includes the following:

(1) an agreement between the Department of Defense and the National Aeronautics and Space Administration on the most cost-effective design approach for the ALS and on a joint program office and management plan to implement this program so as to make maximum use of the expertise and unique testing facilities of the National Aeronautics and Space Administration, especially with respect to rocket propulsion systems;

(2) a detailed description of the ALS program management plan, including identification of the specific roles and responsibilities to be fulfilled by the Defense Agencies, Air Force, and the National Aeronautics and Space Administration; and

(3) a formal cost-sharing agreement among all participants in the ALS program identifying the program's total costs (in current and constant dollars) for research, development, test, and evaluation, procurement, and facilities construction; such agreement shall include the budgetary resources intended to be dedicated annually by each participant in fiscal years 1987 through 1992;

(b) Any funds appropriated by this or any other Act for research, development, test, and evaluation of liquid oxygen/hydrocarbon and liquid oxygen/liquid hydrogen rocket propulsion systems, and of alternative solid rocket booster propulsion systems, associated directly or indirectly with the ALS, or for the construction of test facilities for such propulsion systems, may be obligated and expended only through the "Research and Development" activities, and the "Construction of Facilities" activities, of the National Aeronautics and Space Administration and only at the site of existing research and testing facilities of the National Aeronautics and Space Administration except that construction of the J-6 Large Rocket Test Facility at Arnold Engineering Development Center for testing of large, solid-propellant rocket motors in a simulated flight-altitude environment shall be provided through "Military Construction, Air Force" activities: Provided, That not less than $38,000,000 of the funds appropriated for "Research, development, test, and evaluation, Defense Agencies" by this Act shall be transferred to NASA as a part of the ALS program utilizing facilities and budgetary resources of both NASA and components of the Defense Department.

(c) Any funds appropriated by this or any other Act for research, development, test, and evaluation directly or indirectly relating to the ALS may be obligated or expended only for ALS variants which embody advanced technologies and which reduce the cost to launch payloads to low Earth orbit by a factor of ten compared with current space boosters costing less than $3,000 (in constant fiscal 1987 dollars) per pound to low Earth orbit: Provided, That none of these funds may be obligated or expended for any activities associated with accelerating or facilitating any early deployment option for ballistic missile defense.

SEC. 8. Notwithstanding section 3052(c) (1) and (2) of Public Law 99-570, the Secretary of the Navy shall immediately transfer an APS-125 radar system, to the United States Customs Service to be used for drug interdiction purposes: Provided, That $7,500,000 made available in Public Law 99-349, the Urgent Supplemental Appropriations Act of 1986, for an APS-138 radar system shall be made available to the Navy for procurement of an APS-139 radar system as replacement of the radar transferred to the United States Customs Service.

SEC. 9. The Secretary of the Army, as Executive Agent for the Department of Defense, may authorize activities on the part of the Armed Forces in celebration of the Bicentennial of the Constitution, and in support of Congressional Bicentennial activities. Such sums as are necessary to pay the expenses of these activities shall be made available from funds otherwise appropriated to the Department of Defense, except that such funds shall not be counted against the limitation on funds available for public affairs or legislative liaison activities of the Department of Defense.

[SEC. 3. None of the funds appropriated for the Department of Defense in fiscal year

1987 shall be obligated or expended to deactivate or implement procedures for conversion or deactivation of the 815th Air Force Reserve Weather Reconnaissance Squadron, Keesler Air Force Base, Mississippi, or for the deactivation of the 36th Tactical Airlift Squadron, McChord Air Force Base, Washington.

[SEC. 4. None of the funds appropriated for the Department of Defense in fiscal year 1987 are available for remuneration of any individual or entity associated with fund raising for the restoration of the Battleship Texas: *Provided*, That the grant for the restoration should be made to the Texas Parks and Wildlife Department vice the Battleship Texas Advisory Board of the State of Texas.

[SEC. 5. (a) None of the funds provided for fiscal year 1987, within 60 days of the enactment of this Act, may be obligated or expended for the deployment or maintenance of—

[(1) launchers for more than 820 intercontinental ballistic missiles carrying multiple independently targetable reentry vehicles (MIRVs);

[(2) launchers for an aggregate of more than 1,200 intercontinental ballistic missiles carrying MIRVs and submarine launched ballistic missiles carrying MIRVs;

[(3) an aggregate of more than 1,320 launchers described in paragraph (2) and heavy bombers equipped for air launched cruise missiles capable of a range in excess of six hundred kilometers; or

[(4) a number of MIRVs on an individual ballistic missile in excess of the limitations included in the SALT II agreement, its agreed statements and common understandings;

unless the President certifies to the Congress that the Soviet Union, after the date of enactment of this Act, has exceeded the limitations included in subsections (a) (1-4). Such certification shall be accompanied by a report, in both classified and unclassified versions, providing information upon which the President bases his certification: *Provided*, That for purposes of this section, the following definitions shall apply—

[(1) launchers of intercontinental ballistic missiles and submarine launched ballistic missiles equipped with multiple independently targetable reentry vehicles are launchers of the types developed and tested for launching intercontinental ballistic missiles and submarine launched ballistic missiles equipped with multiple independently targetable reentry vehicles; and

[(2) air launched cruise missiles are unmanned, self-propelled, guided, weapon delivery vehicles which sustain flight through the use of aerodynamic lift over most of their flight path and which are flight tested from or deployed on aircraft.

[(b) Within 30 days of enactment of this Act, the President shall notify Congress of his plans for carrying out the provisions of section (a).

[SEC. 6. FISCAL YEAR 1987 NUCLEAR TESTING LIMITATION.

[(a) LIMITATION.—Effective 90 days after the date of the enactment of this Act, funds appropriated for fiscal year 1987 may not be obligated or expended to carry out a nuclear explosion with a yield exceeding one kiloton, or a nuclear explosion that is conducted outside a designated test area, unless the President certifies to Congress—

[(1) that the Soviet Union, after the end of the 90-day period beginning on the date of the enactment of this Act, has carried out a nuclear explosion with a yield exceeding one kiloton;

[(2) that the Soviet Union, after the end of such 90-day period, has carried out a nuclear explosion outside a designated test area; or

[(3) that the Soviet Union has refused to accept and implement reciprocal in-country monitoring arrangements to take effect not later than the last day of such 90-day period and extend through the remainder of fiscal year 1987.

[(b) TERMINATION FOR CERTAIN NEW AGREEMENTS.—The limitation on nuclear explosions in subsection (a) shall cease to apply if supplanted by an agreement, accord, or treaty between the United States and the Soviet Union establishing significant limits on nuclear explosions by such countries that is negotiated after the date of the enactment of this Act.

[(c) DEFINITIONS.—For purposes of this section:

[(1) The term "in-country reciprocal monitoring arrangements" means arrangements between the United States and the Soviet Union to supplement national technical means of verification through the emplacement by each country of seismic monitoring stations on the national territory of the other so that the seismic monitoring network of each nation will be capable of detecting and identifying nuclear explosions with a yield exceeding one kiloton at known nuclear weapons test sites of the other nation and at any other site of the other nation that currently has the capability to accommodate decoupled nuclear explosions with a yield exceeding one kiloton.

[(2) The term "designated test area" means an area within the Soviet Union or the United States which—

[(A) is known to be composed of strong-coupling rock; and

[(B) is located within the boundaries of a single existing nuclear weapons testing site in such country.

[SEC. 7. (a) Notwithstanding section 9126 or section 9133 of the Department of Defense Appropriations Act, 1987 (as contained in section 101(c) of the joint resolution entitled "Joint resolution making continuing appropriations for fiscal year 1987, and for other purposes," Public Law 99-500 and Public Law 99-591), only funds specifically authorized by the Congress in accordance with section 502 of the National Security Act of 1947 may be obligated or expended for intelligence or intelligence-related activities.

[(b) Except as provided in subsection (c), all intelligence and intelligence related activities for which funds were appropriated in the Defense Appropriations Act, 1987 shall be considered specifically authorized by Congress pursuant to section 502 of the National Security Act of 1947.

[(c) It is the sense of Congress that certain intelligence or intelligence-related activities referred to in subsection (b) and identified by the Committee on Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives should be the subject of reprogramming actions agreed upon by the appropriate Committees of Congress.]

CHAPTER III

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

[GENERAL INVESTIGATIONS

[Using funds previously appropriated in the Energy and Water Development Appropriations Act 1987, Public Law 99-500 and Public Law 99-591, the Secretary of the Army is directed to undertake the following studies: Ohio River Water Development Study, between Rivermile 40-491, Ohio; Maumee Bay State Park, including preconstruction engineering and design, Ohio; St. Johns County, including preconstruction and design, Florida; Jacksonville Harbor, St. John's River and Intracoastal Waterway Study, Florida; St. John's River Study, Florida; and Water Resources Based Economic Development Computer Model (to continue design and testing) and, in addition, $350,000 for the purposes of studying and evaluating at an estimated cost of $850,000 alternative disposal sites to the currently active San Jacinto disposal area on Galveston Island at full Federal expense; the Secretary of the Army is also directed to undertake environmental studies and submit recommendations to the Committees on Appropriations of the House and Senate on the advisability of modifying project operation and maintenance requirements, assuming that the current disposal site will no longer be available for extensive Federal use in the near future.

[CONSTRUCTION, GENERAL

[The Corps of Engineers is directed to proceed with the Fairfield Vicinity Streams, California, project under the provisions of section 117 of Public Law 99-190.

[Using funds previously provided in the Energy and Water Development Appropriations Acts 1986 and 1987, (Public Laws 99-141, 99-500 and 99-591), the Secretary of the Army is directed to undertake the following projects in the amounts as specified hereafter:

[Project	Amount
[Port Austin Harbor, Michigan	$2,800,000
[Sand Island Beach, Hawaii	$600,000
[Wellsburg, West Virginia (Ohio River milepost 74.8 to 72.8)	
[Cox Run Area	$50,000
[Middle School Area	$50,000
[Water Works Vicinity, Wellsburg Municipal Pool and Park Vicinity	$200,000
[Main Street Areas	$100,000
[Sistersville, West Virginia City Park Area	$50,000
[Glen Dale, West Virginia	
[Glen Dale Airport	$125,000
[Sewer Outfalls	$125,000

In regard to the Wellsburg, Sistersville and Glen Dale projects, the Congress finds that an emergency exists in satisfaction of the requirements of Section 14—Emergency Streambank and Shoreline Protection.

[Using funds previously provided in the Energy and Water Development Appropriations Act, 1987 (Public Law 99-500 and Public Law 99-591), the Secretary of the Army is directed to use $5,000,000 to initiate land acquisition activities as described in section 1114 of Public Law 99-662.

[OPERATION AND MAINTENANCE, GENERAL

[(INCLUDING TRANSFER OF FUNDS)

[In addition to the amounts appropriated under this head in the Energy and Water Development Appropriations Act, 1987, as included in Public Law 99-500 and Public Law 99-591, there are hereby appropriated such sums as become available in the

Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

[For an additional amount for "Operation and Maintenance, general," $125,000 to be derived by transfer from "General Investigations" to perform a cumulative environmental analysis of Section 55 measures along the 46-mile reach of the Platte River between Hershey, Nebraska, and the Lincoln-Dawson County line.]

OPERATION AND MAINTENANCE, GENERAL

Of amounts appropriated for this account in Public Laws 99-500 and 99-591, such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund.

REVOLVING FUND

The Corps of Engineers is directed to advertise and procure an automated system that adheres to specifications developed by the Corps of Engineers for civil program requirements without regard to the Army Information Architecture Tier 2 standards for operating systems.

[GENERAL PROVISIONS

[The Secretary of the Army shall file a report with the appropriate committees of the House of Representatives and the Senate within ninety days after a written request is made pursuant to the provisions of subsection (m) of section 103 of Public Law 99-662 indicating the action taken on the request. In addition, the Secretary of the Army shall file a report with the appropriate committees of the House of Representatives and the Senate within ninety days after enactment of this Act listing any project or study falling under the provisions of subsection (e)(1) of section 103 of Public Law 99-662.

[The project for Denison Dam (Lake Texoma), Red River, Texas and Oklahoma, authorized by the Flood Control Act approved June 28, 1938, (52 Stat. 1219) is modified to provide that water allocations in Lake Texoma shall be as follows:

[(1) the bottom of the conservation pool shall be designated to be at 610 feet elevation above sea level; and

[(2) the bottom of the flood control pool shall be designated at 619 feet elevation above sea level.

[Notwithstanding section 838(d) of the Water Resources Development Act of 1986, or any provision of law relating to water resource development, the United States shall not be obligated to pay compensation to any party by reason of the modification in subsection (a).

[None of the funds in this Act or any other Act relating to water resource development may be used to construct or enter into an agreement to construct additional hydropower units at Denison Dam (Lake Texoma).

[A project for flood control along the San Timoteo Creek in the vicinity of Loma Linda is authorized for construction as part of the Santa Ana Mainstem including the Santiago Creek project and in accordance with plans to be developed by the district engineer during preconstruction, engineering, and design studies for the Santa Ana Mainstem. In determining economic justification, the benefit and cost for the San Timoteo project will be included together with benefits and costs for the entire Santa Ana Mainstem, including Santiago Creek. The total cost for the Santa Ana Mainstem, including Santiago Creek, is to be raised accordingly.

[Section 91 of the Water Resources Development Act of 1974 is amended by striking out "$28,725,000" in the last sentence and inserting in lieu thereof "$30,500,000".

[DEPARTMENT OF THE INTERIOR

[BUREAU OF RECLAMATION

[CONSTRUCTION PROGRAM

[(TRANSFER OF FUNDS)

[For an additional amount for "Construction program", for the cleanup of Kesterson Reservoir of the San Luis Unit, Central Valley Project, to remain available until expended, $5,600,000, to be derived by transfer of unobligated balances in "Loan program", Bureau of Reclamation: *Provided*, That the Secretary is authorized to obligate funds for the San Joaquin Valley Drainage Program after August 1, 1987, and through September 30, 1987, only after the Secretary has notified the Congress of his intention to comply with the California State Water Resources Control Board Order No. 87-3 (March 19, 1987): *Provided further*, That no funds may be obligated for the San Joaquin Valley Drainage Program after October 1, 1987, unless the Congress has further authorized such expenditures.

[Using funds previously provided in the Energy and Water Development Appropriations Act, 1987 (Public Law 99-500 and Public Law 99-591), the Secretary of the Interior is directed to undertake the following project in the amount specified hereafter:

[Project	Amount
[O'Neill Unit, Nebraska .	$1,381,000

[Using funds previously provided in the Energy and Water Development Appropriations Act, 1987 (Public Law 99-500 and Public Law 99-591), the Secretary of the Interior shall proceed with contracting for construction of the East-side and West-side roads and other features at the McGee Creek, Oklahoma, project in the amount specified hereafter:

[Project	Amount
[McGee Creek, Oklahoma.....	$7,755,000

[LOAN PROGRAM

[(TRANSFER OF FUNDS)

[For an additional amount for "Loan program" for the United Water Conservation District, to remain available until expended, $570,000, to be derived by transfer of unobligated balances in the "Construction program" from Teton Dam Failure, Payment of Claims funds provided under Public Law 94-355 and Public Law 94-438.

[DEPARTMENT OF ENERGY

[POWER MARKETING ADMINISTRATIONS

[SOUTHWESTERN POWER ADMINISTRATION

[Notwithstanding provisions of title 5, U.S.C., except for section 5308, no funds approved for Southwestern Power Administration shall be used to pay the rates of basic pay and premium pay for power system dispatchers unless such rates are based on those prevailing for similar occupations in the electric power industry.]

CHAPTER IV

FOREIGN ASSISTANCE AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For an additional amount for payment to the International Development Association by the Secretary of the Treasury, $207,476,749 for the United States contribution to the seventh replenishment, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For an additional amount for payment to the International Finance Corporation by the Secretary of the Treasury, $7,205,610, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For an additional amount for payment to the African Development Fund by the Secretary of the Treasury, $36,639,000, for the United States contribution to the fourth replenishment of the African Development Fund, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For an additional amount for payment to the African Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $6,492,127 to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $17,375,058.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

ECONOMIC SUPPORT FUND

ASSISTANCE FOR CENTRAL AMERICA

(TRANSFER OF FUNDS)

(a) There are hereby transferred to the "Economic support fund" for use pursuant to this heading for assistance for Central America $300,000,000 from funds appropriated by fiscal year 1987 or prior year Department of Defense Appropriations Acts.

(b) Funds transferred pursuant to paragraph (a) shall remain available until September 30, 1988: Provided, That the President shall make available the $300,000,000 transferred pursuant to paragraph (a) for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to Economic support fund assistance) for the countries of Central America with democratically-elected governments as follows:

$55,000,000 shall be made available only for assistance for Guatemala,

$55,000,000 shall be made available only for assistance for Costa Rica,

$60,000,000 shall be made available only for assistance for Honduras,

$130,000,000 shall be made available only for assistance for El Salvador.

(c) Of the funds specified for El Salvador in paragraph (b), $75,000,000 shall be made available only for earthquake relief and reconstruction which shall be used in accordance with the authorities contained in section 491 of the Foreign Assistance Act of 1961, funds made available for the purposes of this paragraph shall be accounted for separately.

(d) The assistance provided under this heading shall be in addition to the amounts previously allocated for fiscal year 1987 for these countries pursuant to section 653 of the Foreign Assistance Act of 1961.

(e) The assistance provided under this heading shall be made available consistent with the policies contained in section 702 of

the International Security and Development Cooperation Act of 1985 (relating to El Salvador), section 703 of that Act (relating to Guatemala), and chapter 6 of part I of the Foreign Assistance Act of 1961 (relating to the Central America Democracy, Peace, and Development Initiative).

(f) Funds made available for assistance pursuant to this heading may be obligated only in accordance with the Congressional notification procedures applicable under section 523 of the Foreign Assistance and Related Programs Appropriations Act, 1987, and section 634A of the Foreign Assistance Act of 1961.

ASSISTANCE IN SUPPORT OF SOLIDARITY

For an additional amount for the "Economic Support Fund", $1,000,000, which shall be made available, notwithstanding any other provision of law, only for the support of the independent Polish trade union "Solidarity."

ASSISTANCE FOR SOUTHERN AFRICA

For an additional amount for the "Economic Support Fund", $50,000,000: Provided, That none of these funds may be available for activities in Mozambique or Angola: Provided further, That such funds shall be made available only as follows:

(a) $37,500,000 shall be made available to assist the member states of the Southern Africa Development Coordination Conference (SADCC) in carrying out the most urgent sector projects supported by SADCC in the following sectors: transportation and communications, energy (including the improved utilization of electrical power sources which already exist in the member states and offer the potential to swiftly reduce the dependence of those states on South Africa for electricity), agricultural research and training, and industrial development and trade (including private sector initiatives): Provided, That of this amount not less than 60 percent shall be used in the transportation sector: Provided further, That none of the funds made available under this paragraph may be made available for the design, rehabilitation, construction, or equipping of any rail or road transportation corridor other than the Northern Corridor, which links southern Africa with Dar es Salaam, Tanzania.

(b) $12,500,000 shall be made available for projects and activities for disadvantaged South Africans, or for humanitarian assistance for the member states of SADCC. Assistance for the member states of SADCC may include such activities as: transport of emergency food and medical supplies; refugee assistance; and disaster relief and rehabilitation assistance which shall be provided pursuant to the authorities contained in section 491 of the Foreign Assistance Act.

(c) Of the funds made available for the SADCC member countries for humanitarian assistance by paragraph (b), up to $5,000,000 may be made available for the United Nations Children's Fund's emergency appeals for affected countries in southern Africa.

(d) None of the funds made available under this heading shall be available for obligation pursuant to the provisions of this heading until they have been authorized.

INDEPENDENT AGENCIES

PEACE CORPS

For an additional amount to carry out the provisions of the Peace Corps Act (75 Stat. 612) (22 U.S.C. 2501, et seq.), $7,200,000, to remain available until September 30, 1988.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY CREDIT SALES

For an additional amount to carry out the provisions of section 23 of the Arms Export Control Act, $38,000,000, of which $25,000,000 shall be available only for the Philippines, $10,000,000 shall be available only for Morocco, and $3,000,000 shall be available only for Kenya: Provided, That uncommitted balances of loans made to the Philippines pursuant to section 23 of the Arms Export Control Act since October 1, 1984 and which were made prior to the date of enactment of this Act shall be disbursed without requirement for repayment of principal or interest.

EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

LIMITATION ON PROGRAM ACTIVITY

Notwithstanding the "limitation on program activity" contained in Title IV of the Foreign Assistance and Related Programs Appropriations Act, 1987 in Public Law 99-500 and Public Law 99-591, during the fiscal year 1987 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be reduced from $900,000,000 to $700,000,000, and shall be provided under the terms and conditions in the Foreign Assistance and Related Programs Appropriations Act of 1987 as they apply to the Export-Import Bank.

GENERAL PROVISIONS

GUARANTY RESERVE FUND

Section 24(c) of the Arms Export Control Act is amended subject to authorization, by striking the second paragraph and inserting the following:

"Funds provided for necessary expenses to carry out the provisions of section 23 of the Arms Export Control Act, funds provided for necessary expenses to carry out the provisions of chapter 4 of part II and of section 503 of the Foreign Assistance Act of 1961, as amended, may be used to pay claims on the Guaranty Reserve Fund to the extent that funds in the Guaranty Reserve Fund are inadequate for that purpose.".

REPEAL OF SECTION 215

Section 215 of title II of the Military Construction Appropriations Act, 1987 as contained in Public Law 99-500 and Public Law 99-591 is hereby repealed.

INTER-AMERICAN DEVELOPMENT BANK

It is the sense of the Congress that United States economic and foreign policy interests in the western hemisphere would be best served if the Secretary of the Treasury were to adhere to the Administration's proposal to modify the voting procedures within the Inter-American Development Bank to require that decisions be taken by the board by a voting majority of 65 percent of the voting shares.

DAIRY SURPLUS PRODUCTS

Funds provided for new development projects of private entities and cooperatives utilizing surplus dairy products may also be used for development projects that include surplus dairy livestock under the Dairy Termination Program.

CHAPTER [IV] *V*

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT[—INDEPENDENT AGENCIES]

HOUSING PROGRAMS

RENT SUPPLEMENT

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s), is further reduced in fiscal year 1987 by not more than $14,420,000 in uncommitted balances of authorizations provided for this purpose in appropriation Acts.

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 further reduced in fiscal year 1987 by not more than $2,699,000 in uncommitted balances of authorizations provided for this purpose in appropriation Acts.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds included under this head in the conference version of H.R. 5313, Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1987, and made available by Public Law 99-591, $4,266,000 are rescinded.

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", [$3,000,000] *$2,150,000: Provided,* That of the foregoing amount, [$1,500,000] *$500,000* shall be available until expended and placed in a reserve for release at the discretion of the Secretary of the American Battle Monuments Commission after consultation with the Congress, *and $150,000 shall be available until expended for the establishment of a memorial on Guadalcanal in the Solomon Islands.*

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

Of the funds provided to the Consumer Product Safety Commission for "Salaries and expenses" in Public Law 99-500 and Public Law 99-591, an additional $20,000 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.

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $12,000,000, to be derived by transfer from "Construction grants".

RESEARCH AND DEVELOPMENT

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves deferral D87-54 relating to the Environmental Protection Agency, "Research and development", as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

ABATEMENT, CONTROL, AND COMPLIANCE

Of the funds appropriated to the Environmental Protection Agency for "Abatement, control, and compliance" in Public Law 99-500 and Public Law 99-591 for the purposes of the Asbestos School Hazards Abatement Act of 1984, an additional $2,000,000 shall be available for administrative expenses for section 206(d)(2) Public Law 99-519.

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves deferral D87-55 relating to the Environmental Protection Agency, "Abatement, control, and compliance", as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

(TRANSFER OF FUNDS)

For an additional amount for "Abatement, control, and compliance", [including $9,000,000 which shall be available for the project authorized by section 515 of the Water Quality Act of 1987 (Public Law 100-4), $27,000,000,] *$18,000,000,* to remain available until September 30, 1988, and to be derived by transfer from "Construction grants".

CONSTRUCTION GRANTS

Of the funds appropriated to the Environmental Protection Agency for "Construction grants" in Public Law 99-500 and Public Law 99-591, the $1,200,000,000 which was not to become available until enactment of a subsequent appropriations Act authorizing the obligation of such funds is hereby made available: *Provided,* That the [$1,161,000,000] *$1,170,000,000* remaining after the transfers to "Salaries and expenses" and "Abatement, control, and compliance" shall be allocated and used in accordance with the provisions of the Water Quality Act of 1987 (Public Law 100-4).

HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

Of the funds provided to the Environmental Protection Agency for "Hazardous Substance Response Trust Fund" in Public Law 99-500 and Public Law 99-591, no more than $16,000,000 shall be available to carry out the purposes of the Emergency Planning and Community Right-to-Know Act of 1986 (Public Law 99-499).

[FEDERAL EMERGENCY MANAGEMENT AGENCY

[ADMINISTRATIVE PROVISION

[The regulation changes to 44 CFR parts 59 and 60 promulgated by the Federal Emergency Management Agency and set forth at 51 Fed. Reg. 30306-30309 (August 25, 1986), which amended the definition, placement, and exclusion of mobile homes in an existing mobile home park or mobile home subdivision, as previously defined, shall not be effective from enactment of this Act through September 30, 1988.]

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster relief", $57,475,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The regulation changes to 44 CFR parts 59 and 60 promulgated by the Federal Emergency Management Agency and set forth at 51 Fed. Reg. 30306-30309 (August 25, 1986), which amended the definition, placement, and elevation of mobile homes in an existing mobile home park or mobile home subdivision, as previously defined, shall not be effective from enactment of this Act through September 30, 1987.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

CONSTRUCTION OF FACILITIES

(TRANSFER OF FUNDS)

For an additional amount for "Construction of Facilities", $3,000,000, to remain available until September 30, 1989, and to be derived by transfer from "Space flight, control and data communications".

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $80,200,000, to remain available until expended.

MEDICAL CARE

(INCLUDING RESCISSION)

Of the funds provided under this head in the conference report on H.R. 5313, Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1987, as enacted by Public Law 99-500 and Public Law 99-591, [$44,178,000] *$34,178,000* shall remain available until September 30, 1988, to fund central procurement contracts for the acquisition of automated data processing equipment and contracts for major systems support in amounts not less than $1,000,000 for the Decentralized Hospital Computer Program and the Integrated Hospital System: *Provided, That $10,000,000 included for the aforementioned contracts under this head in the conference version of H.R. 5313, Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1987, and made available by Public Law 99-500 and Public Law 99-591, are rescinded: Provided further, That of the $34,178,000 appropriated in fiscal year 1987 for the procurement of computer hardware, the Veterans Administration may obligate funds only at health care facilities where the capacity of existing systems has been reached and the procurement of additional or replacement equipment is necessary to maintain patient care.*

GENERAL OPERATING EXPENSES

Of the funds provided under this head in the conference report on H.R. 5313, Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1987, as enacted by Public Law 99-500 and Public Law 99-591, $17,925,000 shall remain available until September 30, 1988, to fund contracts in amounts not less than $1,000,000 for the acquisition of automated data processing equipment and services to support the modernization program of the Department of Veterans Benefits.

CONSTRUCTION, MAJOR PROJECTS

[Not more than $2,000,000 shall be available from the existing unobligated balance of the "Construction, major projects" appropriation for settlement of a contractor's claims involving the Veterans Administration Medical Center, Huntington, West Virginia.]

Of the unobligated balance available under this heading, not to exceed $2,000,000 shall be available for the settlement of a contractor's claim arising from the construction of an addition to Building No. 1 at the Veterans Administration Medical Center, Huntington, West Virginia; and, notwithstanding any other provision of law, not to exceed $900,000 from the unobligated balance under this heading shall be available for the settlement of a contractor's claim arising from the construction of the Basic Science Addition at the Veterans Administration Medical Center, Huntington, West Virginia, authorized pursuant to Public Law 92-541, as amended.

VETERANS JOB TRAINING

For payments to defray the costs of training and provision of incentives to employers to hire and train certain veterans as authorized by the Veterans' Job Tranining Act, as amended (29 U.S.C. 1721), [$30,000,000] *$20,000,000,* to remain available until September 30, 1989.

[ADMINISTRATIVE PROVISION

[The mission of the Veterans Administration Medical Center at Walla Walla, Washington, shall not be changed from that in existence on January 1, 1987.]

CHAPTER [V] *VI*

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", [$450,000] *$2,126,000.*

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource management", [$2,800,000] *$3,100,000.*

CONSTRUCTION AND ANADROMOUS FISH

For an additional amount for "Construction and anadromous fish", $15,000,000, to remain available until expended.

LAND ACQUISITION

For an additional amount for "Land acquisition", $5,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SERVICE

For an additional amount for "Operation of the national park system", [$18,050,000] *$17,631,000.*

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1987 by 16 U.S.C. 460l-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For an additional amount for "Land acquisition and State assistance", [$13,910,000] *$25,000,000,* to be derived from the Land and Water Conservation Fund, to remain available until expended[:—*Provided,* That pursuant to 16 U.S.C. 251k, the Secretary may acquire the 270-acre parcel known as Keystone Spit on Whidbey Island, Washington, and convey such parcel to the State of Washington in exchange for the approximately 1,000 acres of tidelands owned by such State within the boundary of Olympic National Park: *Provided further,* That if recreational uses of these tidelands must be regulated, the National Park Service shall consult with the State of Washington prior to the implementation of any such regulations: *Provided further,* That the exchange must include the mineral rights of the tidelands].

ADMINISTRATIVE PROVISIONS

None of the funds made available by this or any other Act shall be used to pay the salary of an Assistant Secretary for Fish and Wildlife and Parks beyond thirty days after the date of enactment of this Act, unless the National Park Service has an Office of Policy Development located within the immediate office of the Director, under the sole supervision of the Director.

Notwithstanding any other provision of law, the pesticide application program described in the West Virginia Department of Natural Resource's permit application to conduct a pesticide (bacillus thuringiensis israelensis (Bti)) spraying program on the New River, West Virginia, to control the river's black fly (Simulium jenningsi) population, received by the Superintendent of New River Gorge National River, West Virginia, on September 9, 1986, is hereby permanently approved. No additional analyses,

proposals, or approvals will be required for the State to conduct similiar pesticide application programs in future years. The State shall notify the National Park Service of its planned annual program at least ninety days in advance of spraying, and shall consider the recommendations provided by the National Park Service, the United States Fish and Wildlife Service, and other parties in the conduct of the pesticide application program.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, investigations, and research", $2,597,000, of which $597,000 shall remain available until expended.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For an additional amount for "Leasing and royalty management", $800,000*: Provided, That none of the funds in this or any other Act may be used to implement, prior to November 1, 1987, a rule which modifies the product valuation guidelines of the Minerals Management Service.*

[PAYMENTS TO STATES FROM RECEIPTS UNDER MINERAL LEASING ACT

[In fiscal year 1987 the Department of the Interior shall deduct an amount equal to one half of the total annual cost of operation of the Federal onshore mineral leasing programs of the Minerals Management Service, Bureau of Land Management and the United States Forest Service from Federal onshore mineral leasing receipts prior to the division and distribution of such receipts between the states and the Treasury and shall credit these amounts to miscellaneous receipts of the Treasury.]

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

ABANDONED MINE RECLAMATION FUND

Section 405(k) of the Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87) is amended by adding at the end thereof, "except for purposes of subsection (c) of this section with respect to the Navajo and Hopi Indian Tribes.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian programs", $3,127,000, including $200,000 to carry out the provisions of the Higher Education Amendments Act of 1986 (Public Law 99-498).

The Bureau of Indian Affairs shall not *transfer funds under a* contract with any third party for the management of tribal or individual Indian trust funds until[:—an accounting of the funds has been completed and provided to the appropriate tribes or individuals;] *the funds held in trust for such tribe or individual have been audited and reconciled and the tribe or individual has been provided with an accounting of such funds,* and the appropriate Committees of the Congress and the tribes have been consulted with as to the terms of the proposed contract or agreement: *Provided,* That the Bureau may not implement or take steps leading to implementation of proposed initiatives, including but not limited to imposition of a flat fifteen per centum administrative fee for tribal contractors, and imposition of tuition fees at Bureau post-secondary schools, until Congress has reviewed all such initiatives and approved them as part of the fiscal year 1988 appropriations process.

TERRITORIAL AND INTERNATIONAL AFFAIRS

COMPACT OF FREE ASSOCIATION

Funding provided pursuant to Public Law 99-178 (the fiscal year 1986 Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act) for educational assistance to the Federated States of Micronesia and the Republic of the Marshall Islands shall be available until expended.

GENERAL PROVISION

Any funds appropriated under Public Law 84-747 (64 Stat. 573) in satisfaction of judgement awarded the Choctaw Nation of Oklahoma in Docket Numbered 16 of Indian Claims Commission which have not been distributed on the date of enactment of this Act (including all interest and investment income accrued thereon) shall be held in trust by the Secretary of the Interior for the Choctaw Nation of Oklahoma and shall be invested under the Act of June 24, 1938 (25 U.S.C. 162a).

The funds may be used on an annual budgetary basis by the tribal governing body subject to the approval of the Secretary.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

[(BY TRANSFER)]

(INCLUDING DISAPPROVAL OF DEFERRAL)

For an additional amount for "State and private forestry", [$1,500,000] *$10,000,000,* [to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service"] *to remain available until expended.*

The Congress disapproves deferral D87-35 relating to the Forest Service, "State and private forestry", as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

CONSTRUCTION

[(BY TRANSFER)]

For an additional amount for "Construction", [$130,000] *$1,000,000*[.—to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service"].

LAND ACQUISITION

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves deferral D87-36 relating to the Forest Service, "Land acquisition", as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

TIMBER PURCHASER ROADS CONSTRUCTED BY THE FOREST SERVICE

(RESCISSION)

(INCLUDING DISAPPROVAL OF DEFERRAL)

Of the funds previously made available and unobligated in this permanent appropriation account, $30,000,000 is rescinded.

The Congress disapproves deferral D87-37 relating to the Forest Service, "Timber purchaser roads constructed by the Forest Service", as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

HIGHWAY CONSTRUCTION: MOUNT ST. HELENS NATIONAL VOLCANIC MONUMENT

For payment of obligations incurred for construction of a road serving the Mount St. Helens National Volcanic Monument, $9,915,000, to be derived from the Highway Trust Fund (other than Mass Transit Account), to remain available until expended to liquidate the contract authority provided in title II of the Interior and Related Agencies Appropriations Act, 1987, as included in section 101(h) of Public Law 99-500 and Public Law 99-591.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

SPECIAL ACTS

Public Law 99-500 and Public Law 99-591, section 101(h), Interior and Related Agencies Appropriations Act, 1987, under this head, is amended by inserting ", Wasatch" after the word "Cache".

[DEPARTMENT OF ENERGY

[ENERGY CONSERVATION

[Of the funds appropriated under this head in Public Law 99-500 and Public Law 99-591, an additional $2,800,000 shall be available for continuing a research and development initiative with the National Laboratories for new technologies up to proof-of-concept testing to increase significantly the energy efficiency of processes that produce steel, and under the same conditions contained under this head in Public Law 99-500 and Public Law 99-591.]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full-time equivalent level of the Indian Health Service by the elimination of temporary employees by reduction in force, hiring freeze or any other means without Congress having reviewed and approved such a proposal as part of the fiscal year 1988 appropriations process.

[SMITHSONIAN INSTITUTION

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses", $500,000.

[NATIONAL CAPITAL PLANNING COMMISSION

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses", $80,000.

[UNITED STATES HOLOCAUST MEMORIAL COUNCIL

[HOLOCAUST MEMORIAL COUNCIL

[Public Law 96-388, as amended (36 U.S.C. 1401 et seq.) is further amended as follows:

[(1) 36 U.S.C. 1405(a) is amended by deleting the words "the President upon the recommendation of the Chairperson of the Council" and substituting "the Chairperson of the Council, subject to confirmation of the Council", and adding the following new sentence: "The Executive Director shall serve at the pleasure of the Council.";

[(2) 36 U.S.C. 1405(b) is amended by striking the "." in subsection (2) and adding "; and" after "law" and adding the following new subsection:

["(3) implement decisions of the Council, in the manner directed by the Council, and

perform such other functions as may be assigned from time to time by the Council, the Executive Committee of the Council, or the Chairperson of the Council.".]

CHAPTER [VI] *VII*

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and employment services" for activities authorized by sections 236, 237, and 238 of the Trade Act of 1974, as amended, $20,000,000[: *Provided,* That $50,000,000 appropriated under this heading in the conference version of H.R. 5233, and made available by the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1987, Public Law 99-500 and Public Law 99-591, for the Summer Youth Employment and Training Program shall be available for obligation upon enactment of this bill for the Summer Youth Employment and Training Program for program year 1986 only].

[COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

[For an additional amount for "Community service employment for older Americans", to carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $7,800,000.

[For an additional amount for "Community service employment for older Americans", to carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $2,200,000.

[STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

[For an additional amount for "State unemployment insurance and employment service operations", $130,000,000 from the Employment Security Administration account in the Unemployment Trust Fund, of which $30,000,000 shall be used to carry out the targeted jobs tax credit program under section 51 of the Internal Revenue Code of 1986, and of which $55,000,000 shall be available only to the extent necessary to administer unemployment compensation laws to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic allocation was based, which cannot be provided for by normal budgetary adjustments based on State obligations as of December 31, 1987.]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount for "Health resources and services", [$37,500,000] *$18,750,000* for carrying out title V of the Social Security Act, as amended.

CENTERS FOR DISEASE CONTROL

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for "Disease control, research, and training", $20,000,000.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE ON AGING

For an additional amount for "National Institute on Aging," [$1,800,000] *$750,000.*

RESEARCH RESOURCES

For an additional amount for "Research Resources", $4,000,000.

NATIONAL CENTER FOR NURSING RESEARCH

For an additional amount for "National Center for Nursing Research", $1,000,000.

[ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

[ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

[For an additional amount for "Alcohol, drug abuse and mental health", $750,000.]

PUBLIC HEALTH SERVICE

PUBLIC HEALTH EMERGENCY FUND

For carrying out title III, section 319 of the Public Health Service Act, as amended, $30,000,000 for the emergency provision of drugs determined to prolong the life of individuals with Acquired Immune Deficiency Syndrome, to remain available until September 30, 1988.

FAMILY SUPPORT ADMINISTRATION

WORK INCENTIVES

For an additional amount for "Work incentives", [$35,000,000] *$17,000,000.*

OFFICE OF HUMAN DEVELOPMENT SERVICES

FAMILY SOCIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Family social services", $165,227,000 for part E of title IV of the Social Security Act, of which $43,583,000 shall be derived from unobligated balances in "Social Services Block Grant": *Provided,* That of the total additional amount, $127,184,000 shall be available for foster care and $38,043,000 shall be available for adoption assistance.

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

[For an additional amount for "Vocational and adult education", $1,000,000 for the support of curriculum coordination centers pursuant to part A of title IV of the Carl D. Perkins Vocational Education Act.]

Of the $11,000,000 appropriated for fiscal year 1987 for title IV of the Carl D. Perkins Vocational Education Act, $7,050,000 shall be for activities authorized by part A, including $6,000,000 for section 404, $450,000 shall be for section 415 of part B, and $3,500,000 shall be for section 422 of part C.

STUDENT FINANCIAL ASSISTANCE

[(TRANSFER OF FUNDS)]

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Student financial assistance", $287,000,000, to be derived by transfer from "Guaranteed student loans".

The allotment of the State of Louisiana under subpart 3 of part A of title IV of the Higher Education Act of 1965, from funds appropriated for fiscal year 1987, shall be expended without regard to the provision of sections 415A(a), 415C(b)(6), (8) and (10) of such subpart.

[HIGHER EDUCATION

[For an additional amount for "Higher education", $3,300,000, of which $1,000,000 shall be for activities authorized under part B of title III of the Higher Education Act, $1,000,000 shall be for activities authorized under part A of title VI of said Act, and $1,300,000 shall be for activities authorized under part C of title IX of said Act.

[COLLEGE CONSTRUCTION LOAN INSURANCE

[For carrying out part E of title VII of the Higher Education Act of 1965, as amended, $20,000,000 to be available until expended.

[CHICAGO LITIGATION SETTLEMENT

[(TRANSFER OF FUNDS)

[To enable the United States of America to satisfy in full any and all obligations it may have to provide financial assistance for the Chicago Board's Desegregation Plan under section 15.1 of the Consent Decree entered in the case United States v. Board of Education of the City of Chicago, 80 C 5124, and to resolve all claims of the Chicago Board and all litigation concerning the United States' obligations to the Chicago Board under section 15.1, there is hereby appropriated $83,000,000 to be derived by transfer of remaining unobligated or contingently obligated balances of appropriations for fiscal years 1983 through 1986 for the Department of Education that would have been expended or lapsed but for the escrow provisions established as a result of the litigation between the Chicago Board and the United States: *Provided,* That the Secretary of Education shall make these funds available to the Board in a timely fashion, when needed, to be used only for desegregation activities in accordance with the terms and conditions of the Consent Decree: *Provided further,* That this $83,000,000 reappropriation constitutes full and final satisfaction of any and all past, present and future claims that the Chicago Board may have against the United States arising under or resulting from section 15.1 of the Consent Decree, and releases the United States from any further liability under section 15.1: *Provided further,* That the funds appropriated by this Act shall remain available until expended.]

RELATED AGENCIES

NATIONAL COMMISSION TO PREVENT INFANT MORTALITY

OPERATING EXPENSES

For "Operating expenses", $700,000, to remain available until September 30, 1988.

CHAPTER [VII] *VIII*

LEGISLATIVE BRANCH

SENATE

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Cecile F. Zorinsky, widow of Edward Zorinsky, late a Senator from Nebraska, $89,500.

SALARIES, OFFICERS AND EMPLOYEES

OFFICE OF THE SECRETARY

For an additional amount for "Office of the Secretary", $100,000.

ADMINISTRATIVE, CLERICAL AND LEGISLATIVE ASSISTANCE TO SENATORS

For an additional amount for "Administrative, Clerical and Legislative Assistance to Senators", $27,700, which shall not be available until July 1, 1987.

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous items", $1,500,000.

ADMINISTRATIVE PROVISIONS

SECTION 1. (a) The Secretary of the Senate shall, upon the written request of the Majority or Minority Leader of the Senate, transfer from any available funds in such Leader's allotment in the Leader's Representation Allowance (as defined in subsection (b)(1) for any fiscal year (commencing with the fiscal

year ending September 30, 1985) to such Leader's Expense Allowance (as defined in subsection (b)(2)) to such year such amount as is specified in the request. Any funds so transferred for any fiscal year at the request of either such Leader shall be available to such Leader for such year for the same purposes as, and in like manner and subject to the same conditions as, are other funds which are available to him for such year as his expense allowance as Majority or Minority Leader.

(b)(1) The term "Leader's Representation Allowance" means the Representation Allowance Account for the Majority and Minority Leaders established by section 197 of Public Law 99-88 (2 U.S.C. 31a-2).

(2) The term "Leader's Expense Allowance", when used in reference to the Majority or Minority Leader of the Senate, refers to the moneys available, for any fiscal year, to such Leader as an expense allowance and the appropriation account from which such moneys are funded.

SEC. 2. (a) The Secretary of the Senate is authorized to use any available funds (but not in excess of $25,000 for any fiscal year), out of the appropriation account (within the Contingent Fund of the Senate) for the Secretary of the Senate, to assist him in the proper discharge, within the United States, of his appropriate responsibilities to members of foreign parliamentary groups or other foreign officials.

(b) The provisions of subsection (a) shall be effective in the case of expenditures for fiscal years ending after September 30, 1986.

SEC. 3. (a) Effective July 1, 1987, the table contained in section 105(d)(1) of the Legislative Branch Appropriation Act of 1968, as amended (2 U.S.C. 61-1(d)(1)), is amended by striking out—

"$904,114 if such population is 5,000,000 but less than 7,000,000;" and inserting in lieu thereof

"$904,114 if such population is 5,000,000 but less than 6,000,000;

"$931,810 if such population is 6,000,000 but less than 7,000,000;".

(b) Effective July 1, 1987, the administrative and clerical allowance of each Senator from the State of Georgia and the State of North Carolina is increased to that allowed Senators from States having a population of six million but less than seven million, the population of said State having exceeded six million inhabitants.

(c) Effective July 1, 1987, the administrative and clerical allowance of each Senator from the State of Indiana, the State of Massachusetts, the State of Missouri, and the State of Virginia, is that allowed Senators from States having a population of five million but less than six million.

SEC. 4. The chairman of the Majority or Minority Conference Committee of the Senate may, during the fiscal year ending September 30, 1987, at his election, transfer not more than $40,000 from the appropriation account for salaries for the Conference of the Majority and the Conference of the Minority of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable under section 120 of Public Law 97-51 (2 U.S.C. 61g-6). Any transfer made at such time or times as such chairman shall specify in writing to the Senate Disbursing Office. Any funds so transferred by the chairman of the Majority or Minority Conference Committee shall be available for expenditure by such committee in like manner and for the same purposes as are other moneys which are available for expenditure by such committee from the account, within the contingent fund of the Senate, from which expenses are payable under section 120 of Public Law 97-51 (2 U.S.C. 61g-6).

SEC. 5. Section 101(j) of Public Law 99-591 is amended by adding at the end thereof the following new sentence: "For purposes of the preceding sentence, the figure '$177,435,714' which appears in such H.R. 5203, in title I, under the item 'SALARIES, OFFICERS AND EMPLOYEES', shall be deemed to be '$177,535,714'.".

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Elizabeth J. Grotberg, widow of John E. Grotberg, late a Representative from the State of Illinois, $75,100.

For payment to Joy Temes, daughter of Sala Burton, late a Representative from the State of California, $77,400.

CONTINGENT EXPENSES OF THE HOUSE

STANDING COMMITTEES, SPECIAL AND SELECT

For an additional amount for "Standing committees, special and select", $1,950,000.

ALLOWANCES AND EXPENSES

For an additional amount for "Allowances and expenses", $9,508,000, including "Supplies, materials, administrative costs and Federal tort claims", $8,893,000, of which $6,845,000 shall remain available until expended for the purchase of a telephone switch for the House of Representatives; "Reemployed annuitants reimbursements", $368,000; and a special session or ceremony of the Congress in honor of the Bicentennial of the Constitution, $247,000, subject to adoption of an authorizing resolution.

SALARIES, OFFICERS AND EMPLOYEES

For an additional amount for "Salaries, officers and employees", $371,000, including "Office of the Clerk", $280,000; "Office of the Sergeant at Arms", $72,000; and "Office of the Law Revision Counsel", $19,000.

ADMINISTRATIVE PROVISION

Section 101(j) of the Legislative Branch Appropriations Act, 1987 (Public Law 99-500 and Public Law 99-591) is amended by inserting "'House leadership offices,'" after "'Allowances and expenses,'".

JOINT ITEMS

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for "General expenses", $180,000.

CAPITOL GUIDE SERVICE

For an additional amount to "Capitol Guide Service", $109,000.

ARCHITECT OF THE CAPITOL

WEST CENTRAL FRONT OF THE CAPITOL

(DEFERRAL)

Upon enactment of this Act, no funds appropriated and remaining available until expended for the West Central Front in the Act making supplemental appropriations for the fiscal year 1983, and for other purposes (Public Law 98-63), shall be available until October 1, 1987, unless such funds are necessary for the payment of administrative and engineering inspection staff.

ADMINISTRATIVE [PROVISION] Provisions

Title I of the Legislative Branch Appropriations Act, 1987 (Public Law 99-500 and Public Law 99-591) is amended, in clause (4) of the paragraph relating to "Office of the Attending Physician" under the main heading "Joint Items", by striking out "eleven" and inserting in lieu thereof "twelve".

Effective October 18, 1986, section 101(j) of the joint resolution making continuing appropriations for the fiscal year 1987, and for other purposes (Public Law 99-500 and 99-591; 100 Stat. 1783-287, 3341-287) is amended by inserting ", and the provisions of H.R. 5203 (to such extent and in such manner) shall be effective as if enacted into law" immediately before the period at the end.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $350,000.

CHAPTER [VIII] *IX*

MILITARY CONSTRUCTION

ADMINISTRATIVE PROVISIONS

[MATHER AIR FORCE BASE

[The Department of Defense is directed to terminate all work in connection with the study for possible base closure of Mather Air Force Base, California.

[FAMILY HOUSING, NAVY AND MARINE CORPS

[In addition to any other funds which may be available for such purpose, the Secretary of the Navy is authorized to expend monies made available by the City of San Diego, California for the relocation or replacement of four family housing units in San Diego, California as a consequence of a final judgment in United States v. 35.934 Acres of Land, et al., Civil Action No. 800-0021-E in United States District Court for the Southern District of California.]

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

None of the funds previously appropriated for North Atlantic Treaty Organization Infrastructure may be used for the procurement of aircraft.

TORREJON AIR BASE, SPAIN

It is the sense of the Senate that all facility construction costs associated with the relocation of the Tactical Fighter Wing at Torrejon Air Base, Spain, to another location, should be the responsibility of the North Atlantic Treaty Organization.

NAVAL AIR STATION, ADAK, ALASKA

Within the funds previously appropriated for military construction planning and design, Navy, $1,500,000 shall be available for design of a middle school at Naval Air Station, Adak, Alaska.

CHAPTER [IX] *X*

DEPARTMENT OF AGRICULTURE

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

Section 17(g)(1) of the Child Nutrition Act of 1966 is amended—

(1) by inserting "and" after "September 30, 1986,"; and

(2) by striking "and September 30, 1988" and all that follows through the end of the sentence and inserting in lieu thereof "September 30, 1988, and September 30, 1989.".

[OFFICE OF THE SECRETARY OF AGRICULTURE

[INVESTIGATIONS OF CHANGES NEEDED IN FARM PROGRAMS IN ORDER TO RESTORE THE AMERICAN FARM ECONOMY

[To enable the Secretary of Agriculture to investigate whether producers of basic agricultural commodities, including soybeans, favor the imposition of mandatory limits on the production of basic agricultural commodities, including soybeans, that will result in prices for such commodities that provide a fair return to the farm producer at not less than the cost of production, $6,000,000.

[To enable the Secretary of Agriculture to investigate the quantity of each basic agricultural commodity, including soybeans, needed by crop year to meet domestic consumption, to maintain an adequate reserve, and to regain and retain our fair share of world markets, $2,000,000.

[To enable the Secretary of Agriculture to investigate the changes needed in existing rules and regulations of the Department of Agriculture to provide for implementation of mandatory limits on the production of basic agricultural commodities, including soybeans, and nonrecourse loans on basic agricultural commodities, including soybeans, that reflect a fair return to the farm producer at not less than the cost of production, $2,000,000.]

AGRICULTURAL RESEARCH SERVICE

For an additional amount for "Agricultural Research Service", [$450,000] *$10,450,000, to remain available until expended: Provided, That $10,000,000 shall be made available for a grant for a human nutrition research center to be designated and established hereafter as a United States Department of Agriculture nutrition research center at the Pennington Biomedical Research Center of Louisiana State University.*

COOPERATIVE STATE RESEARCH SERVICE

For an additional amount for "Cooperative State Research Service", $300,000: *Provided,* That of the amounts appropriated under the heading "Cooperative State Research Service" in the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987, made applicable by section 101(a) of the Continuing Appropriations Act, 1987 (Public Law 99-500 and Public Law 99-591), for payments to agricultural experiment stations to carry out the purposes of the Hatch Act, as amended (7 U.S.C. 361a-361i), any monies available for allotment to any recipient, but withheld by the Secretary of Agriculture for failure to meet the matching requirements of the Hatch Act, may be reapportioned to other agricultural experiment stations and used to carry out the purposes of the Hatch Act: *Provided further,* That no experiment station that received funds under the Hatch Act during fiscal year 1986 shall receive a total allotment in fiscal year 1987 that exceeds the total allotment it received in fiscal year 1986.

For grants to States for the establishment and operation of international trade development centers, as authorized by the National Agricultural Research Extension and Teaching Policy Act of 1977, as amended, (7 U.S.C. 3292), $3,200,000, to remain available until expended.

[BUILDINGS AND FACILITIES]

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research, extension and teaching programs of the Department of Agriculture, where not otherwise provided, [$16,200,000] *$8,000,000,* to remain available until expended.

EXTENSION SERVICE

For an additional amount for "Extension Service", for special grants for financially stressed farmers and dislocated farmers as authorized by section 1440 of Public Law 99-198, $600,000, to remain available until expended.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

For an additional amount for "Animal and Plant Health Inspection Service", [*$3,000,000*] *$8,500,000.*

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

(TRANSFER OF FUNDS)

For an additional amount for "Agricultural Stabilization and Conservation Service, Salaries and expenses", $24,000,000: *Provided,* That not to exceed $24,000,000 of the above amount may be transferred to this account from the Commodity Credit Corporation.

DAIRY INDEMNITY PROGRAM

For the Dairy Indemnity Program, an additional $1,000,000, to remain available until expended: Provided, That this amount shall be transferred to the Commodity Credit Corporation: Provided further, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

GENERAL SALES MANAGER

(TRANSFER OF FUNDS)

Not to exceed an additional $705,000 may be transferred from the Commodity Credit Corporation funds to the General Sales Manager to help implement export programs, including the adjustment of the offering price to remain competitive, as authorized by law, and programs mandated in the Food Security Act of 1985.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

(TRANSFER OF FUNDS)

To reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a-12), [$6,563,189,000] *$6,653,189,000,* such funds to be available, together with other resources available to the Corporation, to finance the Corporation's programs and activities during fiscal year 1987: *Provided,* That of the foregoing amount not to exceed the following amounts shall be available for the following programs: [export guaranteed loan claims, $300,000,000;] conservation reserve program, $400,000,000; additional payments to producers under section 633(B) of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987 (Public Law 99-500 and Public Law 99-591), which shall be made to cover the difference between the partial payment and the amount of the full claim, $135,000,000; [and interest payments to the United States Treasury, $400,000,000:] *Provided further,* That five per centum of the funds available for the conservation reserve program in this Act shall be transferred to the conservation operations account of the Soil Conservation Service for services of its technicians in carrying out the conservation programs of the Food Security Act of 1985.

HONEY

Section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(2)) (as added by section 108(a) of Public Law 99-500 and Public Law 99-591) is amended by striking out subparagraph (C).

FARMERS HOME ADMINISTRATION

The Secretary may adjust interest rates on existing nonsubsidized loans if he determines such interest rates are excessive in relation to prevailing commercial rates for comparable loans: *Provided,* That such rate adjustments shall constitute a change in the loan agreement and not a new loan.

The limitations on loan prepayments contained in section 634 of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987 shall remain in effect through September 30, 1987.

[RURAL DEVELOPMENT GRANTS

[For a grant pursuant to section 310B(c) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1932), for the development of Choctaw Regional Rural Industrial Park, $3,000,000.]

RURAL HOUSING INSURANCE FUND

During fiscal year 1987, and within the resources and authority available, obligations for direct loans and related advances pursuant to section 515 of the Housing Act of 1949 (42 U.S.C. 1485), shall not exceed $554,900,000.

For an additional amount for rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Housing Act of 1949, as amended, $115,000,000, to be used for contracts for newly constructed units financed under sections 514, 515 and 516 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, 1486).

LOAN SERVICING REGULATIONS

None of the funds appropriated or made available by this or any other Act, or otherwise made available to the Secretary of Agriculture or the Farmers Home Administration, may be used to implement the regulations relating to the general revision of farmer program regulations of the Farmers Home Administration published in 52 Federal Register 1706 (1987) or any other regulations that would have the same effect as such regulations.

RURAL ELECTRIFICATION ADMINISTRATION

A borrower of a loan made by the Federal Financing Bank and guaranteed under section 306 of the Rural Electrification Act of 1936 (7 U.S.C. 936) that serves 3 or fewer customers per mile may, at the option of the borrower, prepay such loan (or any loan advance thereunder) in accordance with section 306A of such Act (7 U.S.C. 936a).

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Soil Conservation Service, Watershed and flood prevention operations" for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented, $300,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

CHANGE IN TUITION LIMITATION FOR PRIVATE SCHOOLS

(a) SCHOOL LUNCH PROGRAMS.—Section 12(d)(5) of the National School Lunch Act (42 U.S.C. 1760(d)(5)) is amended to read as follows:

"(5) 'School' means (A) any public or nonprofit private school of high school grade or under, (B) any public or licensed nonprofit private residential child care institution (including, but not limited to, orphanages and homes for the mentally retarded, but excluding Job Corps Centers funded by the Department of Labor), and (C) with respect to the Commonwealth of Puerto Rico, nonprofit child care centers certified as such by the Governor of Puerto Rico. For purposes of clauses (A) and (B) of this paragraph, the

term 'nonprofit', when applied to any such private school or institution, means any such school or institution which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1954.".

(b) SCHOOL BREAKFAST PROGRAMS.—Section 15(c) of the Child Nutrition Act of 1966 (42 U.S.C. 1784(c)) is amended to read as follows:

"(c) 'School' means (A) any public or nonprofit private school of high school grade or under, including kindergarten and preschool programs operated by such school, (B) any public or licensed nonprofit private residential child care institution (including, but not limited to, orphanages and homes for the mentally retarded, but excluding Job Corps Centers funded by the Department of Labor), and (C) with respect to the Commonwealth of Puerto Rico, nonprofit child care centers certified as such by the Governor of Puerto Rico. For purposes of clauses (A) and (B) of this paragraph, the term 'nonprofit', when applied to any such private school or institution, means any such school or institution which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1954.".

EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 1987.

REIMBURSEMENT

Of the funds made available under the heading "CHILD NUTRITION PROGRAMS" of title III of the provisions made effective by section 101(a) of Public Law 99-190 but not requested through an official budget request transmitted to the Congress—

(1) $167,500,000 shall be available to the Secretary of Agriculture to reimburse State agencies for meals served under child nutrition programs conducted under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) in September, 1987; and

(2) $50,000 shall be available to the Secretary of Agriculture to provide cash compensation to eligible school districts for losses sustained by the districts as a result of the alteration of the methodology used to conduct the study referred to in section 1581(a) of the Food Security Act of 1985 (99 Stat. 1594) during the school year ending June 30, 1983.

SPECIAL MILK PROGRAM

For an additional amount for "Food and Nutrition Service, Special milk program", $3,426,000.

FOREIGN AGRICULTURAL SERVICE

For an additional amount for "Foreign Agricultural Service" to offset increases in overseas costs, [$1,000,000] *$2,000,000.*

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

(TRANSFER OF FUNDS)

Funds available to the Department of Agriculture during fiscal year 1987 shall be available to assist an international organization in meeting the costs, including salaries, fringe benefits and other associated costs, related to the employment by the organization of Federal personnel that may transfer to the organization under the provisions of 5 U.S.C. 3581-3584, or of other well-qualified United States citizens, for the performance of activities that contribute to increased understanding of international agricultural issues. Such funds may be transferred for such purpose from one appropriation to another or to a single account: *Provided,* That not to exceed a total of $500,000 may be expended for such purpose and such amount shall remain available until expended.

FOOD AND DRUG ADMINISTRATION

For an additional amount for "Food and Drug Administration, Salaries and expenses", $1,500,000 for evaluation and analysis of the drugs, vaccines, and tests for treatment of Acquired Immune Deficiency Syndrome.

Section 3 of the Saccharin Study and Labeling Act (21 U.S.C. 348 nt.) is amended by striking out "May 1, 1987" and inserting in lieu thereof "May 1, 1992".

CHAPTER [X] *XI*

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(TRANSFER OF FUNDS)

For an additional amount for "Operations", [$55,200,000] *$55,000,000, of which $29,598,400, shall be derived by transfer from the unobligated balances of "Facilities and Equipment", $11,619,000, to be derived by transfer from "Operation and maintenance, Metropolitan Washington airports", $5,000,000, to be derived by transfer from "Construction, Metropolitan Washington airports", and $8,782,600, to be derived by transfer from the unobligated balances of "Payments to air carriers".*

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING RESCISSION)

For an additional amount for liquidation of obligations incurred for airport planning and development under section 14 of Public Law 91-258, as amended, and under other laws authorizing such obligations, and obligations for noise compatibility planning and programs, $160,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended[:—*Provided,* That the first proviso under the heading "Grants-in-Aid for Airports (Liquidation of Contract Authorization) (Airport and Airway Trust Fund)", as contained in the Department of Transportation and Related Agencies Appropriations Act, 1987, 99th Congress, H.R. 5205, to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference thereon, 99th Congress, House Report 99-976, as filed in the House of Representatives on October 7, 1986, as if enacted into law, pursuant to section 101(l) of Public Law 99-500 and Public Law 99-591, approved October 30, 1986, is amended as follows:

[*"Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of $1,000,000,000 in fiscal year 1987 for grants-in-aid for airport planning and development and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982, as amended: *Provided further,* That an additional $25,000,000 of such commitments may be made in fiscal year 1987 using unobligated amounts in the supplementary discretionary fund provided by sections 505(a) and 507(a)(3)(B) of such Act, without affecting the amount authorized to be appropriated from the Airport and Airway Trust Fund under section 506(c), the amount of apportionments required to be made under section 507, or the satisfaction of general limitations under section 508(d) of such Act."]*: Provided, That of the unobligated contract authority available for airport development and planning pursuant to section 505(a) of the Airport and Airway Improvement Act of 1982, $150,000,000 are hereby rescinded.*

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

For the settlement of promissory notes issued to the Secretary of the Treasury, $2,602,000, to remain available until expended, together with such sums as may be necessary for the payment of interest due under the terms and conditions of such notes.

FEDERAL HIGHWAY ADMINISTRATION

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out the provisions of section 402 of Public Law 97-424, $35,000,000, to be derived from the Highway Trust Fund and to remain available until expended*: Provided, That of the funds previously appropriated for fiscal year 1987 "Motor Carrier Safety Grants", $15,469,000 are hereby rescinded.*

[BALTIMORE-WASHINGTON PARKWAY

[(HIGHWAY TRUST FUND)

[(TRANSFER OF FUNDS)

[For an additional amount for "Baltimore-Washington Parkway", $2,000,000, to be derived by transfer from "Motor Carrier Safety Grants" and to remain available until expended.

[HIGHWAY SAFETY AND ECONOMIC DEVELOPMENT DEMONSTRATION PROJECTS

[(HIGHWAY TRUST FUND)

[(TRANSFER OF FUNDS)

[For an additional amount for "Highway Safety and Economic Development Demonstration Projects", $5,000,000, to be derived by transfer from "Motor Carrier Safety Grants" and to remain available until expended.

[HIGHWAY SAFETY IMPROVEMENT DEMONSTRATION PROJECT

[(HIGHWAY TRUST FUND)

[(TRANSFER OF FUNDS)

[For an additional amount for "Highway Safety Improvement Demonstration Project", $2,000,000, to be derived by transfer from "Motor Carrier Safety Grants" and to remain available until expended.

[HIGHWAY-RAILROAD GRADE CROSSING SAFETY DEMONSTRATION PROJECT

[(HIGHWAY TRUST FUND)

[(TRANSFER OF FUNDS)

[For an additional amount for "Highway-Railroad Grade Crossing Safety Demonstration Project", $2,000,000, to be derived by transfer from "Motor Carrier Safety Grants" and to remain available until expended.

[VEHICULAR AND PEDESTRIAN SAFETY DEMONSTRATION PROJECT

[(HIGHWAY TRUST FUND)

[(TRANSFER OF FUNDS)

[For the purpose of carrying out a demonstration of methods of improving vehicular and pedestrian safety on roads on the Federal-aid urban and Federal-aid secondary systems, involving Route 66 in Northampton and Huntington, Massachusetts, there is hereby authorized to be appropriated $12,000,000, to be derived from the Highway Trust Fund and to remain available until expended, of which $5,000,000 is hereby appropriated to be derived by transfer from "Motor Carrier Safety Grants" and to remain available until expended: *Provid-*

ed, That all funds appropriated under this head shall be exempt from any limitation on obligations for Federal-aid highways and highway safety construction programs.

[NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[OPERATIONS AND RESEARCH

[(TRANSFER OF FUNDS)

[For an additional amount for "Operations and Research", $1,000,000, to be derived from unobligated balances of funds made available by section 311 of Public Law 96-131 for replacement of facilities associated with Interstate Route 170 and to be merged with this account, notwithstanding any limitation on obligations on Federal-aid highways, and to remain available until expended.]

FEDERAL RAILROAD ADMINISTRATION

RAIL SERVICE ASSISTANCE

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves deferral D87-42 relating to the Federal Railroad Administration, "Rail Service Assistance", as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

RAILROAD SAFETY

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves deferral D87-43 relating to the Federal Railroad Administration, "Railroad Safety", as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves deferral D87-45 relating to the Federal Railroad Administration, "Northeast Corridor Improvement Program", as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

For payment to the Secretary of the Treasury for debt reduction, $12,500,000, to remain available until expended, together with such sums as may be necessary for the payment of interest due to the Secretary of the Treasury under the terms and conditions of such debt.

SETTLEMENTS OF RAILROAD LITIGATION

For the settlement of promissory notes pursuant to section 210(f) of the Regional Rail Reorganization Act of 1973 (Public Law 93-236), as amended, $56,928,495, to remain available until expended, together with such sums as may be necessary for the payment of interest due to the Secretary of the Treasury under the terms and conditions of such notes.

CONRAIL COMMUTER TRANSITION ASSISTANCE

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves deferral D87-46 relating to the Federal Railroad Administration, "Conrail Commuter Transition Assistance", as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

URBAN MASS TRANSPORTATION ADMINISTRATION

RESEARCH, TRAINING, AND HUMAN RESOURCES

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves [$4,036,000] *$4,336,000* of the proposed deferral D87-47 relating to the Urban Mass Transportation Administration, "Research, Training, and Human Resources", as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Act and the amount of the deferral disapproved herein shall be made available for obligation.

INTERSTATE TRANSFER GRANTS—TRANSIT

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves deferral D87-48 relating to the Urban Mass Transportation Administration, "Interstate Transfer Grants—Transit", as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $4,000,000, or so much thereof as may be available in and derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

RELATED AGENCIES

DEPARTMENT OF THE TREASURY

REBATE OF SAINT LAWRENCE SEAWAY TOLLS

(HARBOR MAINTENANCE TRUST FUND)

For rebate of the United States' portion of tolls paid for use of the Saint Lawrence Seaway, pursuant to Public Law 99-662, $6,250,000, or so much thereof as may be available in and derived from the Harbor Maintenance Trust Fund, to remain available until expended, of which not to exceed $250,000 shall be available for expenses of administering the rebates.

PANAMA CANAL COMMISSION

OPERATING EXPENSES

For an additional amount for "Operating Expenses", [$8,013,000] *$2,013,000,* to be derived from the Panama Canal Commission Fund, [of which $6,000,000 shall be available to cover the cost of removing a landslide at the Panama Canal, and $2,013,000] shall be available for payment to the Republic of Panama, pursuant to article XIII, paragraph 4(c) of the Panama Canal Treaty of 1977.

GENERAL [PROVISION] *PROVISIONS*

AMTRAK ADVISORY COMMISSION

None of the funds provided for the Department of Transportation in this or any other Act shall be used to implement any charter establishing an advisory commission on the privatization of Amtrak.

DISCRETIONARY BRIDGE PROGRAM

Notwithstanding any other provision of law, the Secretary of Transportation is directed to consider phase 1 and phase 2 of the construction of a bridge across the Mississippi River at Dubuque, Iowa, known as the Dubuque City Island Bridge, as one project, and for the purpose of determining which projects to fund under the discretionary bridge program, assign to phase 2 of such construction the same priority that was given to phase 1 of such construction.

POMPANO BEACH AIR PARK

None of the funds appropriated for the Federal Aviation Administration under this or any other Act shall be used (1) to compel the City of Pompano Beach, Florida, to redesignate any land designated as nonaviation use land at the Pompano Beach Air Park as of November 1, 1966, or (2) to take any action to revert the Pompano Beach Air Park.

CHAPTER [XI] *XII*

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses", $5,500,000, of which $500,000 is for the Office of Depreciation Analysis, and of which $5,000,000 is to remain available until expended for repairs and improvements to the Treasury Annex.]

For an additional amount for "Salaries and expenses", $5,000,000, to remain available until expended for repairs and improvements to the Treasury Annex.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

Of the funds appropriated under this heading by the Treasury, Postal Service, and General Government Appropriations Act, fiscal year 1987, Public Law 99-500 and Public Law 99-591, $2,500,000 shall remain available until September 30, 1988: Provided, That funds made available under this heading by the Treasury, Postal Service, and General Government Appropriations Act, fiscal year 1987, Public Law 99-500 and Public Law 99-591 shall be used in part to raise the base level of employment at the Federal Law Enforcement Training Center to 325 full-time equivalent positions in the fiscal year ending September 30, 1987.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,900,000, which shall remain available through September 30, 1988, for headquarters relocation.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", [$10,000,000] *$5,000,000: Provided, That the additional funds made available by this Act shall be used in part to raise the base level of employment for the Bureau of Alcohol, Tobacco, and Firearms to 3,251 full-time equivalent positions for the fiscal year ending September 30, 1987: Provided further, That funds made available by this Act may be used to purchase two additional special explosives investigative vehicles and associated investigative equipment.*

UNITED STATES CUSTOMS SERVICE

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

[Of the funds appropriated under this heading in Public Law 99-500 and Public

Law 99-591, $2,500,000 shall remain available until September 30, 1988, for the purpose stated in the conference report to accompany H.J. Res. 738 (House Report 99-1005).

[DISAPPROVAL OF DELAY IN AVAILABILITY]

(DISAPPROVAL OF DELAY IN AVAILABILITY)

The Congress disapproves the proposal to delay availability of obligation of $32,099,000 for Operation and Maintenance, Air Interdiction Program, until after October 1, 1987, contained in House Document 100-31, of February 9, 1987. This disapproval shall be effective upon enactment into law of this Act and the funds shall be made available for obligation.

INTERNAL REVENUE SERVICE

PROCESSING TAX RETURNS

For an additional amount for "Processing tax returns", $55,200,000.

EXAMINATION AND APPEALS

For an additional amount for "Examination and appeals", $8,110,000.

INVESTIGATION, COLLECTION AND TAXPAYER SERVICE

For an additional amount for "Investigation, collection, and taxpayer service", $16,690,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $5,722,000*: Provided, That of the funds appropriated under this heading in the Treasury, Postal Service, and General Government Appropriations Act, fiscal year 1987, Public Law 99-500 and Public Law 99-591, $6,000,000 appropriated for continued construction at the James J. Rowley Secret Service Training Center shall remain available until expended.*

[UNITED STATES POSTAL SERVICE

[PAYMENT TO THE POSTAL SERVICE FUND

[For an additional amount for "Payment to the Postal Service Fund", $79,177,000.]

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

In addition to the aggregate amount heretofore made available for real property management and related activities in fiscal year 1987, $61,900,000 shall be made available for rental of space: *Provided,* That any revenues, collections and any other sums accruing to this fund during fiscal year 1987 in excess of $2,447,756,000, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For an additional amount for "Operating expenses", $475,000.

GENERAL PROVISIONS

WAIVER OF PAY RETENTION REGULATIONS

Notwithstanding section 536.104(a)(3) of Title 5, Code of Federal Regulations, Federal wage employees in the Tucson, Arizona, wage area whose pay has been reduced as a result of a wage survey conducted during fiscal year 1986 shall be entitled to pay retention under 5363 of title 5, United States Code, commencing on the date such reduction took effect.

CUSTOMS FORFEITURE FUND

TECHNICAL CORRECTION TO PUBLIC LAW 99-570

Section 1152(b) of Public Law 99-570 is repealed, and shall be treated as though it had never been enacted.

ALLOWANCES FOR CERTAIN GSA PERSONNEL

Notwithstanding sections 5923 and 5924, title 5, United States Code and any applicable regulations, the General Services Administration shall honor allowances initially authorized, resulting in an aggregate amount of $27,000 payable to twenty-one General Services Administration employees for certain cost of living and related expenses during official foreign duty from November 1984 through September 1985.

TITLE II—INCREASED PAY COSTS FOR THE FISCAL YEAR 1987

For additional amounts for appropriations for the fiscal year 1987, for increased pay costs authorized by or pursuant to law as follows:

LEGISLATIVE BRANCH

SENATE

"Salaries, officers and employees", $5,715,000;

"Office of the Legislative Counsel of the Senate", $47,000;

"Inquiries and investigations", $1,116,000;

HOUSE OF REPRESENTATIVES

"House leadership offices", $39,000;

"Members' clerk hire", $2,584,000;

"Committee employees", $720,000;

"Special and select committees", $446,000;

"Allowances and expenses", $408,000;

"Salaries, officers and employees", $618,000;

JOINT ITEMS

"Joint Economic Committee", $75,000;

"Joint Committee on Printing", $10,000;

OFFICE OF TECHNOLOGY ASSESSMENT

"Salaries and expenses", $209,000;

CONGRESSIONAL BUDGET OFFICE

"Salaries and expenses", $80,000;

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol: "Salaries", $50,000;

"Capitol buildings", $70,000;

"Capitol grounds", $40,000;

"Senate office buildings", $250,000;

"House office buildings", $300,000;

"Capitol power plant", $40,000;

Library buildings and grounds: "Structural and mechanical care", $50,000;

BOTANIC GARDEN

"Salaries and expenses", $25,000;

LIBRARY OF CONGRESS

"Salaries and expenses", $605,000;

Copyright Office: "Salaries and expenses", $173,000, of which not more than $17,000 shall be derived from collections during fiscal year 1987 under 17 U.S.C. 111(d)(3) and 116(c)(1);

Congressional Research Service: "Salaries and expenses", $215,000;

COPYRIGHT ROYALTY TRIBUNAL

"Salaries and expenses", $5,000, of which $4,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807;

GOVERNMENT PRINTING OFFICE

Office of Superintendent of Documents: "Salaries and expenses", $46,000;

GENERAL ACCOUNTING OFFICE

"Salaries and expenses", $2,500,000;

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

"Salaries and expenses", $504,000;

"Care of the building and grounds", $24,000;

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

"Salaries and expenses", $97,000;

UNITED STATES COURT OF INTERNATIONAL TRADE

"Salaries and expenses", $69,000;

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

"Salaries and expenses," $15,032,000;

"Defender services", $593,000;

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

"Salaries and expenses", $504,000;

FEDERAL JUDICIAL CENTER

"Salaries and expenses", $116,000;

EXECUTIVE OFFICE OF THE PRESIDENT

[WHITE HOUSE OFFICE

["Salaries and expenses", $172,000;

[EXECUTIVE RESIDENCE AT THE WHITE HOUSE

["Operating expenses", $43,000;

[SPECIAL ASSISTANCE TO THE PRESIDENT

["Salaries and expenses," $10,000;

[COUNCIL OF ECONOMIC ADVISERS

["Salaries and expenses", $16,000;

COUNCIL ON ENVIRONMENTAL QUALITY

"Council on Environmental Quality and Office of Environmental Quality", $3,000;

[OFFICE OF POLICY DEVELOPMENT

["Salaries and expenses", $23,000;

[NATIONAL SECURITY COUNCIL

["Salaries and expenses", $28,000;

[OFFICE OF ADMINISTRATION

["Salaries and expenses", $57,000;

[OFFICE OF MANAGEMENT AND BUDGET

["Salaries and expenses", $290,000;

[OFFICE OF FEDERAL PROCUREMENT POLICY

["Salaries and expenses", $12,000;]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

"Office of Science and Technology Policy", $3,000;

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

"Salaries and expenses", $77,000;

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

"Operating expenses, Agency for International Development", $2,175,000;

"Operating expenses of the Agency for International Development, Office of the Inspector General", $103,000;

PEACE CORPS

"Peace Corps, operating expenses", $324,000;

AFRICAN DEVELOPMENT FOUNDATION

"African Development Foundation", $15,000;

DEPARTMENT OF AGRICULTURE

[(INCLUDING TRANSFER OF FUNDS)]

"Office of the Secretary", [$31,000] *$53,000;*

"Office of the Assistant Secretary for Administration", [$7,000] *$10,000;*

"Office of the Assistant Secretary for Governmental and Public Affairs", [$7,000] *$10,000;*

"Office of the Assistant Secretary for Economics", $7,000;

"Office of the Assistant Secretary for Science and Education", [$7,000] *$11,000*;

"Office of the Assistant Secretary for Marketing and Inspection Service", [$7,000] *$11,000*;

"Office of the Under Secretary for International Affairs and Commodity Programs", [$8,000] *$15,000*;

"Office of the Under Secretary for Small Community and Rural Development", $8,000;

"Office of the Assistant Secretary for Natural Resources and Environment", [$7,000] *$12,000*;

"Office of the Assistant Secretary for Food and Consumer Services", [$7,000] *$10,000*;

"Departmental Administration", for budget and program analysis $79,000; for personnel, finance and management, operations, information resources management, equal opportunity, small and disadvantaged business utilization, and administrative law judges and judicial officers, $232,000; making a total of $311,000;

"Building operations and maintenance", $35,000;

"Office of Governmental and Public Affairs", for public affairs $53,000; for congressional relations, $5,000; and for intergovernmental affairs $4,000;

"Office of the Inspector General", $400,000;

"Office of the General Counsel", $300,000;

"Agricultural Research Service", $3,935,000;

"National Agricultural Library", $65,000;

"Economic Research Service", $415,000;

"National Agricultural Statistics Service", $490,000;

"World Agricultural Outlook Board", $15,000;

"Foreign Agricultural Service", $567,000;

"General Sales Manager", an additional $114,000, to be derived by transfer from the Commodity Credit Corporation fund;

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

"Salaries and expenses", an additional $8,967,000, to be derived by transfer from the Commodity Credit Corporation funds;

FARMERS HOME ADMINISTRATION

"Salaries and expenses", $3,000,000;

SOIL CONSERVATION SERVICE

"Conservation operations", $7,297,000;

"River basin surveys and investigations", [$102,000] *$190,000*;

"Watershed planning", [$74,000] *$136,000*;

["Watershed and flood prevention operations", $943,000;]

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

"Salaries and expenses", $2,000,000;

FEDERAL GRAIN INSPECTION SERVICE

"Salaries and expenses", $53,000;

AGRICULTURAL MARKETING SERVICE

"Limitation on administrative expenses", (increase of $501,000 in limitation);

"Funds for strengthening markets, income and supply (section 32)", (increase of $112,000 in the limitation, "marketing agreements and orders");

"Packers and Stockyards Administration", $78,000;

"Agricultural Cooperative Service", $32,000;

"Office of Transportation", $23,000;

"Food Safety Inspection Service", $7,000,000;

FOOD AND NUTRITION SERVICE

"Food program administration", $713,000;

HUMAN NUTRITION INFORMATION SERVICE

"Salaries and expenses", $34,000;

FOREST SERVICE

"Forest research", $1,844,000[, to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service";]

"State and private forestry", $413,000[, to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service";]

"National forest system", $17,574,000[, to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service";]

"Construction", $2,859,000[, to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service";]

DEPARTMENT OF COMMERCE

(TRANSFERS OF FUNDS)

GENERAL ADMINISTRATION

"Salaries and expenses", $450,000, to be derived by transfer of unobligated balances from "Regional development programs";

ECONOMIC DEVELOPMENT ADMINISTRATION

"Salaries and expenses", $397,000, to be derived by transfer from "Economic Development Revolving Fund";

ECONOMIC AND STATISTICAL ANALYSIS

"Salaries and expenses", $332,000, to be derived by transfer of unobligated balances from "Regional development programs";

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

"Operations, Research, and Facilities", $7,505,000, to be derived by transfer from "Coastal Energy Impact Fund";

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

"Salaries and expenses", $243,000, to be derived by transfer from [“National Oceanic and Atmospheric Administration, Operations, Research, and Facilities"] *National Telecommunications and Information Administration, "Public telecommunications facilities, planning and construction"*;

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

"Operation and Maintenance, Army", $2,679,000;

"Operation and Maintenance, Navy", $3,350,000;

"Operation and Maintenance, Marine Corps", $183,000;

"Operation and Maintenance, Air Force", $1,925,000;

"Operation and Maintenance, Defense Agencies", $2,307,000;

"Operation and Maintenance, Army Reserve", $109,000;

"Operation and Maintenance, Navy Reserve", $29,000;

"Operation and Maintenance, Marine Corps Reserve", $3,000;

"Operation and Maintenance, Air Force Reserve", $281,000;

"Operation and Maintenance, Army National Guard", $285,000;

"Operation and Maintenance, Air National Guard", $618,000;

"Court of Military Appeals, Defense", $1,000;

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

"Research, Development, Test, and Evaluation, Army", $336,000;

"Research, Development, Test, and Evaluation, Navy", $33,000;

"Research, Development, Test, and Evaluation, Air Force", $306,000;

"Research, Development, Test, and Evaluation, Defense Agencies", $115,000;

DEPARTMENT OF DEFENSE—CIVIL

(INCLUDING TRANSFER OF FUNDS)

CORPS OF ENGINEERS—CIVIL

"General expenses", $1,832,000, to be derived by transfer from "Construction, General";

SOLDIERS' AND AIRMEN'S HOME

"Operation and maintenance", $554,000, to be derived by transfer from "Capital outlay";

DEPARTMENT OF ENERGY

(INCLUDING TRANSFER OF FUNDS)

"Energy Information Administration", $469,000, to be derived by transfer of unobligated balances in [“Fossil energy research and development"] *"Energy conservation"*;

"Emergency preparedness", $89,000; to be derived by transfer of unobligated balances in [“Fossil energy research and development"] *"Energy conservation"*;

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

"Salaries and expenses", $5,892,000;

HEALTH RESOURCES AND SERVICES ADMINISTRATION

"Indian health services", $7,686,000;

NATIONAL INSTITUTES OF HEALTH

"National Cancer Institute", $1,594,000;

"National Heart, Lung and Blood Institute", $628,000;

"National Institute of Dental Research", $211,000;

"National Institute of Diabetes and Digestive and Kidney Diseases", $405,000;

"National Institute of Allergy and Infectious Diseases", $498,000;

"National Institute of General Medical Sciences", $92,000;

"National Institute of Child Health and Human Development", $345,000;

"National Eye Institute", $119,000;

"National Institute of Environmental Health Sciences," $266,000;

"National Institute on Aging", $193,000;

"National Institute of Arthritis and Musculoskeletal and Skin Diseases", $50,000;

"Office of the Director", [$150,000] *$252,000*;

SAINT ELIZABETHS HOSPITAL

"Federal Subsidy for Saint Elizabeths Hospital", $2,487,000;

SOCIAL SECURITY ADMINISTRATION

"Limitation on administrative expenses", $18,000,000, to be derived from amounts available in this account for automatic data processing and telecommunications activities";

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT

"Human Development Services", [$500,000] *$1,300,000*;

DEPARTMENTAL MANAGEMENT

"General departmental management", [$1,500,000] *$2,200,000*;

"Office of Consumer Affairs", $10,000;

[DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[MANAGEMENT AND ADMINISTRATION

[SALARIES AND EXPENSES

[(TRANSFER OF FUNDS)

["Salaries and expenses", $9,714,000, to be derived by transfer from the various funds of the Federal Housing Administration;]

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

"Management of lands and resources", $5,622,000;

["Oregon and California grant lands", $815,000;]

UNITED STATES FISH AND WILDLIFE SERVICE

"Resource management", $3,046,000;

NATIONAL PARK SERVICE

"Operation of the National park system", $9,960,000;

"National recreation and preservation", $200,000;

GEOLOGICAL SURVEY

"Surveys, investigations, and research", $6,072,000;

BUREAU OF MINES

(BY TRANSFER)

"Mines and minerals", [$900,000] *$1,442,000, to be derived by transfer from unobligated balances in "Energy conservation";*

BUREAU OF RECLAMATION

"Construction Program", $3,034,000;

"Operation and Maintenance", $1,808,000;

BUREAU OF INDIAN AFFAIRS

"Operation of Indian programs", $9,765,000;

DEPARTMENTAL OFFICES

["Office of the Secretary", $350,000: *Provided,* That the limitation on expenses for the immediate Office of the Secretary in fiscal year 1987 under this head in the Department of the Interior and Related Agencies Appropriations Act, 1987, as included in Public Law 99-500 and Public Law 99-591, shall be increased only to the extent necessary for pay adjustments pursuant to Executive Order 12578 of December 31, 1986;]

"Office of the Solicitor", [$200,000] *$425,000;*

"Office of the Inspector General", [$120,000] *$245,000;*

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

"Salaries and expenses", $575,000;

UNITED STATES PAROLE COMMISSION

"Salaries and expenses", $84,000;

LEGAL ACTIVITIES

"Salaries and expenses, general legal activities", $1,646,000;

"Salaries and expenses, Antitrust Division", $315,000, to remain available until September 30, 1988;

"Salaries and expenses, United States Attorneys", $2,818,000;

"Salaries and expenses, Oversight of Bankruptcy Cases", $93,000;

"Salaries and expenses, United States Marshals Service", $2,234,000;

"Salaries and expenses, Community Relations Service", $64,000 *of which $16,000 shall remain available until expended;*

FEDERAL BUREAU OF INVESTIGATION

"Salaries and expenses", $9,309,000 of which $5,686,000 shall remain available until September 30, 1988;

DRUG ENFORCEMENT ADMINISTRATION

"Salaries and expenses", $2,593,000;

IMMIGRATION AND NATURALIZATION SERVICE

"Salaries and expenses", $5,588,000;

FEDERAL PRISON SYSTEM

"Salaries and expenses", $3,932,000;

"National Institute of Corrections", $20,000;

"Buildings and facilities", $30,000;

"Limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated" (increase of $27,000 in the limitation on Administrative expenses, and $106,000 on Vocational Training expenses);

OFFICE OF JUSTICE PROGRAMS

"Salaries and expenses", $172,000;

DEPARTMENT OF LABOR

(INCLUDING TRANSFER OF FUNDS)

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

"Salaries and expenses", $1,583,000, to be derived from the unobligated balances of Employment Standards Administration, "Salaries and expenses";

EMPLOYMENT STANDARDS ADMINISTRATION

"Black Lung Disability Trust Fund", $708,000, of which $296,000 shall be available for transfer to Employment Standards Administration, "Salaries and expenses" and of which $412,000 shall be available for transfer to Departmental Management, "Salaries and expenses";

DEPARTMENTAL MANAGEMENT

"Salaries and expenses", $1,476,000, to be derived from the unobligated balances of Employment Standards Administration, "Salaries and expenses";

"Office of the Inspector General", $460,000, to be derived from the unobligated balances of Employment Standards Administration, "Salaries and expenses";

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

"Salaries and expenses", $6,900,000;

DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

OFFICE OF THE SECRETARY

"Salaries and expenses", [$750,000] *$563,000,* to be derived by transfer from the unobligated balances of "Payments to air carriers";

COAST GUARD

"Operating expenses", [$20,100,000] *$15,100,000,* of which *$5,000,000 shall be expended from the Boat Safety Account,* $3,945,000 shall be derived from the unobligated balances of "Deepwater Port Liability Fund", $5,000,000 from the unobligated balances of "Research, development, test, and evaluation", and $1,155,000, to be derived by transfer from "United States Railway Association, Administrative expenses";

"Reserve training", $1,200,000 to be derived by transfer from the unobligated balances of the "Deepwater Port Liability Fund";

FEDERAL AVIATION ADMINISTRATION

"Headquarters administration", [$500,000] *$271,000,* to be derived by transfer from "Operation and maintenance, Metropolitan Washington airports";

"Operations", [$44,000,000, of which $8,500,000 shall be derived by transfer from the unobligated balances of "Payments to air carriers"] *$33,000,000;*

FEDERAL HIGHWAY ADMINISTRATION

"Limitation on general operating expenses" (increase of $1,200,000 in the limitation on general operating expenses);

"Motor carrier safety", $140,000, to be derived from unobligated balances of [funds made available by section 311 of Public Law 96-131 for replacement of facilities associated with Interstate Route 170 and to be merged with this account, notwithstanding any limitation on obligations on Federal-aid highways] *"Motor Carrier Safety Grants";*

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

"Operations and research", [$600,000] *$317,000, to be derived from unobligated balances of funds made available by section 311 of Public Law 96-131 for replacement of facilities associated with Interstate Route 170 and to be merged with this account, notwithstanding any limitation on obligations on Federal-aid highways;*

FEDERAL RAILROAD ADMINISTRATION

"Office of the administrator", [$200,000] *$100,000,* to be derived from the unobligated balances of "Conrail labor protection";

"Railroad safety", $400,000, to be derived from the unobligated balances of "Conrail labor protection";

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

"Limitation on administrative expenses, Saint Lawrence Seaway Development Corporation" (increase of $30,000 in the limitation on administrative expenses);

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

"Research and special programs", $150,000, to be derived from the unobligated balances of "Payments to air carriers";

OFFICE OF THE INSPECTOR GENERAL

"Salaries and expenses", $400,000, to be derived from the unobligated balances of "Payments to air carriers";

RELATED AGENCIES

NATIONAL TRANSPORTATION SAFETY BOARD

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $325,000, to be derived by transfer from the unobligated balances of "Payments to air carriers";

[DEPARTMENT OF THE TREASURY

[OFFICE OF THE SECRETARY

["Salaries and expenses", $1,353,000;

[FEDERAL LAW ENFORCEMENT TRAINING CENTER

["Salaries and expenses", $118,000;

[FINANCIAL MANAGEMENT SERVICE

["Salaries and expenses", $1,430,000;

[BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

["Salaries and expenses", $1,359,000;

[UNITED STATES CUSTOMS SERVICE

["Salaries and expenses", $12,577,000;

[UNITED STATES MINT

["Salaries and expenses", $571,000;

[BUREAU OF THE PUBLIC DEBT

["Salaries and expenses", $721,000;

[INTERNAL REVENUE SERVICE

["Salaries and expenses", $1,000,000;

["Processing Tax Returns", $7,003,000;

["Examination and Appeals", $13,700,000;

["Investigation, Collection, and Taxpayer Service", $11,400,000;

[UNITED STATES SECRET SERVICE

["Salaries and expenses", $2,045,000;]

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $9,000,000, [of which $2,000,000 shall be derived by transfer from the "Buildings and facilities" appropriation for construction of a laboratory at the Environmental Research Center at the University of Nevada, Las Vegas] *which shall be derived by transfer from "Research and development": Provided, That of the amount heretofore provided for any activity or project, the amount reduced shall not exceed 8 per centum*;

[GENERAL SERVICES ADMINISTRATION

[FEDERAL SUPPLY SERVICE

["Operating expenses", $1,233,000: *Provided*, That in addition to this appropriation, the annual limitation for expenses of transportation audit contracts and contract administration payable from overcharges collected is increased by $4,000 to $10,504,000;

[INFORMATION RESOURCES MANAGEMENT SERVICE

["Operating expenses", $297,000;

[FEDERAL PROPERTY RESOURCES SERVICE

["Operating expenses", $177,500;

[GENERAL MANAGEMENT AND ADMINISTRATION

["Salaries and expenses", $912,000;

[OFFICE OF INSPECTOR GENERAL

["Office of Inspector General", $198,000;

[ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

["Allowances and Office Staff for Former Presidents", $3,000;

[FEDERAL BUILDINGS FUND

["Limitations on availability of revenue", in addition to the aggregate amount heretofore made available for real property management and related activities in fiscal year 1987, $3,071,700 shall be available for such purposes and the limitation on the amount available for real property operations is increased to $755,959,000 and the limitation on the amount available for program direction and centralized services is increased to $57,219,000 and the limitation on the amount available for design and construction services is increased to $63,537,700: *Provided*, That any revenues and collections and any other sums accruing to this fund during fiscal year 1987, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), in excess of $2,450,827,700 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts;]

CONSUMER INFORMATION CENTER

"Consumer Information Center", $8,000 (and an increase of $8,000 in the limitation on administrative expenses);

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

"Research and program management", $25,000,000, [of which $12,000,000 shall be derived by transfer from] *to be derived by transfer from "Research and development" and* "Space flight, control and data communications";

SMALL BUSINESS ADMINISTRATION

SMALL BUSINESS ADMINISTRATION

(TRANSFER OF FUNDS)

"Salaries and expenses," $2,400,000, to be derived by transfer from the "Business Loan and Investment Fund", to remain available until September 30, 1988;

VETERANS ADMINISTRATION

"Medical care", $149,391,000;

"Medical and prosthetic research", $1,859,000;

"Medical administration and miscellaneous operating expenses", $400,000;

"General operating expenses", $5,500,000;

"Construction, minor projects" (increase of $350,000 in the limitation on the expenses of the Office of Facilities);

OTHER INDEPENDENT AGENCIES

[ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

["Salaries and expenses", $34,000;

[ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

["Salaries and expenses", $8,000;

[ADVISORY COMMITTEE ON FEDERAL PAY

["Salaries and expenses", $1,000;]

AMERICAN BATTLE MONUMENTS COMMISSION

"Salaries and expenses", $140,000;

[ARMS CONTROL AND DISARMAMENT AGENCY

["Arms control and disarmament activities", $124,000;

[COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

["Salaries and expenses", $4,000;]

CONSUMER PRODUCT SAFETY COMMISSION

"Salaries and expenses", $250,000;

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"Salaries and expenses", $2,640,000;

EXPORT-IMPORT BANK

"Limitation on administrative expenses" (increase of $157,000 in the limitation on administrative expenses);

FEDERAL COMMUNICATIONS COMMISSION

"Salaries and expenses", $755,000;

FEDERAL HOME LOAN BANK BOARD

"Limitation on administrative expenses, Federal Home Loan Bank Board" (increase of $200,000);

[FEDERAL LABOR RELATIONS AUTHORITY

["Salaries and expenses", $136,000;]

FEDERAL MARITIME COMMISSION

"Salaries and expenses", $200,000;

FEDERAL MEDIATION AND CONCILIATION SERVICE

"Salaries and expenses", $181,000;

[MERIT SYSTEMS PROTECTION BOARD

["Salaries and expenses", $170,000;

["Office of the Special Counsel", $42,000;

[NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

["Salaries and expenses", $592,000;]

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

"Salaries and expenses", $6,000;

NATIONAL ENDOWMENT FOR THE ARTS

"Grants and administration", $200,000;

NATIONAL ENDOWMENT FOR THE HUMANITIES

"Grants and administration", $200,000;

NATIONAL LABOR RELATIONS BOARD

"Salaries and expenses", $628,000;

NATIONAL MEDIATION BOARD

"Salaries and expenses", $60,000;

NATIONAL SCIENCE FOUNDATION

"Research and related activities" (increase of $1,300,000 in the limitation on program development and management);

[OFFICE OF PERSONNEL MANAGEMENT

[(INCLUDING TRANSFER OF FUNDS)

["Salaries and expenses", $731,000 together with an additional amount of $435,000 for current fiscal year administration expenses for the retirement and insurance program to be transferred from the appropriate trust funds of the Office of Personnel Management in amounts to be determined by the Office of Personnel Management without regard to other statutes;]

SECURITIES AND EXCHANGE COMMISSION

"Salaries and expenses", $1,837,000;

SMITHSONIAN INSTITUTION

"Salaries and expenses", $2,654,000;

NATIONAL GALLERY OF ART

"Salaries and expenses", $490,000

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

"Salaries and expenses", $21,000;

[UNITED STATES HOLOCAUST MEMORIAL COUNCIL

["Holocaust memorial council", $19,000;]

UNITED STATES INFORMATION AGENCY

"Salaries and expenses", $2,691,000;

[UNITED STATES TAX COURT

["Salaries and expenses", $150,000.]

Title III—INCREASED COSTS FOR RETIREMENT CONTRIBUTIONS (PUBLIC LAW 99-335)

For additional amounts for appropriations for the fiscal year 1987, for Federal Employees' Retirement System costs authorized by or pursuant to law as follows:

LEGISLATIVE BRANCH

SENATE

"Salaries, officers and employees", $6,986,000;

"Office of the Legislative Counsel of the Senate", $53,000;

"Office of the Senate Legal Counsel", $18,000;

"Senate policy committees", $133,000;

"Inquiries and investigations", $1,848,000;

HOUSE OF REPRESENTATIVES

"Allowances and expenses", $35,880,000;

JOINT ITEMS

"Joint Economic Committee", $155,000;

"Joint Committee on Printing", $34,000;

Capitol Guide Service: "Salaries and expenses", $32,000;

OFFICE OF TECHNOLOGY ASSESSMENT

"Salaries and expenses", $545,000;

CONGRESSIONAL BUDGET OFFICE

"Salaries and expenses", $452,000;

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol: "Salaries", $166,000;

"Capitol buildings", $187,000;

"Capitol grounds", $68,000;

"Senate office buildings", $456,000;

"House office buildings", $611,000;

"Capitol power plant", $109,000;

Library buildings and grounds: "Structural and mechanical care", $130,000;

BOTANIC GARDEN

"Salaries and expenses", $48,000;

LIBRARY OF CONGRESS

"Salaries and expenses", $1,906,000;

Copyright Office: "Salaries and expenses", $287,000, of which not more than $12,000 shall be derived from collections during fiscal year 1987 under 17 U.S.C. 111(d)(3) and 116(c)(1);

Congressional Research Service: "Salaries and expenses", $617,000;

Books for the blind and physically handicapped: "Salaries and expenses", $103,000;

COPYRIGHT ROYALTY TRIBUNAL

"Salaries and expenses", $7,000, of which $6,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807;

GOVERNMENT PRINTING OFFICE

Office of the Superintendent of Documents: "Salaries and expenses", $83,000;

GENERAL ACCOUNTING OFFICE

"Salaries and expenses", $3,563,000;

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

"Salaries and expenses", $409,000;

"Care of the building and grounds", $33,000;

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

"Salaries and expenses", $23,000;

UNITED STATES COURT OF INTERNATIONAL TRADE

"Salaries and expenses", $49,000;

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

"Salaries and expenses", $9,688,000;

"Defender services", $887,000;

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

"Salaries and expenses", $80,000;

FEDERAL JUDICIAL CENTER

"Salaries and expenses", $108,000;

EXECUTIVE OFFICE OF THE PRESIDENT

WHITE HOUSE OFFICE

"Salaries and expenses", $374,000;

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

"Operating expenses", $53,000;

SPECIAL ASSISTANCE TO THE PRESIDENT

"Salaries and expenses", $107,000;

COUNCIL OF ECONOMIC ADVISERS

"Salaries and expenses", $95,000;

OFFICE OF POLICY DEVELOPMENT

"Salaries and expenses", $89,000;

NATIONAL SECURITY COUNCIL

"Salaries and expenses", $62,000;

OFFICE OF ADMINISTRATION

"Salaries and expenses", $214,000;

OFFICE OF MANAGEMENT AND BUDGET

"Salaries and expenses", $413,000;

OFFICE OF FEDERAL PROCUREMENT POLICY

"Salaries and expenses", $20,000;

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

"Office of Science and Technology Policy", $20,000;

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

"Salaries and expenses", $168,000;

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

"Operating expenses of the Agency for International Development", $5,488,000;

"Operating expenses of the Agency for International Development, Office of the Inspector General", $218,000;

PEACE CORPS

"Peace Corps, operating expenses", $436,000;

AFRICAN DEVELOPMENT FOUNDATION

"African Development Foundation", $99,000;

DEPARTMENT OF AGRICULTURE

(INCLUDING TRANSFER OF FUNDS)

"Office of the Secretary", $29,000;

"Office of the Assistant Secretary for Administration", $8,000;

"Office of the Assistant Secretary for Governmental and Public Affairs", $6,000;

"Office of the Assistant Secretary for Economics", $6,000;

"Office of the Assistant Secretary for Science and Education", $6,000;

"Office of the Assistant Secretary for Marketing and Inspection Service", $6,000;

"Office of the Under Secretary for International Affairs and Commodity Programs", $8,000;

"Office of the Under Secretary for Small Community and Rural Development", $8,000;

"Office of the Assistant Secretary for Natural Resources and Environment", $6,000;

"Office of the Assistant Secretary for Food and Consumer Services", $6,000;

"Departmental Administration", for budget and program analysis, $73,000; for personnel, finance and management, operations, information resources management, equal opportunity, small and disadvantaged business utilization, and administrative law judges and judicial officer, $385,000; making a total of $458,000;

"Building operations and maintenance", $165,000;

"Office of Governmental and Public Affairs", for public affairs, $111,000; for congressional relations, $6,000; and for intergovernmental affairs, $9,000;

"Office of the Inspector General", $622,000;

"Office of the General Counsel", $239,000;

"Agricultural Research Service", $4,747,000;

"Extension Service", *including extension agents*, $6,500,000;

"National Agricultural Library", $97,000;

"Economic Research Service", $580,000;

"National Agricultural Statistics Service", $612,000;

"World Agricultural Outlook Board", $21,000;

"Foreign Agricultural Service", $607,000;

"General Sales Manager", an additional $107,000 to be derived by transfer from the Commodity Credit Corporation fund;

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

"Salaries and expenses", an additional $9,920,000 to be derived by transfer from the Commodity Credit Corporation fund;

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

"Salaries and expenses", $114,000;

SOIL CONSERVATION SERVICE

"Conservation operations", $5,331,000;

"River basin surveys and investigations", $130,000;

"Watershed planning", $97,000;

FARMERS HOME ADMINISTRATION

"Salaries and expenses", $4,678,000;

FEDERAL GRAIN INSPECTION SERVICE

"Salaries and expenses", $76,000;

AGRICULTURAL MARKETING SERVICE

"Marketing Services", $490,000;

"Limitation on administrative expenses", (increase of $213,000 in limitation);

"Funds for strengthening markets, income and supply" (section 32), (increase of $84,000 in the limitation "marketing agreements and orders");

"Packers and Stockyards Administration", $58,000;

"Agricultural Cooperative Service", $46,000;

"Office of Transportation", $34,000;

"Food Safety Inspection Service", $4,573,000;

FOOD AND NUTRITION SERVICE

"Food program administration", $1,503,000;

"Human Nutrition Information Service", $75,000;

FOREST SERVICE

"Forest research", $1,000,000[, to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service";]

"State and private forestry", $190,000[, to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service";]

"National forest system", $9,300,000[, to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service";]

"Construction", $1,600,000[, to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service";]

DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

GENERAL ADMINISTRATION

"Salaries and expenses", $464,000;

BUREAU OF THE CENSUS

"Salaries and expenses", $1,433,000;

"Periodic censuses and programs", $2,806,000, to remain available until expended;

ECONOMIC AND STATISTICAL ANALYSIS

"Salaries and expenses", $408,000;

ECONOMIC DEVELOPMENT ADMINISTRATION

"Salaries and expenses", $400,000, to be derived by transfer from "Economic Development Revolving Fund";

INTERNATIONAL TRADE ADMINISTRATION

"Operations and Administration", $2,237,000, to remain available until expended;

MINORITY BUSINESS DEVELOPMENT AGENCY

"Minority business development", $180,000;

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

"Salaries and expenses", $49,000;

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

"Operations, research, and facilities", $5,972,000, to remain available until expended;

NATIONAL BUREAU OF STANDARDS

"Scientific and technical research and services", $1,368,000, to remain available until expended;

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

"Salaries and expenses", $213,000;

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

"Operation and Maintenance, Army", $119,047,000;
"Operation and Maintenance, Navy", $148,880,000;
"Operation and Maintenance, Marine Corps", $8,117,000;
"Operation and Maintenance, Air Force", $85,564,000;
"Operation and Maintenance, Defense Agencies", $102,453,000;
"Operation and Maintenance, Army Reserve", $4,858,000;
"Operation and Maintenance, Navy Reserve", $1,306,000;
"Operation and Maintenance, Marine Corps Reserve", $135,000;
"Operation and Maintenance, Air Force Reserve", $12,471,000;
"Operation and Maintenance, Army National Guard", $12,666,000;
"Operation and Maintenance, Air National Guard", $27,479,000;
"National Board for the Promotion of Rifle Practice, Army", $7,000;
"Court of Military Appeals, Defense", $36,000;

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

"Research, Development, Test, and Evaluation, Army", $14,955,000;
"Research, Development, Test, and Evaluation, Navy", $1,477,000;
"Research, Development, Test, and Evaluation, Air Force", $13,609,000;
"Research, Development, Test, and Evaluation, Defense Agencies", $5,165,000;

MILITARY CONSTRUCTION

"Military Construction, Army", $4,136,000;
"Military Construction, Navy", $1,736,000;
"Military Construction, Army Reserve", $53,000;

FAMILY HOUSING

"Family Housing, Army", $435,000;

DEPARTMENT OF DEFENSE—CIVIL

(INCLUDING TRANSFER OF FUNDS)

CEMETERIAL EXPENSES—ARMY

"Salaries and expenses", $40,000;

CORPS OF ENGINEERS—CIVIL

"General expenses," $1,400,000, to be derived by transfer from "Construction, General";

SOLDIERS' AND AIRMEN'S HOME

"Operation and maintenance", *not to exceed* $578,000, to be derived by transfer from "Capital outlay";

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(INCLUDING TRANSFER OF FUNDS)

FOOD AND DRUG ADMINISTRATION

"Salaries and expenses", $4,108,000;

HEALTH RESOURCES AND SERVICES ADMINISTRATION

"Health resources and services", $1,400,000, which shall be derived by transfer from unobligated balances from the Health teaching facilities activity, "Health resources and services";
"Indian health services", $4,000,000;

CENTERS FOR DISEASE CONTROL

"Disease control, research, and training", $1,237,000;

NATIONAL INSTITUTES OF HEALTH

"National Cancer Institute", $3,533,000;
"National Heart, Lung, and Blood Institute", $1,146,000;
"National Institute of Dental Research", $368,000;
"National Institute of Diabetes and Digestive and Kidney Diseases", $703,000;
"National Institute of Neurological and Communicative Disorders and Stroke", $495,000;
"National Institute of Allergy and Infectious Diseases", $861,000;
"National Institute of General Medical Sciences", $260,000;
"National Institute of Child Health and Human Development", $570,000;
"National Eye Institute", $233,000;
"National Institute of Environmental Health Sciences", $131,000;
"National Institute on Aging", $365,000;
"National Institute of Arthritis and Musculoskeletal and Skin Diseases", $101,000;
"Office of the Director", [$350,000] *$503,000;*

SAINT ELIZABETHS HOSPITAL

"Federal Subsidy for Saint Elizabeths Hospital", $1,941,000;

DEPARTMENTAL MANAGEMENT

"Office of the Inspector General", $500,000, to be derived by transfer from "Grants to States for Medicaid" in the Health Care Financing Administration;
"Office of Consumer Affairs", $8,000;

[DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[MANAGEMENT AND ADMINISTRATION

[SALARIES AND EXPENSES

[(TRANSFER OF FUNDS)

["Salaries and expenses", $9,755,000, to be derived by transfer from the various funds of the Federal Housing Administration;]

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

"Management of lands and resources", [$454,000] *$3,780,000;*
["Oregon and California grant lands", $479,000;]

UNITED STATES FISH AND WILDLIFE SERVICE

"Resource management", $2,800,000;

NATIONAL PARK SERVICE

"Operation of the national park system", $4,000,000;
"National recreation and preservation", $100,000;

GEOLOGICAL SURVEY

"Surveys, investigations, and research", [$4,206,000] *$1,236,000;*

BUREAU OF MINES

"Mines and minerals", $1,350,000;

BUREAU OF RECLAMATION

"Construction Program", $2,350,000;
"Operation and Maintenance", $1,567,000;

BUREAU OF INDIAN AFFAIRS

"Operation of Indian programs", $4,500,000;

DEPARTMENTAL OFFICES

["Office of the Secretary", $400,000: *Provided* That the limitation on expenses for the immediate Office of the Secretary in fiscal year 1987 under this head in the Department of the Interior and Related Agencies Appropriations Act, 1987, as included in Public Law 99-500 and Public Law 99-591, shall be increased only to the extent necessary for agency contributions for retirement costs prescribed by the Civil Service Retirement System (5 U.S.C. ch. 83) and the Federal Employees Retirement System Act of 1986 (Public Law 99-335);]
"Office of the Solicitor", $200,000;
"Office of Inspector General", $180,000;

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

"Salaries and expenses", $778,000;

UNITED STATES PAROLE COMMISSION

"Salaries and expenses", $155,000;

LEGAL ACTIVITIES

"Salaries and expenses, general legal activities", $2,213,000;
"Salaries and expenses, Antitrust Division", $430,000, to remain available until September 30, 1988;
"Salaries and expenses, United States Attorneys", $3,510,000;
"Salaries and expenses, Oversight of Bankruptcy Cases", $150,000;
"Salaries and expenses, United States Marshals Service", $3,211,000;
"Salaries and expenses, Community Relations Service", $85,000 *of which $22,000 shall remain available until expended;*

FEDERAL BUREAU OF INVESTIGATION

"Salaries and expenses", $23,005,000;

DRUG ENFORCEMENT ADMINISTRATION

"Salaries and expenses", $7,324,000;

IMMIGRATION AND NATURALIZATION SERVICE

"Salaries and expenses", $10,186,000;

FEDERAL PRISON SYSTEM

"Salaries and expenses", $17,053,000;
"National Institute of Corrections", $129,000;
"Buildings and Facilities", $208,000;
"Limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated" (increase of $25,000 in the limitation on Administrative expenses, and of $30,000 in Vocational Training expenses);

OFFICE OF JUSTICE PROGRAMS

"Salaries and expenses", $210,000;

DEPARTMENT OF LABOR

(INCLUDING TRANSFER OF FUNDS)

EMPLOYMENT AND TRAINING ADMINISTRATION

"Program administration", $808,000 to be derived from the unobligated balances of Employment Standards Administration, "Salaries and expenses";

EMPLOYMENT STANDARDS ADMINISTRATION

"Black Lung Disability Trust Fund", $494,000, of which $224,000 shall be available for transfer to Employment Standards Administration, "Salaries and expenses" and of which $270,000 shall be available for transfer to Departmental Management, "Salaries and expenses";

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

"Salaries and expenses", $1,533,000 to be derived from the unobligated balances of Employment Standards Administration, "Salaries and expenses";

MINE SAFETY AND HEALTH ADMINISTRATION

"Salaries and expenses", $1,941,000 to be derived from the unobligated balances of Employment Standards Administration, "Salaries and expenses";

DEPARTMENTAL MANAGEMENT

"Salaries and expenses", $1,302,000 of which $199,000 shall be derived from unobligated balances of the Employment Standards Administration, "Salaries and expenses", and $1,103,000 shall be derived by transfer from Employment Standards Administration, "Salaries and expenses";
"Office of the Inspector General", $556,000 to be derived by transfer from Employment Standards Administration, "Salaries and expenses";

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

"Salaries and expenses," $16,734,000;

DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFER OF FUNDS)

OFFICE OF THE SECRETARY

"Salaries and expenses", $450,000, to be derived from the unobligated balances of "Payments to air carriers";

COAST GUARD

"Operating expenses", [$2,000,000] *$1,723,200*, to be derived from the unobligated balances of the "Offshore Oil Pollution Compensation Fund";

FEDERAL AVIATION ADMINISTRATION

"Headquarters administration", $350,000, to be derived by transfer from "Operation and maintenance, Metropolitan Washington airports";

"Operations", [$46,000,000, of which $10,000,000 shall be derived by transfer from "Operation and maintenance, Metropolitan Washington airports"] *$38,613,600*;

FEDERAL HIGHWAY ADMINISTRATION

"Limitation on general operating expenses" (increase of $1,600,000 in the limitation on general operating expenses);

"Motor carrier safety", $660,000, to be derived from unobligated balances of [funds made available by section 311 of Public Law 96-131 for replacement of facilities associated with Interstate Route 170 and to be merged with this account notwithstanding any limitation on obligations for Federal-aid highways] *"Motor carrier safety grants"*;

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

"Operations and research", $400,000, *to be derived from unobligated balances of funds made available by section 311 of Public Law 96-131 for replacement of facilities associated with Interstate Route 170 and to be merged with this account, notwithstanding any limitation on obligations on Federal aid highways*;

FEDERAL RAILROAD ADMINISTRATION

"Office of the Administrator", $100,000, *to be derived from the unobligated balances of "Conrail labor protection"*;

"Railroad safety", $250,000, *of which $135,000 shall be derived from the unobligated balances of "Conrail labor protection"*;

URBAN MASS TRANSPORTATION ADMINISTRATION

"Administrative expenses", $300,000, to be derived from the unobligated balances of "Research, training, and human resources";

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

"Limitation on administrative expenses, Saint Lawrence Seaway Development Corporation" (increase of $30,000 in the limitation on administrative expenses);

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

"Research and special programs", $100,000, to be derived from the unobligated balances of "Payments to air carriers";

OFFICE OF THE INSPECTOR GENERAL

"Salaries and expenses", [$400,000] *$354,400, to be derived from the unobligated balances of "Payments to air carriers"*;

RELATED AGENCIES

NATIONAL TRANSPORTATION SAFETY BOARD

(TRANSFER OF FUNDS)

"Salaries and expenses", $330,000 to be derived by transfer from the unobligated balances of "Payments to air carriers";

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

"Salaries and expenses", $863,000;

FEDERAL LAW ENFORCEMENT TRAINING CENTER

"Salaries and expenses", $167,000;

FINANCIAL MANAGEMENT SERVICE

"Salaries and expenses", $1,164,000;

[BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

["Salaries and expenses", $3,428,000;]

UNITED STATES CUSTOMS SERVICE

"Salaries and expenses", $10,066,000;

UNITED STATES MINT

"Salaries and expenses", $422,000;

BUREAU OF THE PUBLIC DEBT

"Salaries and expenses", $1,058,000;

INTERNAL REVENUE SERVICE

["Salaries and expenses", $3,110,000;]

"Processing Tax Returns", [$81,854,000] *$71,427,000*;

"Examination and Appeals", [$23,325,000] *$20,354,000*;

"Investigation, Collection, and Taxpayer Service", [$11,711,000] *$10,219,000*;

UNITED STATES SECRET SERVICE

"Salaries and expenses", $5,387,000;

ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $5,000,000, *of which $2,000,000 shall be derived by transfer from "Research and development": Provided, That of the amount heretofore provided for any activity or project, the amount reduced shall not exceed 2 per centum*;

GENERAL SERVICES ADMINISTRATION

FEDERAL SUPPLY SERVICE

"Operating expenses", $1,611,000: *Provided*, That in addition to this appropriation, the annual limitation for expenses of transportation audit contracts and contract administration payable from overcharges collected is increased by $6,000 to $10,510,000;

INFORMATION RESOURCES MANAGEMENT SERVICE

"Operating expenses", $328,000;

FEDERAL PROPERTY RESOURCES SERVICE

"Operating expenses", $290,000;

GENERAL MANAGEMENT AND ADMINISTRATION

"Salaries and expenses", $1,214,000;

OFFICE OF INSPECTOR GENERAL

"Office of Inspector General", $373,000;

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

"Allowances and Office Staff for Former Presidents", $5,000;

FEDERAL [BUILDING] *BUILDINGS* FUND

"Limitations on availability of revenue", in addition to the aggregate amount heretofore made available for real property management and related activities in fiscal year 1987, $5,762,000 shall be available for such purposes and the limitation on the amount available for real property operations is increased to [$761,024,000] *$758,284,000* and the limitation on the amount available for program direction and centralized services is increased to [$57,444,000] *$57,315,000* and the limitation on the amount available for design and construction services is increased to [$64,009,700] *$63,807,000*: *Provided*, That any revenues and collections and any other sums accruing to this fund during fiscal year 1987, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), in excess of [$2,456,589,700] *$2,453,518,700* shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts;

"Consumer Information Center", $6,000 (and an increase of $6,000 in the limitation on administrative expenses);

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(TRANSFER OF FUNDS)

"Research and program management", $10,500,000, of which $7,000,000 shall be derived by transfer from "Research and development" and $3,500,000 shall be derived by transfer from "Space flight, control and data communications";

SMALL BUSINESS ADMINISTRATION

(TRANSFER OF FUNDS)

"Salaries and expenses", $2,400,000, to be derived by transfer from the "Business Loan and Investment Fund";

VETERANS ADMINISTRATION

"Medical care", $131,600,000;

"Medical and prosthetic research", $1,024,000;

"Medical administration and miscellaneous operating expenses", $175,000;

"General operating expenses", $5,000,000;

"Construction, minor projects" (an increase of $275,000 in the limitation on the expenses of the Office of Facilities);

OTHER INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

"Salaries and expenses", $14,000;

ADVISORY COMMITTEE ON FEDERAL PAY

"Salaries and expenses", $2,000;

ARMS CONTROL AND DISARMAMENT AGENCY

"Arms control and disarmament activities", $176,000;

COMMISSION ON CIVIL RIGHTS

"Salaries and expenses", $19,000;

CONSUMER PRODUCT SAFETY COMMISSION

"Salaries and expenses", $250,000;

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"Salaries and expenses", $1,889,000;

EXPORT-IMPORT BANK

"Limitation on administrative expenses" (increase of $227,000 in the limitation on administrative expenses);

FEDERAL COMMUNICATIONS COMMISSION

"Salaries and expenses", $1,199,000;

FEDERAL ELECTION COMMISSION

"Salaries and expenses", $83,000;

FEDERAL HOME LOAN BANK BOARD

"Limitation on administrative expenses, Federal Home Loan Bank Board", (increase of $200,000);

FEDERAL LABOR RELATIONS AUTHORITY

"Salaries and expenses", $220,000;

FEDERAL MARITIME COMMISSION

"Salaries and expenses", $147,000;

FEDERAL MEDIATION AND CONCILIATION SERVICE

"Salaries and expenses", $188,000;

INTELLIGENCE COMMUNITY STAFF

"Intelligence Community Staff", $155,000;

MARINE MAMMAL COMMISSION

"Salaries and expenses", $10,000;

MERIT SYSTEMS PROTECTION BOARD

"Salaries and expenses", $272,000;

"Office of Special Counsel", $79,000;

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

"Operating expenses", $863,000;

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

"Salaries and expenses", $17,000;

NATIONAL COUNCIL ON THE HANDICAPPED

"Salaries and expenses", $10,000;

NATIONAL ENDOWMENT FOR THE HUMANITIES

"Grants and administration", $200,000;

NATIONAL LABOR RELATIONS BOARD

"Salaries and expenses", $1,659,000;

NATIONAL MEDIATION BOARD

"Salaries and expenses", $44,000;

OFFICE OF PERSONNEL MANAGEMENT

"Salaries and expenses"; $1,129,000 together with an additional amount of $682,000 for current fiscal year administration expenses for the retirement and insurance program to be transferred from the appropriate trust funds of the Office of Personnel Management in amounts to be determined by the Office of Personnel Management without regard to other statutes;

RAILROAD RETIREMENT BOARD

"Limitation on administration" increase of $764,000 in the limitation on administration in fiscal year 1987, which shall be available only after maximum absorption within the existing limitation and only to the extent necessary for agency contributions prescribed by the Federal Employees Retirement System Act of 1986, to be derived from the railroad retirement accounts;

"Limitation on railroad unemployment insurance administration fund" increase of $214,000 in the limitation on railroad unemployment insurance administration fund in fiscal year 1987, which shall be available only after maximum absorption within the existing limitation and only to the extent necessary for agency contributions prescribed by the Federal Employees Retirement System Act of 1986, to be derived as authorized by section 11(a)(iv) of the Railroad Unemployment Insurance Act;

"Limitation on review activity" increase of $22,000 in the limitation on review activity in fiscal year 1987, which shall be available only after maximum absorption within the existing limitation and only to the extent necessary for agency contributions prescribed by the Federal Employees Retirement System Act of 1986, to be derived from the railroad retirement accounts and the railroad unemployment insurance account;

SECURITIES AND EXCHANGE COMMISSION

"Salaries and expenses", $2,163,000;

SMITHSONIAN INSTITUTION

"Salaries and expenses", $1,700,000;

NATIONAL GALLERY OF ART

"Salaries and expenses", $330,000;

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

"Salaries and expenses", $19,000;

[UNITED STATES HOLOCAUST MEMORIAL COUNCIL

["Holocaust memorial council", $16,000;]

UNITED STATES INFORMATION AGENCY

"Salaries and expenses", $5,443,000;

"Radio Broadcasting to Cuba", $516,000;

UNITED STATES TAX COURT

"Salaries and expenses", $75,000.

TITLE IV

URGENT RELIEF FOR THE HOMELESS SUPPLEMENTAL APPROPRIATIONS ACT OF 1987

[CHAPTER I

[DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[GRANTS FOR FACILITIES TO ASSIST THE HOMELESS

[For grants to private voluntary organizations, units of local government, and States for facilities to assist the homeless as authorized by title III of the Urgent Relief for the Homeless Act as passed the House of Representatives on March 5, 1987, or similar legislation if enacted into law, $75,000,000, to remain available until expended: *Provided*, That the foregoing amount shall not be available until expended.

[EMERGENCY SHELTER GRANTS PROGRAM

[For an additional amount for the Emergency Shelter Grants Program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 and Public Law 99-591, $100,000,000, to remain available until expended: *Provided*, That in addition to the allocations required for the Emergency Shelter Grants Program pursuant to the provisions made applicable by section 101(g) of Public Law 99-500 and Public Law 99-591, the Secretary of Housing and Urban Development shall (for amounts appropriated beginning with the enactment of this Act) allocate assistance under the program to the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, in accordance with an allocation formula established by the Secretary: *Provided further*, That the Secretary of Housing and Urban Development may waive the 15 percent limitation on the use of assistance for essential services established for the Emergency Shelter Grants Program pursuant to section 523(2)(B) of the provisions made applicable by section 101(g) of Public Law 99-500 and Public Law 99-591, if the unit of general local government receiving the assistance demonstrates that the other eligible activities under the program are already being carried out in the unit of general local government with other resources.

[TRANSITIONAL HOUSING DEMONSTRATION PROGRAM

[For an additional amount for the Transitional Housing Demonstration Program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 and Public Law 99-591, $30,000,000, to remain available until expended.

[PERMANENT HOUSING FOR HANDICAPPED HOMELESS PERSONS

[For grants for the acquisition and rehabilitation of property to serve as permanent housing for handicapped homeless persons as authorized by title IV of the Urgent Relief for the Homeless Act as passed the House of Representatives on March 5, 1987, or similar legislation if enacted into law, $25,000,000, to remain available until expended.

[FEDERAL EMERGENCY MANAGEMENT AGENCY

[EMERGENCY FOOD AND SHELTER PROGRAM

[For an additional amount for the "Emergency food and shelter program", $50,000,000: *Provided*, That, notwithstanding any provision of this or any other Act, the earmarking of funds solely for the provision of emergency rent and utility assistance shall not apply to the funds provided herein.

[VETERANS' ADMINISTRATION

[VETERANS' DOMICILIARY PROGRAM

[For an additional amount for "Medical care", $20,000,000, to be available only for expansion of capacity to provide care to homeless veterans eligible for benefits under the program authorized by section 610 of title 38, United States Code, to remain available (as authorized by section 203(a) of such title) through September 30, 1988, and amounts appropriated in other paragraphs of this title are hereby reduced by a total amount of $20,000,000 by pro rata reduction.

[CHAPTER II]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[HEALTH RESOURCES AND SERVICES ADMINISTRATION

[HEALTH RESOURCES AND SERVICES

[For an additional amount for "Health resources and services", for carrying out the activities authorized by section 101(a) of H.R. 558, the Urgent Relief for the Homeless Act, as passed the House on March 5, 1987, $75,000,000 to remain available through September 30, 1988.]

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount for "Health resources and services", $30,000,000, to remain available through September 30, 1988.

[ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION

[ALCOHOL, DRUG ABUSE AND MENTAL HEALTH

[For an additional amount for "Alcohol, drug abuse and mental health", for carrying out the activities authorized by section 101(b) of H.R. 558, the Urgent Relief for the Homeless Act, as passed the House on March 5, 1987, $25,000,000 to remain available through September 30, 1988.]

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH

For an additional amount for "Alcohol, drug abuse and mental health", $75,000,000, to remain available through September 30, 1988.

[FAMILY SUPPORT ADMINISTRATION

[OFFICE OF COMMUNITY SERVICES

[COMMUNITY SERVICES BLOCK GRANT

[For an additional amount for "Community services block grant", for carrying out the activities authorized by section 101(h) of H.R. 558, the Urgent Relief for the Homeless Act, as passed the House on March 5, 1987, $45,000,000 to remain available through September 30, 1988.]

FAMILY SUPPORT ADMINISTRATION

OFFICE OF COMMUNITY SERVICES

COMMUNITY SERVICES BLOCK GRANT

For an additional amount for "Community services block grant", $20,000,000, to remain available through September 30, 1988.

DEPARTMENT OF EDUCATION

SPECIAL PROGRAMS

For an additional amount for "Special Programs", $2,500,000, to remain available through September 30, 1988.

VOCATIONAL AND ADULT EDUCATION

For an additional amount for "Vocational and Adult Education", $10,000,000, to remain available through September 30, 1988.

[AUTHORIZATION

[The provisions of the bill H.R. 558 (100th Congress, 1st Session), the "Urgent Relief for the Homeless Act", as passed the House of Representatives on March 5, 1987, are hereby enacted.]

SHORT TITLE

This title may be cited as the "Urgent Relief for the Homeless Supplemental Appropriations Act of 1987".

TITLE V

GENERAL PROVISIONS

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

SEC. 502. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during fiscal year 1987, limiting the amount which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

[SEC. 503. None of the funds made available by this Act may be used to implement, administer, enforce, or otherwise carry out any provision of Executive Order No. 12564 (dated September 15, 1986).]

SEC. 503. None of the funds appropriated or made available by this or any other Act shall be available to administer drug tests under Executive Order Numbered 12564, until and unless—

(a) The Director of the Drug Abuse Policy Office has certified in writing to the Committees on Appropriations of the House and Senate and other appropriate committees of the Congress, the following:

(1) That any executive branch department or agency proposing drug testing has established a plan in accordance with Executive Order Numbered 12564;

(2) That the Department of Health and Human Services (HHS) has certified or given pre-certification approval to a laboratory facility or facilities which comply with applicable state licensure requirements and meet the HHS Scientific and Technical Guidelines for Drug Testing Programs, dated February 13, 1987, or as subsequently amended by the Secretary of Health and Human Services;

(3) That each agency or department head has promulgated guidelines and procedures for the agency or department's drug testing program that satisfy any rehabilitation requirement for that agency or department by precluding the removal of an employee based solely upon a first confirmed positive test result from an agency- or department-administered drug test, unless such removal promotes the efficiency of the service due to egregious or aggravating facts or circumstances or because the employee holds a position involving law enforcement, national security, the protection of life or property, or public health or safety.

(b) The Director of the Drug Abuse Policy Office has submitted to the Congress a detailed analysis, by agency and at the time each agency's plan is certified by the Director pursuant to subsection (a) of this section of the positions designated pursuant to section 3(a) of Executive Order Numbered 12564 to be tested for illegal drug use, and the general process (unannounced test dates, random test scheduling, random sampling, etc.) by which urinalysis testing based upon other than a reasonable suspicion, follow-up to rehabilitation or treatment, or accident or unsafe practice will be undertaken.

(c) The Director of the Office of Management and Budget (OMB) has submitted in writing to the Committee on Appropriations of the House and Senate, a detailed statement for each agency and department at the time of their plan certification pursuant to subsection (a) of this section, of the costs of that agency or department implementing all requirements of Executive Order Numbered 12564.

(b) An executive branch agency or department with a drug testing program in existence before the issuance of Executive Order Numbered 12564 is exempt from this section until that program is brought into conformity with Executive Ordered Numbered 12564.

(c) The provisions of this Section shall expire on May 1, 1989.

[SEC. 504. None of the funds appropriated by this Act may be obligated for the centralization, consolidation, or redeployment of the Customs Service Air Operations unless the Secretary of the Treasury submits a report to the Committees on Appropriations which sets forth specific details for the use of such funds thirty days in advance of such implementation.

[SEC. 505. None of the funds made available by this or any other Act for the General Services Administration for the fiscal year ending September 30, 1987, shall be used to transfer title to the property known as the Customs House in Boston, Massachusetts, or to take any measures in preparation for such a transfer, before October 1, 1987. The limitation in this section shall not apply to any sale agreement entered into with the city of Boston, Massachusetts.

[SEC. 506. 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 U.S. 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. 507. Notwithstanding any other provision of this Act, each amount appropriated or otherwise made available by this Act (other than by title IV) that is not required to be appropriated or otherwise made available by a provision of law is reduced by 21 percent.

[SEC. 508. None of the funds appropriated or made available by this Act shall be used to close the Federal Aviation Administration's Flight Service Station located at Youngstown, Ohio.]

SEC. 504. Section 208(a) of the Department of Justice Appropriations Act, 1987 (Public Law 99-500 and Public Law 99-591) is hereby repealed.

SEC. 505. Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324A) is amended—

(1) in subsection (i)(1), by striking out "6-MONTH PUBLIC INFORMATION PERIOD.—During the six-month period" and inserting in lieu thereof "10-MONTH PUBLIC INFORMATION PERIOD.—During the ten-month period"; and

(2) in subsection (j)(1), by striking out "one year" and inserting in lieu thereof "16 months."

SEC. 506. None of the funds provided in this or any other Act may be made available to facilitate in any way the sale of M-833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than:

(1) Countries which are members of NATO, or

(2) Countries which have been designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987.

SEC. 507. None of the funds made available by this or any other Act may be used for the purpose of restarting the N-Reactor at the Hanford Reservation, Washington during fiscal year 1987. For the purposes of this paragraph the term "restarting" shall mean any activity related to the operation of the N-Reactor that would achieve criticality, generate fission products within the reactor or dischange cooling water from nuclear operations.

SEC. 508. None of the funds appropriated by this or any other Act shall be available for the purpose of relocating the headquarters of the Peace Corps to office space outside of the District of Columbia.

SEC. 509. None of the funds appropriated or otherwise made available in title III of this Act may be used for purposes other than for Federal Employees' Retirement System costs authorized by or pursuant to the Federal Employees' Retirement System Act of 1986 (Public Law 99-335). Notwithstanding any other provision of this Act, any funds provided in title III of this Act not utilized by September 30, 1987, for agency contributions prescribed by the Federal Employees' Retirement System Act of 1986 (Public Law 99-335) shall lapse.

This Act may be cited as the "Supplemental Appropriations Act, 1987".

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I am waiting momentarily before making a motion, and while I wait, so that the Senate will not just be in a quorum call, I ask unanimous consent that I

may speak out of order for not to exceed 7 minutes.

The PRESIDING OFFICER. Without objection it is so ordered.

DEATH PENALTY FOR ESPIONAGE

Mr. BYRD. Mr. President, from Benedict Arnold until recently, Americans have considered treason and espionage against their country among the most heinous of crimes. By and large, the majority of spies caught in the United States throughout our history have been aliens, not American citizens.

The Walker spy ring, the Pollard case, and the Moscow Embassy scandal, however, are radical departures from that earlier patriotic tradition. In these recent espionage incidents, greed and avarice appear to have superseded any sense of loyalty to country. Especially in the Walker case, native-born American citizens have done incalculable damage to our national security. As the KGB double-defector Vitaly Yurchenko observed, the Walker spy ring was so successful in compromising our naval secrets that, had the United States and the Soviet Union been at war with one another, the United States might have lost that war.

What some have called an espionage epidemic—this plague of Americans selling military secrets to foreign governments—is an egregious outrage.

Consequently, I am today introducing legislation to help curb that espionage epidemic—a bill to set constitutional standards by which capital punishment could be imposed in certain espionage cases.

This legislation does not in itself impose capital punishment for espionage. That decision was enacted by Congress some years ago. Rather, this legislation sets standards for applying capital punishment in cases involving espionage in accordance with recent court decisions regarding such penalties. The legislation puts into place the procedure by which capital punishment could be used in espionage cases in a judicious, humanitarian, and constitutional fashion.

My main objective in introducing this legislation is to use capital punishment as a deterrent to espionage.

I have seen capital punishment implemented. It is not a pleasant experience. I do not relish putting people to death. But one Benedict Arnold was one too many. I am convinced, after careful reflection over a period of many years, that capital punishment would stop many who might contemplate betraying their country. And if they betray their country, then, after all constitutional due process has been made available to them, they should pay that penalty, the ultimate penalty of being executed.

Currently, any individual who may be considering spying against our country weighs the value of monetary or other gain against the sometimes notorious leniency of our penal codes. Life imprisonment as the penalty? Life imprisonment perhaps—but perhaps not. One might even be paroled later. And if a spy is genuinely valuable to some foreign power, he might even expect to be swapped for an agent held by the other side. And in many instances, if there is monetary gain involved, he might be willing to serve a few years in prison, be paroled, and have his money cached away somewhere for use in far-away vacation spots in future years. In the most extreme possibility, he might even be freed or exchanged following a hostage taking by his sympathizers. But capital punishment is final, and anyone caught spying on the United States should have to contemplate that, because by spying on the United States he or she might also be risking the lives of millions of Americans as well as the security and well-being of this country. Individuals who engage in espionage do so calculatedly—it is the most heinous of crimes—deliberately. It is not a crime committed in hot blood, like manslaughter. It is a calculated, deliberate, and coldly-planned crime. Spying is not a crime of passion. Such individuals, with the enactment of this proposed legislation, would have second thoughts if capital punishment were a real possible consequence of their actions.

Under this bill a person found guilty of espionage against the United States would face a second hearing to determine if his or her deeds warrant the death penalty. Courts would have to be fair in making that decision, taking into account both the mitigating and the aggravating factors, if there were such, in the case.

And if the death penalty were applied, that decision would be subject to review on appeal.

I believe that this legislation meets the criteria established by the courts on the constitutionality of the death penalty and would help in stemming the recent epidemic in espionage for greed and pay.

I hope that the Senate will take the lead on this question and will pass this rational antispying legislation, because any citizen who contemplates endangering the security of his country, your country, my country, this country, and the very lives of his fellow citizens by commission of the despicable crime of espionage—treason against America—should also have to contemplate the possible loss of his or her own life as a consequence.

I am proud to offer this legislation on behalf of the distinguished Republican leader, Mr. DOLE, and myself, and I ask unanimous consent for its appropriate referral and for its printing in the RECORD.

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

The text of the bill follows:

S. 1160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 794 of title 18, United States Code, is amended by adding at the end thereof the following new subsections:

"(d)(1) Except as provided in paragraph (2), a defendant who has been found guilty of an offense described in this section shall be sentenced to death if, after consideration of the factors set forth in subsection (e) in the course of a hearing held pursuant to subsection (f), it is determined that imposition of a sentence of death is justified.

"(2) No person may be sentenced to death who was less than 18 years of age at the time of the offense.

"(e)(1) In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(A) the defendant's mental capacity was significantly impaired, although the impairment was not such as to constitute a defense to prosecution;

"(B) the defendant was under unusual and substantial duress, although not such duress as would constitute a defense to prosecution; and

"(C) the defendant was an accomplice whose participation in the offense was relatively minor.

The jury, or if there is no jury, the court, shall consider whether any other mitigating factor exists.

"(2) In determining whether a sentence of death is justified, the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(A) the defendant has previously been convicted of another offense involving espionage for which either a sentence of life imprisonment or death was authorized by statute;

"(B) in the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security;

"(C) in the commission of an offense under subsection (a) the foreign government was of a country whose security interests are adverse to those of the United States, including the Soviet Union and its allies, and any which had been publicly designated by the President as so adverse prior to the commission of the offense described in this section; and

"(D) in the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(f)(1) If the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under this section, he shall, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, sign and file with the court, and serve on the defendant, a notice—

"(A) stating that the government believes that the circumstances of the offense are

such that, if the defendant is convicted, a sentence of death is justified under this chapter; and

"(B) setting forth the aggravating factor or factors that the government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(2)(A) If—

"(i) the attorney for the government has filed a notice as required under paragraph (1); and

"(ii) the defendant is found guilty of an offense described in this section,

the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Prior to such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the provisions of rule 32 of the Federal Rules of Criminal Procedure.

"(B) The hearing required by this paragraph shall be conducted—

"(i) before the jury that determined the defendant's guilt;

"(ii) before a jury impaneled for the purpose of the hearing if—

"(I) the defendant was convicted upon a plea of guilty;

"(II) the defendant was convicted after a trial before the court sitting without a jury;

"(III) the jury that determined the defendant's guilt was discharged for good cause; or

"(IV) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

"(iii) before the court alone, upon the motion of the defendant and with the approval of the attorney for the government.

A jury impaneled pursuant to division (ii) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(3)(A) At the hearing required by paragraph (2), information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under subsection (e). Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to a mitigating or aggravating factor may be presented by either the attorney for the government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death.

"(B) The attorney for the government shall open the argument in a hearing required by paragraph (2). The defendant shall be permitted to reply. The attorney for the government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(4) The jury, or if there is no jury, the court, shall consider all the information received during the hearing required by paragraph (2). It shall return a special finding as to each mitigating and aggravating factor, concerning which information is presented at the hearing, required to be considered under subsection (e). The jury shall find the existence of a mitigating or aggravating factor by a unanimous vote, although it is unnecessary that there be a unanimous vote on any specific mitigating or aggravating factor if a majority of the jury finds the existence of such a specific factor.

"(5) If an aggravating factor required to be considered under subsection (e)(2) is found to exist in a hearing required by paragraph (2) of this subsection, the jury, or if there is no jury, the court, shall then consider whether all the aggravating factors found to exist sufficiently outweigh all the mitigating factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by a unanimous vote, or if there is no jury, the court, shall return a finding as to whether a sentence of death is justified.

"(6) In a hearing held before a jury, the court, prior to the return of a finding under paragraph (5), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, national origin, creed, or sex of the defendant. The jury, upon return of a finding under paragraph (5) shall also return to the court a certificate, signed by each juror, that consideration of the race, color, national origin, creed, or sex of the defendant was not involved in reaching the juror's individual decision.

"(g) Upon a finding under subsection (f)(5) that a sentence of death is justified, the court shall sentence the defendant to death. Upon a finding under subsection (f)(5) that a sentence of death is not justified, or under subsection (f)(4) that no aggravating factor required to be found exists, the court shall impose any sentence other than death that is authorized.

"(h)(1) In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal shall be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(2) The court of appeals shall review the entire record in the case, including—

"(A) the evidence submitted during the trial;

"(B) the information submitted during the sentencing hearing;

"(C) the procedures employed in the sentencing hearing; and

"(D) the special findings returned under subsection (f)(4).

"(3)(A) If the court of appeals determines that—

"(i) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(ii) the information supports the special finding of the existence of an aggravating factor required to be considered under subsection (e),

it shall affirm the sentence.

"(B) In any case, the court of appeals shall remand the case for reconsideration under subsection (f).

"(C) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"(i) A person who has been sentenced to death pursuant to the provisions of this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for the review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise the implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of the State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the latter State in the manner prescribed by such law. A sentence of death shall not be carried out upon a woman while she is pregnant.

"(j) A United States marshal charged with supervising the implementation of a sentence of death—

"(1) may use appropriate State or local facilities for the purpose;

"(2) may use the services of an appropriate State or local official or of a person such an official employs for the purpose; and

"(3) shall pay the costs thereof in an amount approved by the Attorney General.".

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, that the Senate might now get on with its business of acting on the appropriations bill, I move to waive title III and the distinguished Republican leader I believe joins in this effort, I move to waive title III—Mr. President, I misspoke myself about the distinguished Republican leader's joining me in the motion. I make the motion to waive title III of the Congressional Budget Act of 1974 for the consideration of the bill and committee amendments thereto.

Mr. President, I withhold my motion for the time being.

The PRESIDING OFFICER. The Senator has that right.

Mr. BYRD. Mr. President, I withdraw my motion for the time being and hope to be able to proceed shortly. In the meantime, I suggest the absence of a quorum.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS FOR 30 MINUTES

Mr. BYRD. Mr. President, while work is going forward on a motion—I think it will probably take at least a half-hour; I hope it will be worked out in a half-hour—rather than the Senate stand in a quorum call, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate, at 12:41 p.m., recessed until 1:12 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DASCHLE].

The PRESIDING OFFICER. The Chair, in his capacity as the Senator from South Dakota, suggests the absence of a quorum.

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.

RECESS FOR 15 MINUTES

Mr. BYRD. Mr. President, I think progress is being made on revising the verbiage of the motion to waive, but a little more time is needed.

I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 1:41 p.m., recessed until 1:56 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DASCHLE].

WALLA WALLA VA HOSPITAL FOR THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. ADAMS. Mr. President, I would like to call the distinguished chairman's attention to an issue of importance to my State.

The Veteran's Administration has recently proposed to eliminate 150 acute care beds at the Walla Walla Veterans Medical Center in Washington State, and convert the facility into an outpatient clinic. Because of the negative impact this proposal will have on the welfare of veterans throughout the Northwest, and on the fragile economy of the Walla Walla region, I have grave concerns about this proposal.

The Walla Walla facility presently serves approximately 70,000 veterans living in rural communities in Washington, Oregon, and Idaho. Closure of the facility will mean that these veterans will have to travel great distances to receive inpatient care at VA facilities in Spokane, Boise, Portland, or Seattle. I am concerned that implementation of the VA proposal will mean that many veterans, including the elderly and destitute, will not receive any medical attention at all.

Many of these veterans suffer from disabilities incurred in combat in World War II, Korea, and Vietnam. These men made a commitment to help defend our country, and honored it through sacrifice of life and limb. At a time when many World War II veterans are reaching retirement age and have greater health needs, this proposed mission change means that many veterans in this isolated rural area will receive poorer health care than they have been previously receiving.

In return for this commitment of personal sacrifice, the Federal Government also made a commitment, a commitment to provide veterans with medical care. The VA's proposal, in my opinion, represents a breach of that promise.

The VA proposal would also have serious negative impacts on the Walla Walla economy, which is already weakened by a depressed farm economy, and several recent plant closures. The Walla Walla Medical Center is the third largest employer in the community. The VA's proposal would result in the layoff of 80 percent of the center's work force, and reduce its overall budget by approximately 60 percent. These changes would have a catastrophic effect on the local economy.

I have carefully examined both the VA's justifications for this proposal, and their plans for serving veterans in this area once the inpatient facility is closed. I believe that the VA has neither advanced sufficient reasons for the mission change, nor has made adequate provisions for the health care of veterans in the area if the mission change were to occur.

I have previously asked the committee to include language in the legislation before us preventing the VA from utilizing appropriated funds for the purposes of implementing this mission change. I was told that since the committee has been urging the agency to develop more cost efficient operations wherever possible, the committee believed it was inappropriate to legislatively bar the agency's action in this instance. I appreciate the committee's desire to adhere to this policy. I am informed, however, that the House supplemental appropriations bill will include language similar to that I had proposed for inclusion in the bill before us. I would very much like to see this language adopted in the final bill, and would like to ask the distinguished chairman to be sensitive to my concerns when this issue comes up in conference.

Mr. PROXMIRE. I thank my colleague and good friend, Senator ADAMS, for setting forth his arguments once again regarding the need to continue Walla Walla as an inpatient facility. He makes a good case for such action and I intend to give his concerns my thoughtful consideration when the issue comes up in conference.

Mr. BURDICK. Mr. President, last week in the Appropriations Committee, we passed your amendment to restore $33.5 million for judiciary salaries and expenses. I understand that money is to be used to pay salaries and set up desks and telephones for the 52 new bankruptcy judges and 400 deputy clerks Congress authorized last year for our backlogged bankruptcy courts. Is that correct?

Mr. GRASSLEY. That is correct.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

POWER PLANT AND INDUSTRIAL FUEL USE ACT OF 1978

Mr. BYRD. Mr. President, the Republican leader was just on the floor, and he has no objection to my making the following request as long as Mr. STAFFORD is present on the floor. Mr. STAFFORD is here.

I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 111.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill, H.R. 1941, to repeal and amend certain sections of the Power Plant and Industrial Fuel Use Act of 1978.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 1941) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STAFFORD. 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 Mr. STAFFORD, and I again thank the Republican leader.

RECESS UNTIL 2:07 P.M.

Mr. BYRD. Mr. President, I believe that shortly there will be an agreement on both sides as to the proper wording of the motion to waive, which I think will meet with the consent of those parties who have been most involved in working out the language on the motion.

So, until then, I ask unanimous consent that the Senate stand in recess for 10 minutes.

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

Thereupon, at 1:57 p.m., the Senate recessed until 2:07 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DIXON].

The PRESIDING OFFICER. The majority leader is recognized.

SUPPLEMENTAL APPROPRIATIONS, 1987

Mr. BYRD. Mr. President, I move to waive sections 302(f), 303(a), and 311(a) of the Budget Act in the consideration of H.R. 1827, as reported by the committee.

The PRESIDING OFFICER. The question is on agreeing to the motion of the majority leader.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I believe that a Senator wishes to discuss the motion. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CHILES. Mr. President, this year's fight to reduce the deficit is only beginning. Last night we finished the first round. I think we fought a good fight, but there are many rounds ahead. We have to go to conference with the House and we have to get the President involved. We have to have a reconciliation bill to pass, and we have to try to see that all the spending bills are kept within their limits. I hope we will win each one of those rounds. We need to.

But we are all haunted by last year's battle. It is a fight that I characterized as a split decision. Last October, as we entered fiscal year 1987, we claimed that we had met the Gramm-Rudman targets of $144 billion. We knew we had not. In fact, last October we knew we were at least $40 billion higher than the target. We are now at least $40 billion over the 1987 Gramm-Rudman-Hollings target for this fiscal year. And we knew last October there were still some bills that were coming due, bills coming due because of some decisions we made and decisions we failed to make.

Last year we knew that CBO forecasts were on the optimistic side and the President's were simply wishful thinking. Last year we knew that many of the savings were one-time savings and they would not stand the test of time. And last year we failed to deal meaningfully with the structural deficit. We did not raise any new revenue. We did little to permanently cut spending, and we knew there would be some bills coming due.

Mr. President, the supplemental is one of those bills that is now being presented. It is now due. Last year I asked my colleagues to approve the reconciliation bill with their eyes open, and this year we need to keep our eyes open.

This supplemental bill will add $2.6 billion to the 1987 deficit. There is no question that a Budget Act point of order lies against the bill, but I think we have to ask ourselves, What does the supplemental do?

It appropriates $9.4 billion. The largest portion of this bill, $7.3 billion, is for pay raises, veterans' compensation, family social services, and the Commodity Credit Corporation. These do not add to the current deficit levels since they are already calculated in those totals. These were bills that we knew were coming due and we have provided for them. However, this bill will still increase the 1987 outlays by $2.6 billion over the current levels. Almost half of this increased deficit is for retirement contributions that we have to make.

The departments and the agencies of the Government cannot absorb over $1 billion in retirement costs this late in the year. But those retirement costs are not included in our calculation for the current year deficit because we thought that the committees were going to absorb the retirement costs in last year's continuing resolution. They did not. That has left this mandatory item unfunded and it is an item that we have to fund. It is a $1 billion cost of last year's fight and it is a bill that has come due.

Mr. President, larger than half of this total, $1.4 billion, is now for new spending. Some of this spending is necessary. It is truly emergency spending. But 60 percent of the $1.4 billion is for purely discretionary increases in defense and foreign aid.

Now, the body has to make a decision on those. I want to compliment the Appropriations Committee and the work that Senator STENNIS and Senator HATFIELD and staff and members of the committee have done in holding this supplemental down. It is considerably under the House supplemental.

Even after the House emergency supplemental took an across-the-board cut that was raised by Members on the floor, we are still over $1 billion below the house supplemental. It is again well below the wish list that Members had and certainly that came before the committee. And again I compliment the staff and I compliment the leadership, the chairman, the distinguished Senator from Mississippi, and the ranking member, the distinguished Senator from Oregon.

Each Member of this body has to weigh the spending increases posed in this bill with the need for deficit reduction. I intend to support the waiver that has been proposed by the distinguished majority leader. I feel at this time the committee had done the best work it could in trying to restrain spending, and I think under the circumstances where we face the House bill, it is something we should support.

The President has, I understand, concluded that he will not veto this bill as reported out of the committee. I think it is important to raise that proviso, because if this bill gets on the floor, if the Senate does not restrain itself as the committee attempted to restrain itself, we will have a bill that can be vetoed.

We also will have amendments that could be subject to other points of order.

So I am going to support a budget waiver for the committee-passed bill.

The bulk of the supplemental is for bills that have to be paid. The CCC needs to be funded. The pay raises have already been calculated into the deficit projections, and I do not think we can turn our back on the retirement contributions.

The waiver before us is not a blanket invitation to new spending. It weighs the limits of the Budget Act only for the spending level reported by the Senate committee which is substantially below the House.

Any amendments that add spending above the committee levels will be subject to Budget Act points of order which will require 60 votes to waive. As for those further spending amendments, I certainly reserve judgment.

I hope the Senate will not add to the amount already in this bill. We have already added substantially to the deficit. Additional spending decisions now made will only increase our burden in the outyears.

I am also reserving judgment on amendments to strike elements of this bill. By supporting a budget waiver for the committee-passed bill, I am not supporting every element in this mark and perhaps it could be scrubbed more on the Senate floor. Nor does this

mean that we support any conference report on the bill.

The House-passed supplemental is $1 billion higher than our version of the budget authority and over $400 million higher in outlays.

Mr. President, last night we started down a path to reduce the Federal deficit by making some realistic policy choices and by attacking the structural deficit. That effort, as we all know, was made more difficult by failure to act in the past. This supplemental is a legacy of that failure. It will add over $2 billion to the Nation's debt. Nevertheless, while we are trying to deal with the future, we certainly need to make up for past mistakes and it is for that reason we must now waive the Budget Act for this bill.

I urge by colleagues not to compound our past errors. Let us try to restrict this supplemental to emergency requirements.

In conclusion, Mr. President, this bill will increase the 1988 outlays by over $400 million. That certainly will have to constrain the Appropriations Committee in 1988 because that $400 million cannot be added to the budget resolution to accommodate this bill.

Before offering amendments, I hope my colleagues remember that more spending today simply will mean less spending tomorrow.

Mr. GRAMM. Mr. President, I rise in opposition to the waiver program.

I should like to begin in making my statement in opposition by saying that I think the Appropriations Committee, under the circumstances, has done a good job, certainly as compared to what the House has done. But the bottom line is that here we are again voting to raise the budget deficit by $2.6 billion in terms of new spending, between now and the end of fiscal year 1987. That's $2.6 billion this year, not 1988, even though the spending today will affect those totals in the outyears and affect the budget we adopted just last night.

I remind my colleagues that on two previous occasions when we have authorized new programs calling for new spending in this year, I offered an amendment that said that the Senate—in fact, Congress, if Congress ends up adopting those authorization bills in the form that we passed them in the Senate—that Congress committed itself to fund them in such a way that the deficit would not be raised.

I remind my colleagues that on the agriculture disaster bill, we authorized substantial amounts of money; and when I offered the amendment saying that any appropriation made under those authorizations would be deficit neutral, that amendment was adopted by a vote of 96 to 0. Yet, while I may be incorrect—and if I am, I hope someone will correct my perception—I see no offset of $135 million of funds provided in this measure for farm disaster payments.

Mr. President, I am not opposed to farm disaster payments. I am for them. Disasters occur. We pay part of the disaster costs. That is the way the program is set up. But when we authorized an expansion in eligibility by a vote of 96 to 0, we committed that the appropriations that were made under that authorization would not raise the deficit. I submit that this bill violates that commitment.

Then, again, on homeless assistance, when we authorized $500 million to aid the homeless, as deserving as that cause might have been, I offered an amendment that said that in providing appropriations under that authorization, those appropriations would be undertaken in such a way as not to raise the deficit. There was no dispute about it. By a vote of 100 to 0, when we funded the homeless bill, we would do it without raising the deficit. Yet, this bill contains $138 million of budget authority and $97.5 million of outlays, and there is no offset whatsoever, to the best of my ability to determine.

So, either we were serious when we voted these two previous times—once by 96 to 0 and once by 100 to 0—or we are not serious today.

The bottom line is this: We started this Congress by adopting a water bill that was a budget buster, we followed it with a highway bill that was a budget buster, and we followed it with a housing bill that was a budget buster.

We adopted a budget last night that calls a $45 billion increase in domestic spending over last year's level, and here we are today calling for a budget waiver so that we can raise the deficit this year, on this one bill, by $2.6 billion.

I find it hard to believe that people in this Congress can say they are serious about the deficit problem, when day after day after day, we continue to spend more money.

There will be some who will say we also voted for a $27 billion tax increase last night—at least, called for it. It is unfortunate, if your concern is about lowering the deficit, that we raised domestic spending almost twice as much as we committed to raise taxes; and everyone in this Chamber knows that the probability of that tax increase ever being imposed is virtually zero.

I know that hard work has gone into this appropriation, I know that this appropriation is superior to what the House has done. But the bottom line is, if we were serious about deficit reduction, we would fund these emergency matters, but we would offset them by removing authorizations and appropriations from other programs. Surely, in a budget of $1.18 trillion that is currently in place, we could find an offset for $2.6 billion.

If these are really emergencies, there must be lower priority items that are currently being funded.

What a strange thing it is that every working family in America can always find a way to pay for an emergency by cutting back on something else that is less critical. Yet, every day in the U.S. Congress when someone comes along with a new need, we always pass the bill on to the taxpayer and to the consumer.

Mr. President, let me conclude by saying that I am alarmed about what is going on in the U.S. Senate. I am alarmed that after 6 years of talking about deficit reduction, after 6 years during which we brought the inflation rate to a virtual standstill and cut interest rates by two-thirds, and put 11.2 million people back to work, we are taking larger and larger steps every day, leading us back to more inflation and higher interest rates and, in this case, bigger deficits.

I urge my colleagues to vote against the budget waiver and in doing so not vote against these needed spending programs. Many of the programs in here are deserving, some not so deserving.

My point is this: If we are serious about the commitment we have made over and over on the budget, we ought to be serious about coming up with offsets for these spending programs, rather than simply raising the deficit.

I remind my colleagues that while I stand ready to be corrected, I am not aware of an offset on argiculture disaster payments, despite the fact that this Congress voted 96 to 0 to demand such offsets, to keep the deficit from raising. I am not aware that there is an offset on homeless assistance, despite the fact that the Senate voted 100 to 0 to demand that either taxes be raised or other programs be cut. Yet, I see no offset.

If we were serious when we cast those votes, we should vote against waiving the budget, thereby forcing the committee to come back with a bill that is deficit neutral.

I yield the floor.

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

Mr. STENNIS. Mr. President, I have a goodly number of figures here regarding the line items of this bill, but it has already been exceptionally well discussed and a great many of the figures given and explained. So I do not think it will serve any additional good purpose to take up a good deal of time now in going over the same figures, even though you may have a different slant or a different interpretation from what some of the others who use these same figures have.

But I tell you right now, Mr. President, nearly every Member is working to the good and helping meet these problems on matters like this bill

covers and it is no easy job. Many times it is not even a pleasant job and it does not always come out just like those who try to work it out and put it together with the idea of getting back more toward a balanced budget. It is disappointing to them and does not serve the purpose totally well.

But, nevertheless, times have changed, attitudes have changed to some degree and achievements are already made. Last night look what happened here. I think it was about 2 o'clock in the morning, somewhere around there. Tremendous votes were coming out one after another, pointed in a reform, if I may use that term, direction.

Now, with all the multitude of the national debt and all investments in it and borrowings, you can hardly do business from day to day, much less from month to month or year to year, without crossing the path of some of the more conservative reform principles and practices that have been put into effect here in the last several years. Things just do not work out that way. It takes effort and it takes backsliding and it takes a different tone of agreement among the Members, and we find ourselves going in two directions sometimes at once, but we have to keep on if we are going to accomplish anything. We have to keep on and I know the criticism here of what has been done on this bill is made in good faith.

I take no exception whatsoever at what was said. I am just pleased that we are traveling along in the right direction. We are making headway. We are making some new rules here that are not going to hurt anyone but it will help the system.

In that way we are making rapid headway. Whether it totals up to huge amounts or not, I think the amounts are getting better and better.

So if we can continue now the pattern we followed here for the last year or two in making corrections, we can continue that attitude in a large enough scale more and more of our people willing to participate and see the benefits, too, of the new approach, the different approach, at least, why, I feel better myself than I have in a good while about these problems and I know others have had the same experience.

There will be plenty of opportunities to continue this kind of responsible, practicable, moderate reform. You cannot reform people overnight or make them understand. We do not understand all these problems anyway. But we are making headway and not through noise but through achievements, consistent achievements.

I hope that we can continue on, even in this bill, for some more small modest adjustments that are saving some money but going a long way in getting on the right track and the right trail.

So, I thank everyone for the contributions they made here in this effort, this bill itself, and those that go with it. But more than that even, there is a new spirit and a determination, a new determination to do more about these things and still carry on in a constructive way, tend to our needs, our necessities, our growth, and building, I think, more solid, substantial, progressive improvements all the time and doing it in an effort that is not always easy. It is rather severe at times and sacrifices have to be made.

I pray, yes, I even pray that there be continuation in this direction in this field, in this great land that we still have, and we do not propose to let it be neglected at all.

So I particularly am pleased with the cooperation we have had here and the give and take spirit. It is going to bring more and more fruit.

If there are any Members here who wish to express themselves, I hope they will.

I yield the floor.

The PRESIDING OFFICER. The question is on the motion to waive three sections of the Budget Act.

Is there any further debate on the motion to waive those three sections of the Budget Act?

If not, the yeas and nays having been ordered, the question is on agreeing to the motion, 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] is necessarily absent.

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

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—51

Adams	Fowler	Mikulski
Baucus	Glenn	Mitchell
Bentsen	Graham	Moynihan
Biden	Grassley	Pell
Bradley	Harkin	Pryor
Breaux	Hatfield	Reid
Bumpers	Heflin	Riegle
Burdick	Inouye	Rockefeller
Chiles	Johnston	Sanford
Cochran	Kennedy	Sarbanes
Conrad	Kerry	Sasser
Cranston	Lautenberg	Shelby
D'Amato	Leahy	Simon
Daschle	Matsunaga	Specter
Dodd	McClure	Stennis
Durenberger	Melcher	Stevens
Ford	Metzenbaum	Weicker

NAYS—48

Armstrong	Dixon	Helms
Bingaman	Dole	Hollings
Bond	Domenici	Humphrey
Boren	Evans	Karnes
Boschwitz	Exon	Kassebaum
Byrd	Garn	Kasten
Chafee	Gramm	Levin
Cohen	Hatch	Lugar
Danforth	Hecht	McCain
DeConcini	Heinz	McConnell
Murkowski	Quayle	Thurmond
Nickles	Roth	Trible
Nunn	Rudman	Wallop
Packwood	Simpson	Warner
Pressler	Stafford	Wilson
Proxmire	Symms	Wirth

NOT VOTING—1

Gore

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. BYRD. Mr. President, I hope that Senators will stop now and look and listen. What we have done in voting down this motion is, we have paved the way for sending this bill back to the calendar and when it will be called up again we will have the same exercise to go through.

Meanwhile, what is happening to the country? Two-thirds of this money bill, $6.7 billion is for the farmers. Why isn't the farm bloc voting for this motion?

The CCC deficiency payments, reimbursement for losses, the money has run out. There "ain't" any more. As of May 1, it ran out.

For increased pay costs for Federal workers, $408 billion in this supplemental. What are we going to say to them? Are we going to say they cannot have the pay increase?

There is the sum of $1.2 billion to pay for the new retirement contribution. What are we going to do now? Renege on our commitment?

For the homeless relief initiative, the sum of $137 million is in this bill. Are we going to renege on our commitment here?

Mr. President, I hope that Senators will think seriously about these matters. I am going to move to reconsider. I qualify to make that motion. I am going to move to reconsider shortly, but if there are other Senators who wish to speak to this matter before I make the motion, I will yield with the understanding that I do not lose my right to the floor.

I hope that we will vote to reconsider. It requires a 60-vote majority to waive. Otherwise, the time that has been spent has been for naught. The clock is running and the farmers are waiting for reimbursement for their losses.

There are many other parts of the bill I have not mentioned. There are some parts of this bill that I have not mentioned at all, such as the foreign assistance items. The administration is very interested in that. I may not be personally, but it is in there. And there are many other items. Senators will see on page 5 of the committee report those items and others.

I yield to any Senator at this point without losing my right to the floor, Mr. President. I do not mean to hog the floor, but I want to make the motion to reconsider in due time.

I yield to the Senator from Texas.

Mr. GRAMM. Mr. President, I thank the distinguished Senator for yielding. I would like to make a couple of points. First of all, had we had a clean CCC bill that would not have been subject to a point of order because it had no outlay effect. So the point of order here did not apply to CCC. If you are concerned about simply recharging CCC in terms of providing funds, that can be done. It is not subject to a point of order. What held this bill up was not that.

What held this bill up was that it raised the deficit by $2.6 billion. I am not saying, Mr. President, that there are not good programs here, essential programs, and a few programs that I think on the margin qualify as being emergency. But there is an alternative. The alternative is to come up with offsets, to take savings that we agreed upon last night, to put them into this bill as offsets so that the deficit does not rise. If we do not, then there is no point of order, there is no need for 60 votes, and we can proceed.

On the other hand, to simply waive the Budget Act is to assure that the deficit goes up by $2.6 billion.

If our objective is to balance the budget, if our objective is to prevent interest rates and inflation rates from going back up, this is where we have to draw the line. So I urge my colleagues, No. 1, CCC is not an issue here. We can bring CCC to the floor. It is not subject to a point of order, and it can be adopted, so we need not hold up the CCC.

If we want to spend $2.6 billion on these programs, if they are critical programs, then let us combine that $2.6 billion add-on with reductions in other programs to offset it so that it might be deficit neutral.

Every day, every American family has to reorder priorities and they do it. I think the time has come for us to do it. I am proud of the vote we just cast. I hope Members of the Senate will stay with their position and ask the Appropriations Committee to go back and find offsets, many of which were identified last night in the budget.

We all know it is unlikely we are going to have a reconciliation bill. If we are going to have $2.6 billion in new spending now, let us offset it against other programs.

Mr. HATFIELD. Will the Senator yield for a question?

Mr. BYRD. Mr. President, I have the floor.

Mr. HATFIELD. Will the Senator permit me to ask a question of the Senator from Texas?

Mr. BYRD. I will be happy to yield for that purpose with the Chair protecting my rights.

The PRESIDING OFFICER. The majority leader has the floor. Without objection, the Senator from Oregon is recognized.

Mr. BYRD. No, I am recognized. This Senator is recognized. I yield for that purpose.

The PRESIDING OFFICER. For the purpose of asking a question.

Mr. HATFIELD. The majority leader has merely yielded for a question.

May I ask the Senator from Texas to please explain for me a little bit about why this does not really represent an outlay.

As I understand, the CCC is broke and we are going to appropriate $6.2 billion so they are going to start putting out checks.

Now, those checks are not outlays?

Let me correct myself—$6.7 billion, not $6.2 billion. We do not have any money now. We are going to, I say, appropriate $6.7 billion and then we are going to start sending out checks to these people who qualify.

Now, are those checks not outlays?

Mr. GRAMM. If the distinguished Senator will yield, the checks are not outlays.

Mr. HATFIELD. No.

Mr. GRAMM. They represent budget authority for an entitlement, and basically what we have done is simply set limits on that, though the entitlement is written into law and the budget authority obligations are not scored by CBO as outlays and as a result there is no point of order against CCC.

Mr. HATFIELD. In other words, it is a scorekeeping technique we are using here? We do not call them outlays because the Budget Committee choses not to call them outlays and the CBO or whoever else it is.

The Senator is saying to us the $6.7 billion, which is not in there now and, if we put it in there, those farmers who do not have any money at this point under CCC begin to get checks and they will ultimately total $6.7 billion, that is not spending money, that is not an outlay, that does not contribute to the deficit.

Mr. GRAMM. If the distinguished Senator will yield, I am not saying that. That is the way the books of the U.S. Government are kept. If we want to offset that $6.7 billion with other cuts, I will vote for it.

Mr. HATFIELD. Mr. President, I would just like to say let us not play games. We hear enough of this phony bookkeeping anyway between the White House and the CBO, OMB, and we get enough of it from the Budget Committee. Merely because somebody says this is not an expenditure, it is not an expenditure.

I think part of our problem is this whole budget process. I do not intend to miss any opportunity to point out how ludicrous it is that we are going to start arguing today that $6.7 billion is not an outlay, that it is not an expenditure. I think we better reconsider this vote, as the majority leader has indicated, bite the bullet, stand up and take the responsibility and say it is an expenditure or whatever you want to call it, play games, but let us get on with the business of the Government and pass this waiver so we can get this appropriation bill through.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I yield under the same conditions to my friend, the Senator from Florida [Mr. CHILES].

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

Mr. CHILES. Mr. President, I wish more Senators were present. I think part of our problem is the body does not understand this, especially when I look at some of the votes that have been cast. Much of the bill has been provided for in the budget resolution and we knew that there were a number of items which were going to come due later and that we would pay for them. And so the supplemental pay, the CCC, and those kinds of things basically are provided for.

There is some increases over the budget mark. It is $2.6 billion. And that I think is the money that the body ought to focus on and decide on that basis do you want to waive the budget resolution or not.

Of the $2.6 billion, $1 billion is for pensions. Now, that $1 billion was in the budget resolution last year. The agencies themselves were supposed to take care of that pension money and the Appropriation Committee in effect was to see that they did that. That has not happened. We start with an Appropriations Committee this year and a couple of months left and I can tell you there is no way those agencies can make that money up now.

So either you are or are not going to say workers are entitled to their pension. I think they have a warrant, I think they can sue the U.S. Government. In other words, I think it is a bill you have to pay. I do not care what we do on the waiver; one way or the other that bill has to be paid, that $1 billion.

Now, I am as a member of the Appropriations Committee and the Budget Committee going to see, when we put a mark like that in the Budget Act, that we enforce it next time. It should not happen that way. But in effect the distinguished Senator from Mississippi finds himself chairman of the committee and there is no way he can deal with this problem right now, I can tell you. That billion dollars has to be paid.

Now, that leaves $1.6 billion more, and of that $1.6 billion about 40 percent I can tell you——

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

are too many conversations going on in the Senate and the Senator from Florida is entitled to be heard. This is a very important vote.

Mr. CHILES. About 40 percent of the $1.6 billion is emergency, and I think basically if you examine it like I did and had our staff examine it, I think you will see it. And that leaves about 60 percent that is not. That 60 percent is in two items. It is in defense and it is in foreign assistance. It is about $768 million in BA and $632 million in outlays for DOD military items.

Now, these are items that the Secretary of Defense came up here on. The President in effect is asking for these items. The House has provided funding for them. They have been provided for here.

Now, when I look at some of the no votes on this, they are the very people who were saying we were not putting in enough money for defense in 1988 and that we had to increase it. If this body wants to instruct the committee to go back and take all of these items out, they are discretionary items. The other is $387 million in foreign assistance in BA, $251 million in outlays. That is what the Secretary of State has been around here and has pleaded for. Part of that is the base money, paying for our bases. Part of it is some of the money for the multilateral development banks. We have not paid our share. That again is an item that is sort of discretionary, not included in the budget. We cut those items. If the body says we do not want to yield to any of those, then the Appropriations Committee, I guess, could take those items out.

What I wanted to point out is that I did support the waiver. I do not like to see us go over. But when I see where the House is, even after they had an across-the-board cut, because some of the Members on the floor jumped up and said they think this is too high, and had the across-the-board cut, it was a major cut they made—even with that, this bill is a billion dollars below the House.

The President has indicated that he will sign this bill if it does not go any higher than the numbers we have here, because it has items he has in effect primarily requested. The DOD items and the foreign assistance items make it go up.

My feeling was, as a member of the Budget Committee and the Appropriations Committee, and seeing the requests that were turned down—I can tell the Senate that the requests were higher than this, and I know what our respective subcommittees turned out. Mine had $49 million out of $125 million. That was the only difference in our subcommittee.

So, maybe some people could have held that down more. But I think that, overall, the chairman of the Appropriations Committee and his staff, as well as the respective subcommittees, have done a pretty good job in holding it down.

I think that in the future, with respect to moneys like these pension moneys, we ought to enforce it. If there are emergency provisions, this is an emergency supplemental.

I guess it comes down to this point: Are there people who think we need this additional money for defense? Most of it is what the Secretary of Defense thought was critical. That is a judgment call. I do not substitute myself for anybody's judgment, but when I see some "no" votes, I do see that there are people who are vitally interested in always saying that we have to make a sufficient mark for defense, and I do not think they completely understand. I also think that when people understand what happens when somebody finds out that his pension is not going to be paid for, if this bill sits on the calendar for any length of time, we had better start providing answers to those telegrams.

Mr. BYRD. Madam President, the bill will be on the calendar over the weekend, and people can have time to get in touch with their representatives, I am sure.

Mr. GRAMM. Mr. President, will the distinguished leader yield?

Mr. BYRD. I yield, under the same conditions as heretofore.

Mr. GRAMM. Madam President, I want to explain CCC, and I want to talk a little about entitlements and about FEMA.

Mr. BYRD. Madam President, I ask unanimous consent that I may be permitted to take my seat, or to take a seat, but that I retain the floor notwithstanding, and that I do not lose my rights to the floor.

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

Mr. GRAMM. Madam President, the way the Commodity Credit Corporation is set up, the loans are extended, or outlays are incurred, and we come back and adjust the budget authority. It is true that in doing the bookkeeping, we admit the expenditure after the fact, but the point is that the outlays have already occurred.

All we are doing here is adjusting our books to the reality, and that is why the CCC expenditure is not subject to a point of order and why the point of order that was sustained on the vote we just took had nothing to do with CCC. Maybe we should do it differently, but that is not the issue here.

I point out, also, that civilian pay raises, veterans compensation, special milk program, family social services, and FEMA are also entitlements and they are not subject to a point of order.

So, when we refused to waive the point of order here, we were not talking about any of those programs. Those add-ons, so to speak, are not subject to a point of order.

So, what we are voting on here is whether or not we are going to raise the deficit as measured directly by $2.6 billion.

I remind my colleagues of the first time in this Congress we debated this point of order issue. They will recall that it was on the homeless bill, and we voted to take $50 million out of FEMA to provide for the homeless. I would like my colleagues to note that in this bill we are adding the $50 million back to FEMA and, paradoxically, since FEMA is viewed as noncontrollable here, that is not subject to a point of order. So when we funded the $50 million housing bill and claimed that we were offsetting it, and people got up and said, "This is a phony offset," in fact, it turned out to be, and here we are adding it back.

The point I would like to make before we vote again is this: The issue here is not whether or not programs in this bill are vital or not. That is not the issue. The question here is, Are we going to waive a point of order? In a $1.18 trillion budget, surely, if there are $2.6 billion of critical programs—and I submit that many of these programs are not critical—we can go back and find offsets.

So the issue here is not whether we are going to fund these programs. The question is, How are we going to do it? Are we going to do it by raising the deficit, or are we going to do it by going back and taking money away from alternatives or by adding revenues directly to pay for it? Either one of those two things would eliminate the necessity for a point of order. So the vote we are about to have is not a vote as to whether you want these programs. It is a vote about whether or not we are going to pay for it.

Are you going to take the money away from a lower priority use? Are you going to vote taxes directly in this bill to pay for it? If you do either of those things, there is no point of order.

I believe we should sustain the point of order, and I urge my colleagues to stay with their vote.

I thank the distinguished majority leader for his kindness.

Mr. LEVIN. Madam President, will the majority leader yield so that I may ask a question of the Senator from Texas?

Mr. BYRD. Madam President, I yield for that purpose, provided my rights are protected.

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

Mr. LEVIN. Madam President, I wonder if my friend from Texas will explain a little more as to what he said about adding revenues in this appropriation bill.

How would the Senator do that, mechanically? I did vote with the Senator on this first vote. I am troubled, frankly, by our simply waiving the Budget Act when this is one of the areas where there is some discipline. The fact that the House was higher than we are is not a matter which gives me solace. We are a billion dollars below them and are still seeking a significant waiver of the Budget Act, and that is the place we have some discipline.

The fact that the President would sign this bill does not give me much comfort, either, because he does not care much about the deficit, either, given the budget he submitted.

I believe we should seek offsets or put in revenues to pay for programs we have to fund. I cannot vote, in good conscience, to fund most of these programs. I have no trouble with some of them. My difficulty is that we do not have any offsets in this bill and we do not have any revenues in this bill.

My question of the Senator from Texas is this: How in this bill, mechanically, could there be revenues, since this is an appropriation bill and did not come from the Finance Committee?

Also, how could there be offsets in this bill from programs that are not covered by the bill itself, from other programs already appropriated?

Mr. GRAMM. In terms of offsets, the offsets could be undertaken by de-appropriating funds for de-authorizing funds from other functions—actual reconciliation language, changing eligibility for entitlements, cutting back a program.

In terms of a revenue offset, there would be a germaness question about an amendment. That germane question could be ruled and could be overcome with a vote.

There is the constitutional question about money bills emanating in the House, and it may very well be that in terms of our actions our scope is limited relative to the House, which could emanate a money bill for this purpose.

It may be that a money bill in some form exists. The debt ceiling will certainly be one where that could be accommodated.

There are technical problems, but in terms of the final adoption of a law there is no hurdle that cannot be overcome.

The question is, are we going to fund this by simply raising the deficit or are we going to try to find a way to offset it, either by paying for it with the revenues or by cutting other programs to keep the net effect of it deficit neutral.

Mr. CHILES. May I just say to my good friend from Michigan, if my good friend from Michigan wants to listen, I just wanted to correct things. There are all kinds of offsets in this bill. Three hundred million dollars for Central America is an offset of some defense funds, and most all of the pay is based on absorptions, which is offset.

So the bill has hundreds of millions of dollars in offsets in it.

You can argue you should have offset another $2.6 billion. But, what I am saying on the pensions, that billion dollars, I do not see how you offset this on the agencies at this late date. It is just impossible to do.

For example, an agency like Justice or something where all of their money is manpower, DEA is the same way, Customs is the same way. To say to them you have to offset this pension money now, you can say it but there is no way in the world it can happen unless they decided to RIF. I guess that is what they do. They would RIF hundreds of thousands of people to do that.

So I do not think you can offset that many. That is why I say I regret that happened. I think the Appropriations Committee ought to be monitoring and seeing during the year that they are setting that, but from where the Senator from Mississippi found himself in effect as chairman of that committee, that one could not be done.

Mr. LEVIN. Madam President, will the Senator yield for a question on that?

Mr. CHILES. Yes.

Mr. LEVIN. There are two things that seem to me could be done that would give some kind of assurance that action will be taken. One is an offset reducing the amount of funding for the offices of the people who did not carry out the law last year.

Mr. CHILES. That is an amendment the Senator might want to make.

Mr. LEVIN. I said if there were referral back, that could come back from the appropriations. It may be a small offset, but it would send a pretty big message.

Mr. CHILES. It might be a heck of a message.

Mr. LEVIN. Another kind of action could be taken and perhaps—and I am just really exploring with my friend from Florida because I know the dilemma he is in—I frankly want to fund these programs, too, but I want to pay for them.

Mr. CHILES. Right.

Mr. LEVIN. Another possibility would seem to me is that there be revenues that would be suggested at least and the matter referred to the Finance Committee as a joint referral.

And I am wondering if that was also explored. I think this is a House bill, and I believe, as a matter of fact, revenues could be added although I may be wrong, and the Parliamentarian could perhaps correct me on that.

In any event assuming this is an appropriate vehicle for revenues, was there consideration given to a referral to the Finance Committee to take a look at the record?

Mr. CHILES. I just say nothing is impossible, I guess, but how you go raise revenue in 1987 for spending that was done in 1987, and that is what this is, this is an 1987 emergency sup, and that time of raising that is gone unless we are going to retroactively say to some people we are going to charge you some taxes back because we let spending get out of control.

I will vote for a lot of taxes. I do not want to vote for any like that because I think people could be pretty upset about that.

I guess I do not know how you do that to accommodate the revenues.

Mr. BYRD. Madam President, under the Senate rules, if my motion to reconsider carries and the vote on the motion to waive is again rejected, then no new motion to reconsider that vote will be in order.

So I do not want to run that risk. I am afraid to have another vote at this moment because not many Senators have been here to hear this debate.

So I am about to ask unanimous consent that the Senate stand in recess until tomorrow morning at 10 o'clock so that Senators may consult or at least reconsider this matter overnight, and contemplate what the results would be of rejecting this motion a second time.

If any other Senator wishes to speak before I do, he may.

Mr. STENNIS. Madam President, will the Senator yield to me for some figures here?

Mr. BYRD. Yes.

Mr. STENNIS. I think the record could well reflect the actual figures here comprising this $2.6 billion. $1.1 billion of that is for retirement contributions that have been earned under the law and, of course, must be paid. $0.8 billion for defense, and that is military as I interpret this, must be paid, and readiness costs is an item that is a part of that. There is $0.2 billion foreign operations requested by the administration, Central America, and the next item is $0.1 billion, homeless initiative, the way I read it. The other one is $0.4 billion increase pay costs which must be paid.

It is a total of $2.6 billion that in mysterious ways got other descriptions, but money on the barrel head that has to be paid.

I thank the Senator.

Mr. BYRD. Madam President, I ask unanimous consent that I may ask the distinguished Senator from Texas a question without losing my right to the floor.

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

Mr. BYRD. Is it the intention of the distinguished Senator from Texas to make a point of order against this bill in the event we do not go forward with this motion to waive at this time?

Mr. GRAMM. It would be my intention.

Mr. BYRD. I thank the Senator.

Madam President, I will ask unanimous consent for a recess so that we all may have time to reconsider the positions that we have taken. It may have been that a good many Senators came into the Senate and voted and may wish to reconsider. They are very busy in committee meetings, and they are all over the place conducting committee hearings. Oftentimes they come into the Chamber and they have not heard the debate and the issues that are involved. I can understand how Senators might have cast a vote and would wish, upon reflection, and upon knowing more about what is involved, to change their vote. I hope, therefore, that, after further consideration, the 60 votes needed for the waiver will be forthcoming on tomorrow.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD. Mr. President, I, therefore, ask unanimous consent that the Senate stand in recess until the hour of 10 o'clock tomorrow morning.

There being no objection, at 3:39 p.m., the Senate recessed until tomorrow, Friday, May 8, 1987, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 7, 1987:

INTERNATIONAL MONETARY FUND

Charles H. Dallara, of Virginia, to be U.S. Executive Director of the International Monetary Fund for a term of 2 years.

DEPARTMENT OF STATE

Fred J. Eckert, of Virginia, for the rank of Ambassador during the tenure of his services as U.S. Representative to the United Nations Agencies for Food and Agriculture in Rome.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Bohdan A. Futey, of Ohio, to be a judge of the U.S. Claims Court for the term of 15 years.

Wilkes C. Robinson, of Kansas, to be a judge of the U.S. Claims Court for the term of 15 years.

Reena Raggi, of New York, to be U.S. district judge for the eastern district of New York.

Ronald S. W. Lew, of California, to be U.S. district judge for the central district of California.

Richard J. Daronco, of New York, to be U.S. district judge for the southern district of New York.

David S. Doty, of Minnesota, to be U.S. district judge for the district of Minnesota.

DEPARTMENT OF JUSTICE

J. Keith Gary, of Texas, to be U.S. Marshal for the eastern district of Texas for the term of 4 years.

Earl L. Rife, of Ohio, to be U.S. Marshal for the northern district of Ohio for the term of 4 years.

Dwight G. Williams, of Mississippi, to be U.S. Marshal for the northern district of Mississippi for the term of 4 years.

Robert W. Foster, of Ohio, to be U.S. Marshal for the southern district of Ohio for the term of 4 years.

FOREIGN SERVICE

Foreign Service nominations beginning Ain H. Kivimae, and ending Ravindar Kumar Sikand, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 10, 1987.

HOUSE OF REPRESENTATIVES—*Thursday, May 7, 1987*

The House met at 11 a.m.

Sister Jean Patrice Harrington, president, College of Mount St. Joseph, Mount St. Joseph, OH, offered the following prayer:

Loving God, on this National Day of Prayer we commend to You this great Nation—all of its people both young and old, rich and poor, whose lives combine in forming our traditions, in writing our history, in determining our future.

As we strive for justice and equity and peace for all, help us to acknowledge the dignity of each human person.

We ask for each, freedom:

From a need for power;

From intolerance to change;

From insensitivity to others;

From a tendency to manipulate;

From every vestige of prejudice; and

From every kind of bondage.

We ask for each a freedom designed:

To assure an opportunity;

To develop one's potential;

To receive quality education;

To work in order to earn a respectable livelihood;

To worship You according to one's convictions; and

To speak openly against oppression and for loving relationships.

May all Members of this distinguished body commit themselves anew to protect those cherished freedoms, by exercising their decisionmaking role with wisdom, integrity, and full knowledge of the responsibility that is theirs in protecting the rights of all.

May the work done here bring us each day a little closer to being truly "one nation under God, indivisible, with liberty and justice for all." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

A TRIBUTE TO SISTER JEAN PATRICE HARRINGTON

(Mr. THOMAS. A. LUKEN asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. THOMAS A. LUKEN. Mr. Speaker, it is my pleasure to be a Representative of the district of Sister Jean Patrice, who just gave the prayer. As many of the gentlemen in the Chamber know, it is rather unprecedented for a nun to give the prayer here, but Sister Jean Patrice has continued to do unprecedented things. As a matter of fact she is retiring this year, and she has so many credits and is so popular in my district that it is my fond hope in the interest of my own job security that she does not go into politics.

Sister Jean Patrice recently received the St. Francis Xavier Medal from Xavier University, my own alma mater, to honor persons of action, of courage and innovation who have had a direct impact on their fellow man and woman.

Since her arrival in 1977 she has led Mount St. Joseph to many heights, through several major reforms. In 1983 she started the Excel Program—a program designed to get college-bound students with learning disabilities into college.

She has also displayed her commitment to the community. She serves on many boards of directors of companies, actively serves on those boards of directors in Cincinnati and in the Ohio region.

Her wisdom and contagious energy is most evident in her view of retirement as a time to move on to new visions and new vitality, and it is appropriate to leave when things are going well.

So I am very proud to represent Sister Jean Patrice, and I think that we are all very proud that we have had this good representative of the Sisters of Charity here this morning.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, April 30, 1987, the Chair declares the House in recess, subject to the call of the Chair, to receive the former Members of Congress.

Accordingly (at 11 o'clock and 5 minutes a.m.), the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The SPEAKER of the House presided.

The SPEAKER. On behalf of the Chair and of the Chamber, I consider it a high honor and a distinct personal privilege to have the opportunity of welcoming so many of our former Members and colleagues as may be present for this occasion. We pause in our deliberations this time each year to welcome them back to this historic Chamber.

This is a bipartisan affair, and in that spirit the Chair is going to recognize the floor leaders of both political parties in the House at the present time, and then during the calling of the roll of the former Members, the Chair would ask if the distinguished gentleman from Arizona [Mr. RHODES] at that point would assume the chair.

The Chair first recognizes the distinguished majority leader, the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Thank you, Mr. Speaker.

Speaker O'Neill, Speaker WRIGHT, my former colleagues, Members, I am delighted to have the opportunity to extend the warmest welcome to the former Members who have gathered this year to give us an opportunity to share a few minutes together as those who have served in this great body.

My memory goes back to 1965, when I was first a Member of this House, and I see around me all those Members, almost everyone in this room, with whom I had the honor to serve. I recognize the enormous talent and ability, the enormous contribution that has been made to this country and to the Congress by those who are gathered in the Chamber today. In fact, it is very difficult for me not to instantly stand a bit to attention with the presence of former chairmen and ranking minority members and former Speakers and former leaders.

The work of the former Members of Congress, individually and as a group, is I think one of the great and wonderful accomplishments of those who have joined us today. Both in the Organization of Former Members of Congress and in their individual commitments to public and private efforts the former Members have given enormously of their experience and ability to the continued service of their local, State, and national governments and to many, many private causes.

We all think and say that the privilege of service in the House of Representatives is knowing and working with our colleagues, and I think when new Members of Congress hear this, they take it with a bit of skepticism as something that is said by senior Members but perhaps is not quite as deeply felt as the Members suggest. The longer one serves here I think the deeper the commitment is to the fellowship and association and common effort that brings us together from all corners of this country, from all reaches of our land, from all backgrounds, to serve those to whom we

owe our office and to have the opportunity which is the greatest honor that befalls most of us in our lives, to be Members of the House of Representatives.

□ 1110

Thomas Jefferson wrote an epitaph and showed it to a friend before he died. Mr. Jefferson is buried in a simple gravesite at Monticello under this epitaph, and as he showed it to his friend, Mr. Jefferson read it. It said, "Here lies buried Thomas Jefferson, author of the Declaration of the Independence, author of the statute granting religious freedom in Virginia, father of the University of Virginia," and that is all that it said, except for the date of birth. Of course, Mr. Jefferson did not know the date of his own death.

The friend smiled and said, "Well, Mr. Jefferson, this is totally inadequate. It does not mention that you were the Ambassador to France after the great Benjamin Franklin, that you were Secretary of State of the United States, that you were Vice President of the United States, and that you were twice elected Chief Magistrate and President of the United States."

I think Mr. Jefferson's response is a good text for all of us present and former who have had the opportunity to serve in public office and in public life. He said, "Sir, I prefer to be remembered for what I have done for others rather than for what others have done for me."

All of us know that this is a tremendous honor for us, those who presently serve and those who have served in the past to represent hundreds of thousands of American citizens in this Chamber which we think of as the most democratic and deliberative body in the world, and to share that experience, and in an effort to make our own contributions as best we may to the furtherance and advance of our people and our country, and then to have the opportunity to come back together covering the range of years. I will not even begin to start recognizing the people in this room, but to be present with Speaker O'Neill, with Leader John Rhodes, with all of you, committee chairmen, Members, people I know who have made such an enormous contribution to our country by your past service and your present efforts is a great pleasure for us, and we extend to you our warmest welcome and greeting on this wonderful day.

The SPEAKER. The distinguished minority leader, the gentleman from Illinois [Mr. MICHEL] has been unavoidably detained. He will be here later, he assures me, and for that purpose we will delay his remarks until after the calling of the roll.

The Chair directs the Clerk to call the roll of former Members of Congress.

The Clerk called the roll of former Members of Congress, and the following Members answered to their names:

ROLLCALL OF FORMER MEMBERS OF CONGRESS ATTENDING 17TH ANNUAL SPRING MEETING, MAY 7, 1987

Hugh Q. Alexander of North Carolina;
William H. Ayers of Ohio;
Lamar Baker of Tennessee;
Robert Barry of New York;
Laurie Battle of Alabama;
J. Glenn Beall, Jr., of Maryland;
Robin Beard of Tennessee;
Berkley Bedell of Iowa;
John A. Blatnik of Minnesota;
Richard Bolling of Missouri;
Daniel B. Brewster of Maryland;
Donald G. Brotzman of Colorado;
Charles B. Brownson of Indiana;
James T. Broyhill of North Carolina;
William T. Cahill of New Jersey;
William Carney of New York;
Elford A. Cederberg of Michigan;
Charles E. Chamberlain of Michigan;
Jeffery Cohelan of California;
Albert M. Cole of Kansas;
James M. Collins of Texas;
William C. Cramer of Florida;
Paul W. Cronin of Massachusetts;
Glenn R. Davis of Wisconsin;
Edward J. Derwinski of Illinois;
William Jennings Bryan Dorn of South Carolina;
John N. Erlenborn of Illinois;
Michael A. Feighan of Ohio;
Hamilton Fish of New York;
L.H. Fountain of North Carolina;
Nick Galifianakis of North Carolina;
Robert N. Giaimo of Connecticut;
Martha W. Griffiths of Michigan;
Gilbert Gude of Maryland;
Robert P. Hanrahan of Illinois;
Ralph R. Harding of Idaho;
James Harvey of Michigan;
Jeffrey P. Hillelson of Missouri;
Chet Holifield of California;
Roman L. Hruska of Nebraska;
William L. Hungate of Missouri;
Richard Ichord of Missouri;
Jed Johnson, Jr., of Oklahoma;
James Jones of Oklahoma;
Horace R. Kornegay of North Carolina;
Peter N. Kyros of Maine;
John V. Lindsay of New York;
Robert McClory of Illinois;
John Y. McCollister of Nebraska;
William S. Mailliard of California;
James R. Mann of South Carolina;
Wiley Mayne of Iowa;
George Meader of Michigan;
Lloyd Meeds of Washington;
D. Bailey Merrill of Indiana;
John S. Monagan of Connecticut;
Frank E. Moss of Utah;
Thomas P. O'Neill, Jr., of Massachusetts;
Shirley N. Pettis of California;
Peter Peyser of New York;
James Quigley of Pennsylvania;
Thomas F. Railsback of Illinois;
Henry S. Reuss of Wisconsin;
John J. Rhodes of Arizona;
J. Kenneth Robinson of Virgina;
John M. Robison, Jr., of Kentucky;
J. Edward Roush of Indiana;
John H. Rousselot of California;
Philip Ruppe of Michigan;
Eldon Rudd of Arizona;
Harold S. Sawyer of Michigan;
Fred Schwengel of Iowa;
William L. Scott of Virginia;
Garner Shriver of Kansas;
Carlton R. Sickles of Maryland;
Henry P. Smith III of New York;
William L. Springer of Illinois;
Lynn E. Stalbaum of Wisconsin;
Roy A. Taylor of North Carolina;
Herbert Tenzer of New York;
Andrew Jackson Transue of Michigan;
Victor V. Veysey of California;
Charles W. Whalen, Jr., of Ohio;
Larry Winn of Kansas;
Ralph W. Yarborough of Texas;
Samuel H. Young of Illinois; and
Leo C. Zeferetti of New York.

□ 1120

Mr. RHODES (presiding). The Chair announces that 82 former Members of Congress have responded to their names.

I guess I need not report that a quorum is present because a quorum is obviously present.

The Chair now takes great pride in recognizing the distinguished Republican leader of the House, the gentleman from Illinois, Mr. ROBERT MICHEL.

Mr. MICHEL. I thank the Speaker and, my colleagues, and may I join TOM FOLEY in officially welcoming you back to the floor of the House. Each year it is so good to see old friends this day, but today is particularly joyous because we get a chance to pay tribute to our friend, the former Speaker, Tip O'Neill. I have seen Tip on occasion since he left us.

Mr. RHODES (presiding). My colleagues, the distinguished Republican leader of the House, BOB MICHEL, does not like to be called minority leader and I do not blame him. I did not either. He is the Republican leader.

Mr. MICHEL. Incidentally, Mr. Speaker, your reference to being in the minority, I hate to say that my dubious distinction, along with BILL BROOMFIELD now, is that every new day that I am serving, I am setting a record for having served longer in consecutive years as a member of the minority party than any other Member in the history of the country. It is a horrible distinction.

Now I have seen Tip O'Neill on occasion since he left us, and I can tell you he is really enjoying his retirement. He tells me that the lecture circuit suits him just fine and that he now understands why we Republicans have been praising the free enterprise system for so long. That working title of Tip's book, "A Man of the House," I seem to recall that is the title I gave

him in my farewell remarks on the floor of this House when we had several significant occasions in his honor. And I am happy that he is using that title.

Let me turn, if I might for a moment, to the meaning of this day, I guess, as I see it. A few weeks ago we Republican Members went to Federal Hall up in New York City where the first Congress met, you will recall. You would not recall that other than reading it in your history books.

But during our conference in New York, we discussed many subjects, and running through all those discussions, I guess, and conversations was this theme of continuity and change, and from the first Congress to the 100th Congress, this institution has been governed by those two imperatives, continuity and change.

Someone once said that our allegiance should not be to the forms of the past but to its virtues. I believe the House of Representatives has followed that rule. We changed many of the forms, the way we have been doing things around here. As a matter of fact, this televised coverage of the House of Representatives, if it has a flaw I would say it is that we do not have near the camaraderie on the floor of the House that we once had when so many of you were here and we really got to know you better because we were sitting here most of the time during the course of the debate in that afternoon, and the electronic coverage, I think, has tended to change that part of it. And if I have a regret over our having moved to televising these proceedings, that may be the one objection I would have.

I guess former Members remind us of the principle of continuity and, yes, of change. We see old friends and collegues and are reminded of our ties with them in days gone by. We are also reminded that this institution, of course, is bigger than any one of us. It flows on like a mighty river with or without any individual Member, including those of us who are still here, and will some day join the former Members.

When you see so many former colleagues in one place you get some idea of the continuity and sense of community that we share.

So I just want to say again how happy I am to see so many of my old colleagues on our side of the aisle, those with whom we have always had a cordial relationship on the Democratic side of the aisle—I still play golf with a few of them out there.

Tip, it is wonderful that we should again be paying a special tribute to you. You know that old, warm affection and regard "BOB" has for you.

So thanks, folks, nice to have you with us.

Mr. RHODES (presiding). The Chair now recognizes the president of the Association of Former Members, the gentleman from Illinois, the Honorable Edward J. Derwinski.

Mr. DERWINSKI. Since we are in the presence of many Members and former Members of the other body, I want to announce up front that I will live within the 5-minute rule.

Let us see now, Tip is here, which is fine.

I would like to give you a very brief annual report or President's report just touching on the highlights of our association, keeping in mind that this is a unique institution that now has been operating almost 200 years and has in turn helped create similar entities.

Mr. Speaker, on behalf of the Alumni Association of the Congress, I want to thank you for making this time available to us for our annual report to the Congress.

As the Congress moves toward the celebration of its bicentennial, our association will be nearing the completion of its second decade of existence. This affords us a special opportunity to look forward to the future and reflect on our accomplishments in the past.

Our Alumni Association is unique. The only way you can join it is through service in the U.S. Congress. We currently have approximately 600 members who have represented 49 States in the House and Senate. So, our membership is unique. When our members speak about the Congress, they know the institution, its strengths and weaknesses, its history and traditions.

This is one of the reasons our founders, Dr. Walter Judd and the late Congressman Brooks Hays were so keen on establishing a Campus Fellows Program. And it is one of the reasons why this program which now has completed 215 campus visits has been so well received on college campuses throughout the country. Our most recent visits have been by Tom Railsback to Indiana University Northwest, Bob Giamo to the University of California, John Anderson to Mid-America Nazarene College in Kansas, and Dick Clark to the University of Oklahoma. Mr. Speaker, I am submitting a list of the colleges and universities visited with a list of fellows to be printed at this point in the RECORD along with comments from the letters of evaluation we received from the faculty of these most recent visits which are a sample of the praise we receive for this program that takes the Congress to the classroom.

COLLEGES AND UNIVERSITIES VISITED UNDER THE CONGRESSIONAL ALUMNI CAMPUS FELLOWS PROGRAMS

COLLEGE/UNIVERSITY, STATE/COUNTRY, AND FELLOW

Alaska Pacific University, Alaska, William S. Mailliard (California).

Albion College, Michigan, David S. King (Utah).

Albion College, Michigan, Ted Kupferman (New York).

Albion College, Michigan, Martha Keys (Kansas).

Alfred University, New York, Frank E. Moss (Utah).

American College in Paris, France, David S. King (Utah).

American College in Paris, France, Byron L. Johnson (Colorado).

Arizona State University, Arizona, Gale W. McGee (Wyoming).

Arizona State University,* Arizona, Jacques Soustelle (France).

Assumption College, Massachusetts, Gale W. McGee (Wyoming).

Auburn University, Alabama, William L. Hungate (Missouri).

Auburn University,* Alabama, Alan Lee Williams (United Kingdom).

Avila College,* Kansas, Karin Hafstad (Norway).

Bainbridge Jr. College, Georgia, Gilbert Gude (Maryland).

Baylor University, Texas, James Roosevelt (California).

Baylor University,* Texas, Peter von der Heydt (Germany).

Bowling Green State University, Ohio, Robert P. Hanrahan (Illinois).

Bradley University, Illinois, Charles W. Whalen, Jr. (Ohio).

Brandeis University, Massachusetts, Abner J. Mikva (Illinois).

Brandeis University, Massachusetts, L. Richardson Preyer (North Carolina).

Brenau College, Georgia, Ralph W. Yarborough (Texas).

Brigham Young University,* Utah, Jacques Soustelle (France).

California Poly. State—San Luis Obispo, California, Frank E. Evans (Colorado).

California Poly. State—San Luis Obispo, California, Ralph W. Yarborough (Texas).

California Poly. State—Pomona, California, Robert R. Barry (New York).

Cameron University, Oklahoma, William D. Hathaway (Maine).

Cameron University, Oklahoma, William L. Hungate (Missouri).

Cameron University, Oklahoma, Dick Clark (Iowa).

Carleton College, Minnesota, William S. Mailliard (California).

Carroll College, Montana, Ralph W. Yarborough (Texas).

Chaminade College, Hawaii, Catherine May Bedell (Washington).

Chatham College, Pennsylvania, Catherine May Bedell (Washington).

Chatham College, Pennsylvania, Martha Keys (Kansas).

Charleston College,* South Carolina, John M. Reid (Canada).

Clark College, Georgia, William L. Hungate (Missouri).

Clark College, Georgia, William S. Mailliard (California).

Colgate University, New York, William S. Mailliard (California).

College of the Sequoias, California, Gale W. McGee (Wyoming).

Colorado State University,* Colorado, Alastair Gillespie (Canada).

Columbia College, South Carolina, Catherine May Bedell (Washington).
Columbia College, South Carolina, Martha Keys (Kansas).
Columbia College, South Carolina, James M. Quigley (Pennsylvania).
Columbia College,* South Carolina, John M. Reid (Canada).
Concordia College, Michigan, Walter H. Moeller (Ohio).
Connecticut College, Connecticut, Ralph W. Yarborough (Texas).
Converse College, South Carolina, Jed Johnson, Jr. (Oklahoma).
Dartmouth College, New Hampshire, John O. Marsh, Jr. (Virginia).
Dartmouth College, New Hampshire, William S. Mailliard (California).
Davis & Elkins College, West Virginia, Frank E. Moss (Utah).
Davis & Elkins College, West Virginia, J. Glenn Beall, Jr. (Maryland).
Denison University, Ohio, Frank E. Moss (Utah).
DePauw University, Indiana, Hugh Scott (Pennsylvania).
Dillard University,* Louisiana, George Kahn-Achermann (Germany).
Doshisha University, Japan, Catherine May Bedell (Washington).
Duke University,* North Carolina, George Kahn-Ackermann (Germany).
Eckerd College, Florida, William L. Hungate (Missouri).
Elmira College, New York, Charles W. Whalen, Jr. (Ohio).
Friends University, Kansas, Henry P. Smith, III (New York).
Furman University, South Carolina, Jed Johnson, Jr. (Oklahoma).
Georgetown University,* Washington, DC, Celio Borja (Brazil).
Grinnel College, Iowa, Neil Staebler (Michigan).
Guilford College, North Carolina, Gale W. McGee (Wyoming).
Gustavus Adolphus College, Minnesota, Charles W. Whalen, Jr. (Ohio).
Hamilton College, New York, William S. Mailliard (California).
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215 visits—68 Fellows

* International project funded by the Ford and Rockefeller Foundations for visit of Parliamentarians from the United Kingdom, Germany, France, Canada, Brazil and Norway.

EVALUATION COMMENTS

We very much enjoyed having former Congressman Robert Giaimo visit with us at the Graduate School of Public Policy at the University of California, Berkeley. The enclosed schedule of activities indicates that Bob Giaimo spoke to diverse audiences. Faculty and students in the Political Science Department and the School of Business Administration also took advantage of his broad expertise on Congress, interest groups, and the federal budgetary process. Deans of other professional schools at UC Berkeley were present at a faculty lunch given in Mr. Giaimo's honor. In summary, Bob Giaimo's visit can be evaluated as a very successful educational endeavor.—Phyllis Strong Green, Associate Dean, Graduate School of Public Policy, University of California, Berkeley, Berkeley, California.

I want to take this opportunity to thank you for providing an organizational structure whereby we are able, despite being a small college, to have a person of John Anderson's stature on our campus for a few days. Given the rates charged by booking agents for prominent speakers, we could not even have anyone close to his importance visit MANC for an evening address, much less a residency such as his. We are most appreciative of your facilitating this splendid academic opportunity.—John R.M. Wilson, Lyceum Director and History Professor, Mid-American Nazarene College, Olathe, Kansas.

The recent visit of Congressman Thomas Railsback here (and at Purdue Calumet) was a great success. The students who participated in the discussion sessions were very much pleased with the interaction. The convocation on "America and the World Trade Situation" stimulated some very interesting questions from the audience . . . We wish to thank Former Members of Congress for extending this opportunity to us.—George C. Roberts, Professor of Political Science, Indiana University Northwest, Gary, Indiana.

What a splendid way to end my ten-year tenure as Director of the Scholar-Leadership Enrichment Program. As an interdisciplinary and intercollegiate activity, many believe the Scholar-Leadership Enrichment Program is one of the finest opportunities available to Oklahoma students. Student evaluations are uniformly glowing: An absolutely super experience . . . Dick Clark was great! He is very knowledgeable and personable. He was very open and friendly . . . This seminar was some of my best spent time in my college career . . . I believe that having an intense discussion with a group of intelligent students and a top-notch scholar is an experience that's second to none. This is unlike any other educational experience and is highly successful and enjoyable. . . .—J. Clayton Feaver, Director, Scholar-Leadership Enrichment Program, The University of Oklahoma, Norman, Oklahoma.

The experience of congressional service shared by our Members with students on college campuses in States other than from which they served has proved to be a significant resource to faculty and students alike. This innovative program began under a pilot grant from the Ford Foundation and has been continued by grants from the John Crain Kunkel Foundation, the Lilly Endowment, the Charles Stewart Mott Foundation, the UPS Foundation, the Flora and William Hewlett Foundation, as well as a number of academic, corporate, and individual donors.

Under grants from the Ford Foundation and the Rockefeller Foundation, we have internationalized the program to bring in as visiting fellows former parliamentarians from Brazil, Canada, France, the Federal Republic of Germany, Norway, and the United Kingdom. Additionally, under grants from the Japan-U.S. Friendship Commission, the United States-Japan Foundation and the EXXON Educational Foundation we have sent two of our Members to Japan to lecture at Japanese universities and brought a delegation from the Japanese Diet to visit a United States college campus. At this point in the RECORD, I would like to list the 229 financial sponsors who have made our educational programs possible.

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During the last 14 years we have sponsored an average of two international seminars a year for a total of some 29 interparliamentary programs. In the last dozen seminars we have brought together some 60 Members of the House and Senate together with their counterparts from Germany, Japan, Canada, Scandinavia, Australia, New Zealand, and other developed democracies. These seminars have been funded by the German Marshall Fund of the United States, the Japan-United States Friendship Commission, the USIA, the Scandinavian Seminar College, and the East-West Center. They have been held from the East-West Center in Honolulu to the Salzburg seminar in Austria. Parliamentary

seminars have been also held in cooperation with the Johnson Foundation Conference Center "Wingspread," the Konrad Adenauer Foundation, the Friedrich Ebert Foundation, the Friedrich Naumann Foundation, the Berlin Aspen Institute, the Gerald R. Ford Foundation, the Japan Center for International Exchange, and the James Byrnes International Center for the University of South Carolina.

Our two most recent seminars were held last month at the Byrnes Center of the University of South Carolina which was our second seminar there and our seventh with members of the Japanese Diet, and earlier this month we held our second seminar at Lake Como with the Konrad Adenauer Foundation which was our 11th with the German Bundestag.

Three of the programs have resulted in publications of which we are very proud. One is a comparative study of the "The Japanese Diet and the U.S. Congress," published in Japanese and English. A second is a study in cooperation with the Atlantic Council and the Gerald R. Ford Library entitled "The Presidency, the Congress and Foreign Policy." The third is a study of the German Bundestag and the U.S. Congress focusing on the importance of the role of technology, which will be published in German and English later this year. We plan to continue our series of comparative studies with other democratically elected national legislatures.

Incidentally, our 30th parliamentary seminar will be held in August which will be our second with the Scandinavian Seminar College bringing together Members of the Congress with their counterparts in Norway, Denmark, and Sweden. We believe that these seminars provide a valuable service in providing opportunities for Members of the Congress to meet their counterparts in other national legislatures.

One of the projects of which we are most proud is providing hospitality at the Capitol for distinguished international visitors. Under a 2-year grant from the Ford Foundation and subsequent support from the German Marshall Fund we will have hosted more than 125 events at the Capitol for cabinet ministers, parliamentarians, jurists, academicians, and other distinguished visitors from 63 countries. These events have included congressional receptions, luncheons, and breakfasts enabling legislators of many countries to meet with persons who have served or are serving in the U.S. Congress and are able to interpret it to them with firsthand knowledge.

Mr. Speaker, we now have counterpart associations in more than a dozen democracies that include Argentina, Austria, Belgium, Brazil, Canada, France, Germany, Greece, Italy, Japan, Luxembourg, Switzerland, Turkey, the United Kingdom, and Venezuela.

Each year we invite one of our sister organizations to send a delegation to our spring meeting. In recent years we have had delegations from France, Germany, Italy, and the United Kingdom. This year we are particularly pleased today to welcome representatives from our newest counterpart association, the former members of the Canadian Parliament who are represented today by a delegation consisting of two former members of the House of Commons, William Clark and Doug Rowland, as well as Mrs. Clark.

Our association is aimed at promoting a better understanding of the Congress as an institution. When our association was founded, there were many skeptics who doubted whether Democrats and Republicans, Liberals, and Conservatives, could put aside party labels and ideological differences to work together in a nonpartisan cooperative framework. The remarkable thing is not only have we been able to do so, but many personal friendships have developed across party and ideological lines as we have discovered.

A common bond in our service in the Congress. Whatever differences we may have on specific issues are slight when compared to our shared belief in representative government and the institution of the Congress of the United States. Although we have been able to generate more than $1 million in foundation support for our association's educational programs in the last decade and a half, an even more telling statistic is that our own membership has contributed more than half a million dollars to our alumni association in a comparable time which speaks volumes of the active support of our own members.

Mr. Speaker, in order to ensure bipartisanship, our board of directors is half Republican and half Democratic, elected by our membership. Our officers rotate on an annual basis between the parties and a balance is maintained on the board to ensure representation of alumni of both Houses of the Congress.

To next year's association president, John V. Lindsay, I extend my best wishes for continued success in the development of the educational programs of our organization. The coming year will be a particularly significant one because in September we shall meet to celebrate the bicentennial of the signing of the Constitution which we shall commemorate at our fall meeting in September in Philadelphia. We all know that our Republic was founded as a great experiment in self-government 200 years ago. There were many who doubted that the experiment could long endure. Even through a terrible civil war, two world wars, economic depressions, and vast technological and social changes, the remarkable thing is that our system of a written constitution with representative government and separation of powers has not only endured, it has flourished providing more freedom and opportunity for more citizens than any system previously recorded in human history. We are especially proud of the role of the Congress in maintaining and extending that freedom and opportunity within the context of our constitutional system of government. We share a pride in whatever large or small role we played in the Congress in helping preserve and extend that freedom. Ours is a fragile system. We all know the truth that George Washington stated in his first inaugural address that our Republic is "an experiment intrusted to the hands of the American people." We know that experiment cannot succeed without the commitment of an informed citizenry who understand the historical background of the development of our democratic institutions and are determined to preserve them for future generations.

As an association, we stand together committed to the goals of the preservation of the central institution of representative democracy of our Republic, the Congress of the United States.

We have with us at this conference, for example, members of the newly formed Former Parliamentary Association of Canada. There are others like it.

So we are serving as an inspiration to other groups to continue their former public service and public support.

Then momentarily wearing my current hat as an employee of the State Department, I would like to tell you how tremendously invaluable this association has been in hosting the visits from members of Parliament. Frankly, our current colleagues in the Congress are just too busy to do the kind of job that is required. The Association of Former Members has done a terrific job in hosting visits from parliamentarians from around the world. In so doing, I think they demonstrated the practical politics they are able to convey, and our visitors come away with that unique touch of bipartisanship that we have developed.

I must say that I find bipartisanship on the part of my Democratic friends very important. It has come, of course, too late. Having spent 24 years and always being in the hopeless minority, the idea of now being treated as an equal in retirement is in itself quite inspiring.

Now, if you will permit me, the one sad duty at this point, I would like to read the roll of our deceased Members of the past year, after which I would ask that you would all join me in observing a moment of silence.

In the last year we have lost: O.K. Armstrong (Missouri); Raymond E.

Baldwin (Connecticut); Jonathan Bingham (New York); Chester Bowles (Connecticut); Tim Lee Carter (Kentucky); Chester A. Chesney (Illinois); W. Sterling Cole (New York); Shepard J. Crumpacker (Indiana); Harry Darby (Kansas); James G. Donovan (New York); Ivor D. Fenton (Pennsylvania); Edward A. Garmatz (Maryland); Charles E. Goodell (New York); Edith Green (Oregon); James C. Healey (New York); Alton A. Lennon (North Carolina); Peter F. Mack, Jr. (Illinois); Abraham J. Multer (New York); William T. Pheiffer (New York); Albert Reeves (Missouri); and Al Ullman (Oregon).

I would like to ask that we observe a moment of silence in their memory.

(Whereupon a moment of silence was observed.)

□ 1130

Mr. DERWINSKI. At this time, I would like to acknowledge the presence of two distinguished New Yorkers. First, for a bit of history, I would like to acknowledge the presence of our oldest Member, not only in age, but also in service, a young man who started his service in the House in 1920 and is with us today as a member of this august association, HAMILTON FISH of New York.

The next president of the association—I should say next president because we do have a Democratic process of electing our presidents—the next president will be a Democrat, which is sort of a twist in history because when he served here in the House, he was actually a Republican. Then he became mayor of New York, and you know, when you become mayor of New York, many things happen to you that affect your political balance.

John Lindsay will be our next member as a good Democrat, and I am only afraid that he will require that the association all start wearing "I love New York" buttons as part of membership, and that we all join, the next time that he is the head of a citizens' committee to increase subway fares in New York City, he will probably haul the association into it.

John, we pledge you our fullest cooperation. You know you have a great group to work with and a great association, now even a great history behind us. We know you are going to do a great job and will have a really successful year.

At this point, again I have to refer to my 24 years of minority service, this is a rare opportunity. At this point, in my capacity as president, I would order the Honorable Tip O'Neill to step forward.

Tip, do you want to use the minority mike or do you feel more comfortable with that microphone?

Mr. O'NEILL. I have never been on that side.

Mr. DERWINSKI. You should have tried it sometime; it is great.

Actually, we are going to present Tip with our Distinguished Service Award. I would say that the decision to present this award, Tip, was reached by acclamation.

There are a couple extra historic points, though. One, Tip, is that we have, along with the award itself, letters of commendation from Members of the U.S. Senate, and as I read them, I read through it sort of an honest reaction on their part to the fact that it is the House where the real people speak. This is an homage to you from Members of the Senate.

We also have a similar group of messages from Members of the House, and they all reflect the great affection and esteem and respect that we have for you.

Last, but not least, the award itself, which is presented to Speaker Thomas P. O'Neill, Jr., on the floor of the House of Representatives, by the U.S. Association of Former Members of Congress in recognition of his service to the Republic, May 7, 1987.

There is not a man who is better known around the country as Mr. Speaker, Mr. Congress, than Tip O'Neill, a great guy, a great friend of all of ours, and Tip, on behalf of all members of the association, I am pleased to present this award to you.

Mr. O'NEILL. Thank you. Thank you.

Mr. RHODES (presiding). The Chair is pleased to recognize the distinguished former Speaker and recipient of the annual award of the Association of Former Members, my buddy, Tip.

Mr. O'NEILL. Mr. Speaker, oh, how JOHN longed for that title.

Mr. Speaker, my colleagues, former Members of the Congress and present Members, I am delighted to be here today. I have been asked so many times, "How is the transition going? How is the commencement of a new life? Do you miss it here in Congress?"

Of course I miss it. To say otherwise would be ridiculous. I miss my colleagues; I miss the leadership meetings; I miss the press; I miss my employees who worked with me for so many years.

I miss the whole attitude. I am keeping myself out of the position of making decisions, but I am moving around and I am enjoying myself.

"Have you ever felt that you would have liked to have stayed?" Sure, I would have liked to have been here for the 100th Congress, to be perfectly truthful, but I served as Speaker for 10 consecutive years, longer than any person, and I owed it to the Members. I owed it particularly to JIM WRIGHT, who had been majority leader and TOM FOLEY, and the rest who were coming along, for their loyalty through the years in this great institution.

JIM came from Texas and I came from Massachusetts. We do not always think alike, but JIM is a beautiful person, he always has been, and I am deeply grateful to him.

Here we are in the 100th Congress, the 200th anniversary of the Constitution. Indeed, it is going to be a tremendous year. The 200th anniversary of the Constitution, a simple document, put together by the Founding Fathers with a simple set of rules on how to govern our Nation, a tripartite institution: the President, the administration; the Congress, the House and the Senate; and the Judiciary.

Here in this body, the obligations and the duties are to authorize, appropriate, in case of war, to declare war, oversight, and to set the laws of the Nation.

I have been in this Chamber so many times, through a period of 35 years. I was in Cleveland on the night of the President's State of the Union. I was sitting in a hotel room and saying to myself, "This is the first time in 35 years that I haven't been present for that particular night." I watched the President and so many memories came back, as do memories as I stand here now.

We always respond to the will of the American people. That is the policy and that is the art of government and that is what the Constitution is all about. That is what Congress is all about.

I have seen, through my 50 years in public life, and in 17 terms here, when we developed a great agricultural system and became the breadbasket of the world. Then an industrial complex, and now, on the 200th anniversary, how things have changed.

After the war, in the days when I was here when Eisenhower was President, the military industrial complex moved, when the Marshall plan was put into effect, we were the breadbasket of the world. We traded with every nation. We had an economy that was flowing. We were the power of the world.

□ 1140

And suddenly things have changed. But this Congress had the challenge of the agricultural days and it witnessed the changes and the problems of the industrial days. Now we are at a time when we have to look forward. We cannot stand still. We have to continue to be the leader. There are those of us who eye the situation and realize that America must move.

But how do we move? I think we have to move in quality and productivity. How do we get to that? I think we get to that through the realm of education, because the strong backs and the strong arms of the past which helped develop industry will not be

needed in the future. It is the keen, strong mind of education.

I am happy about things since I left the Congress. I appreciated the fact that on both sides of the aisle we are looking at a deficit. We have to do something to straighten out that deficit. I am more concerned, as I think of the Congress today, than I was 45 years ago. I think industry and those who govern are closer together than they have ever been before.

The Founding Fathers had a great challenge. As I look back, I think they were heavenly sent and heavenly blessed.

This 100th Congress has a great challenge. Its challenge is to bring us toward the 21st century.

Let me just say this: This Congress has never failed the American people. I have thought about that so many times as I sat on the rostrum and had the gavel and looked up there. I remember the time when I read about what Alexander Hamilton said one day when he was sitting in the gallery. The House was a noisy hubbub, and he was sitting with a British parliamentarian who asked, "What is going on down there?"

"Well," he said, "let me say one thing to you." He said, "There the people govern."

We are the voice of the people, and we owe a responsibility to the people. We have met adversity many, many times, and we have always been equal to the challenge. I think we are at the stage of meeting adversity again right now, and I have every confidence in our system of government and every confidence in the Congress and the elected people of this Government.

To my colleagues who served in this body as I did, let me say that it was a delight to be at your dinner last night and to meet with so many of you. It brought back fond memories. There is hardly a person in the House that I cannot associate something with along life's line.

So I am happy to join you. I am happy to be one of you. I want to participate in your functions. All of us together have so much knowledge and we have seen so much history, we should make sure that that history is recorded for the future of this Nation.

For honoring me today, for this beautiful gavel, I thank you, and I say to Ed Derwinski and to the officers of the association that I want you to know I am available and will be at your service. I want to participate, I want to keep alive the spirit that I love so much in the Congress of the United States. Thank you.

[Applause, the members of the audience rising.]

Mr. DERWINSKI. Mr. Speaker, that applause demonstrates our warm affection and respect for Tip.

Tip is a man of his word. You should know that Tip has agreed to serve on our board of directors, so when he told us he wanted to help, by gosh, he has already volunteered, and he will be a member of our board of directors.

I want to thank all of you. Lunch is at the Capitol Hill Club.

In addition, Tip, I want to say that Walter Judd, one of our cofounders, sends his best wishes. Dr. Judd is ill, but he sends his best wishes to you, Tip, and to all of us on this occasion.

Mr. Speaker, I thank you for your courtesy. Had you ever been Speaker, you would have been a wonderful presiding officer.

Mr. RHODES (presiding). Naturally I associate myself with the last remarks of the gentleman from Illinois.

I want to thank the Speaker on behalf of the membership and the majority leader and the minority leader—excuse me, the Republican leader—for the courtesy you have shown us, as you always do on this occasion. I am particularly pleased to see so many of my former colleagues who are here today.

I want to congratulate my friend, the former Speaker, whose kindness I will long remember and cherish, on the award he so richly deserves, and I want to welcome him officially to the Association of Former Members.

Tip, you will be a great addition to our group, and we are pleased that you will be participating. It will strengthen the association immeasurably.

On behalf of the Speaker, I will announce that the House will reconvene at the hour of 12, and, without objection, the annual meeting on the floor of the House of Association of Former Members is hereby adjourned.

Accordingly (at 11:45 a.m.), the House continued in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. MURTHA] at 12 noon.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD and that all Members and former Members who spoke during the recess have the privilege of revising their remarks and remarks submitted on behalf of former Members, including certainly one of the greatest Speakers we have ever come to know, Mr. O'Neill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

APS REPORT AND SBKKV SURVIVABILITY

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, 2 weeks ago the American Physical Society—the leading society of physicists in the United States—released a study on the science and technology of directed energy weapons.

In doing so, the APS also came to important conclusions about the survivability of any space-based antimissile system.

Those conclusions cannot be considered as good news for those who believe our Nation should abandon the ABM Treaty and embark upon a development, testing, and deployment program relying principally upon space-based kinetic kill vehicles.

The APS found that the ability of any space-based ABM system to withstand attack is "highly questionable at present." It also concluded that "during the operational phase, the space-based assets are especially vulnerable."

Yet, early deployment advocates want us to commit to a system of expensive, highly vulnerable SBKKV satellites which rely on technology which is 30 years old and a small number of sensor satellites which can be neutralized with only a modest Soviet effort.

The APS also found that while it will be some time before lasers and other exotic weapons will be adequately developed for a decision as to whether they could form part of an effective ballistic missile defense, certain directed energy technologies can threaten vital parts of a space-based defensive system.

Most significantly, the APS found that:

> Since a long time will be required to develop and deploy an effective ballistic missile defense, it follows that a considerable time will be available for responses by the offense * * *. A specific threat cannot be predicted accurately in advance of deployment.

For these and other reasons, I will be offering an amendment which was approved by the Armed Services R&D Subcommittee to limit the space-based kinetic kill vehicle program. This amendment will permit basic research to continue without committing us to spending at least $121 billion on a system that will be obsolete before it is initially deployed.

I hope my colleagues will support this effort to halt the rush to near-term deployment of ABM systems which violate the ABM Treaty.

FAMILY AND MEDICAL LEAVE: ANOTHER BEDROCK FAMILY ISSUE

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, it is now a mere 3 days until Mother's Day and a mere 5 days before the Labor-Management Subcommittee takes up one of the bedrock family issues of our day: family leave.

Startling economic and social changes are transforming the American family. So, the time has come to develop a family and medical leave policy that simply says that if an employee must take a leave of absence because of childbirth, a serious illness or serious illness among family members, they will not be fired.

All this being true, we cannot ignore the very real concerns of the American employer. Any realistic legislative solution must strike a balance between the needs of employees and employers. Business, especially small business, must be able to continue productive and profitable operations.

Next week our subcommittee will mark up a family leave bill.

I propose legislation which would grant limited, unpaid family and medical leave periods but applies only to full-time employees in good standing and would affect companies and corporations with more than 50 employees.

For families in America today, especially young families, a reasonable family leave policy is the job security issue of our day.

COME CLEAN, MR. PRESIDENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I want to address the Barnum & Bailey Circus proceedings that are taking place at the Iran-Contra hearings. Ghorbanifar now blames the CIA. The CIA, they sort of blame Secord. Secord turns the blame back on the CIA. Mr. Meese blames Poindexter. Poindexter blames North. And North is blaming the liberal press.

Come on here, Mr. President. The President just keeps smiling. This is the greatest smile in Presidential history, the most charismatic, that got him elected. Now it is becoming known as the great smile of the great stonewall.

Mr. President, come clean, the buck stops right at your desk. You can fool some of the people some of the time, some of the people all of the time, but you cannot fool all Americans all of the time. Mr. President, you are now beginning to insult the intelligence of the American people, because this Barnum & Bailey Circus cannot be believed, nor can it be credible to any American with any common sense.

IT IS TIME TO ACT ON FARM CREDIT

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, we as a Nation have let the farm credit delivery system languish long enough. It is like a time bomb with an accelerator ticking, ticking, ticking, faster and faster, and the longer we wait, the closer we come to disaster. It is time to stop playing "ring around the rosey" and stop pointing the fingers of blame at everybody else in this whole scenario.

The producer cannot continue to sustain a 12-, 13-, 14-percent interest rate on long-term credit. The Farm Credit System is essential to an agricultural recovery. The Farm Credit System is essential to agricultural real estate stability. Unless we fix the Farm Credit System and stop the time bomb, we as a Congress are going to blow all of the investments that we have made into agriculture to stabilize it—we are going to blow it entirely out of the water. Our investments will be gone, the producers will be gone, and we will have a far greater problem. It is time to act on farm credit.

□ 1210

FAMILY MEDICAL LEAVE ACT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I am very proud to announce that the Subcommittee on Civil Service of the Committee on Post Office and Civil Service has passed out the Family Medical Leave Act for all civil service employees. It is long overdue.

As we face this Mother's Day weekend, it is time that this Nation's Capital stops talking about family, and I do not think that there is any other capital in the world that has poured more rhetoric on the family, and does something about families, something to relieve the stress that young families are sensing all over, and we mean something real, not something that is a bag of smoke.

If I had a map here of the entire world, every other country in the world except the United States, South Africa, Burkina, Sudan, and Ghana has done this. It is long overdue, and I am pleased that the subcommittee has begun progress, and I hope that the Committee on Education and Labor moves it next week.

DISAPPOINTMENT WITH SUPREME COURT JUSTICE THURGOOD MARSHALL'S REMARKS

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, I rise to express my great disappointment with recent remarks attributed to Supreme Court Justice Thurgood Marshall in which he contends that the framers of our U.S. Constitution were "not particularly profound." I strongly disagree. Our Founding Fathers placed real restrictions on the power of government over the individual, rather establishing a standard of human rights that ultimately have applied to every American. Jefferson, Madison, Franklin, and the other delegates to the Philadelphia Convention created a living document capable of evolving over time. They created a system of government in which freedoms would be broadened, rather than diminished.

Mr. Speaker, our Constitution is the oldest written document of its kind in continuous use. That in itself should tell us that our Founding Fathers had exceptional foresight. I hope Justice Marshall will take a second look at history and recognize that he does indeed have reason to celebrate the bicentennial of this outstanding document.

RECENT VISIT TO NICARAGUA

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, I recently visited Nicaragua as a member of the United States delegation to the 77th Conference of the Inter-Parliamentary Union.

While in Managua, Representative LINDY BOGGS and I met with a group of women whose sons, brothers, and husbands are imprisoned apparently without cause by the Sandinistas.

These women, most of them mothers dressed in rags and tatters, told me stories of torture, fear, imprisonment under inhumane conditions in Nicaragua's infamous El Chipote prison, a jail to which all inspection or entrance is barred to international human rights groups, including the International Red Cross.

Mr. Speaker, since my return to Washington, I have learned that the Sandinista state security police detained one of the women—Concepcion Salazar Gonzalez—2 days after she met with me and threatened that she would never again see her two imprisoned sons if she held further meetings with visiting foreigners.

"We could have them disappear so you would never see them again * * *

and we can do the same to you," the Sandinista security officials told her.

The Sandinista security police summoned Mrs. Salazar to the prison on the pretext that they wanted to discuss the case of her imprisoned sons, Domingo and Fanor. But when she arrived, she was brought into a room in which the temperature was so low that she likened it to a refrigerator, and she was interrogated by four security officials.

Mr. Speaker, I am offended and outraged by this act.

Neither Representative Boggs or I have ever supported military aid to the Contras, yet the Sandinista still terrorized this helpless mother because she met with us.

Actions such as this one make it clear that the Sandinista's are governing by repression and intimidation with a total disregard for the human rights of Nicaraguan citizens.

Mr. Speaker, incidents such as this one may cause Members of this body to think differently next time we face a vote on Contra aid.

PLANT CLOSING BILL

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, we will soon have to consider a bill that would, by law, mandate a 90-day notice before a company could close a plant. For large corporations with many individual plants, this may not cause great difficulties. But for a small business, with one or two locations, it would be a real threat.

As a small businessman, to notify your employees and the local government of the impending closing of your plant under the provisions of this bill would start a standard chain of events. First, your suppliers would change payment terms to cash or decide not to deliver supplies at all. Your lenders, who already knew of your weakened condition, would cut off your credit. Your employees with good skills would leave to find another job.

In the meantime, Mr. Speaker, you would be consulting with your employees, for the bill authorizes private lawsuits for backpay and lost benefits for failure to consult or disclose relevant information.

Has anyone in this Chamber put a pencil to the costs of this bill to the small employer? If the small businessman must lay off 50 employees and pays an average of $6 per hour, the closings payroll would amount to $156,000. This amount may not bother politicians here in Washington, Mr. Speaker, but, to a small company trying to save the remaining parts of its business, it is absolute disaster.

SPENT FUEL CONTINGENCY ACT OF 1987

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. LLOYD. Mr. Speaker, today I am introducing a bill entitled "Spent Fuel Contingency Act of 1987." My bill would enable the Government to fulfill its legal and contractual commitments to begin accepting for disposal the spent nuclear fuel discharged from commercial nuclear powerplants beginning in calendar year 1998. The Congress intended that a Federal disposal facility would be available in 1998 to begin receiving such spent fuel. However, the Waste Program has proven to be highly controversial and has been delayed.

Mr. Speaker, we should reject the Department of Energy's proposed monitored retrievable storage facility. The Waste Disposal Program has turned into a ripoff of the utility ratepayers and this temporary MRS facility is yet another example of unnecessary expenditures. A reasonable, safe, and totally effective program for the storage of spent nuclear fuel at powerplant sites is in the best interest of the utility ratepayers and the Nation. The Spent Fuel Contingency Act of 1987 is the best congressional response to an immediate problem in the Federal Nuclear Waste Disposal Program.

H.R. 2319

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spent Fuel Contingency Act of 1987".

SEC. 2. FINDINGS.

The Congress finds and declares that—

(a) the federal government has a legally binding contractual commitment to begin accepting title to spent nuclear fuel discharged from domestic commercial nuclear power plants beginning in calendar year 1998;

(b) until calendar year 1998, it is the responsibility of the owner of the power plant to provide adequate storage for such spent fuel;

(c) a federal disposal facility, constructed pursuant to the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101, et seq., in this Act referred to as the "Waste Act"), may not be available at such a time to begin receiving such spent fuel;

(d) the government should be prepared with a contingency plan to fulfill its contractual obligations in the event that such federal disposal facility is not available to receive such spent fuel;

(e) a central Monitored Retrievable Storage facility for spent nuclear fuel storage and processing as identified in section 141 of the Waste Act (42 U.S.C. 10161) is unacceptable under any circumstances; and,

(f) a safe and cost effective plan to fulfill the government's commitment is to accept title to, and responsibility for, spent fuel at the power plant site and to store such spent fuel at the power plant site until a federal disposal facility is ready to receive the spent nuclear fuel for disposal.

SEC. 3. CONTINGENCY PLAN.

(a) CONTRACT REQUIREMENT.—The Secretary of Energy, (in this Act referred to as the "Secretary") shall, pursuant to his responsibilities under the Waste Act, enter into agreements with persons holding contracts with the government under the authority of section 302 of the Waste Act (42 U.S.C. 10222) to enable the Secretary to implement the contingency plan developed pursuant to subsection (b).

(b) CONTINGENCY PLAN.—The Secretary shall develop a written contingency plan to accept title to, and responsibility for, spent nuclear fuel from those persons who have contracted with the government under authority of section 302 of the Waste Act (42 U.S.C. 10222). Such plan shall require the Secretary to finance out of the Nuclear Waste Fund (in this Act referred to as the "Waste Fund") established in the Waste Act, all of the costs associated with receiving, processing (excluding reprocessing to separate out any of the constituent chemical elements or chemical compounds of the spent nuclear fuel), storing, licensing, controlling and monitoring such spent fuel at the nuclear power plant sites, or, if such spent fuel cannot be returned to such site, at other locations where such persons are storing such spent fuel. The Secretary shall compensate such persons for the use of any non-federal land required by the Secretary to implement the contingency plan.

(c) IMPLEMENTATION.—The Secretary shall implement the contingency plan at such time as will enable him to fulfill his contractual commitments to receive spent nuclear fuel pursuant to section 302 of the Waste Act (42 U.S.C. 10222).

(d) CREDITS.—The Secretary is authorized to make direct payments from the Waste Fund, or issue credits against the fee to be collected by the Secretary pursuant to section 302 of the Waste Act (42 U.S.C. 10222), to any person for any activity that will assist the Secretary in fulfilling his obligations under this Act or the Waste Act, including, but not limited to, payments or credits to such persons who agree to reduce the amount of required federal spent nuclear fuel storage or disposal space by taking one or more of the following actions—

(1) consolidating or otherwise processing (excluding reprocessing to separate out any of the constituent chemical elements or chemical compounds of the spent nuclear fuel) such spent fuel;

(2) reracking existing spent nuclear fuel storage pools;

(3) creating dry cask storage; or

(4) building new wet storage pools.

(e) DEFINITIONS.—The term "person" shall have the meaning given to such term in section 11 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014).

DEMOCRAT BUDGET PRIORITIES

(Mr. THOMAS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of California. Mr. Speaker, our Democrat colleagues both here in the House and in the Senate often complain that we accuse them of tax and spend, tax and spend and playing politics with the budget.

Early this morning the Senate passed their budget. What did they

do? They increased taxes. And after blasting the President's economic assumptions for months, they adopted them because it saved them billions of dollars.

It is true they cut a few items—they cut defense; they cut international affairs. They cut agriculture; they cut veterans, but lo and behold, in function 800, general government, we find $100 million added to pay for taxpayer-financed campaigns.

The Senator from Alaska, Senator MURKOWSKI, offered an amendment to move that money into the veterans' budget function. The Senator from California, ALAN CRANSTON, said, speaking against the amendment "I believe that providing for public financing of congressional elections is one of our most pressing national needs. That needed reform will benefit veterans as well as all Americans."

Welcome to a Democrat-controlled Congress, taxpayers. If they have their way, they are going to be cutting veterans but getting you, Mr. and Mrs. taxpayer, to pay for Senators' campaign buttons and bumper stickers.

Why do we complain about the Democrats taxing and spending? Take a look at the Senate's budget.

BARRING OF KURT WALDHEIM FROM THE UNITED STATES

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WEISS. Mr. Speaker, last Congress the House passed a resolution I introduced calling upon the Attorney General to examine evidence related to Kurt Waldheim's activities during World War II. In carrying out that mandate, and by barring Waldheim's entry to this country, the United States last week reaffirmed its commitment to reject those involved in the worst crime in the history of civilization.

Our Government should have acted last year before Waldheim was elected President of Austria after his election. Never before have we refused entry to the head of a friendly nation. As former Secretary General to the United Nations, Waldheim carries special international prestige. The easy decision would have been not to complicate United States—Austrian relations, and to let the matter die. Nevertheless, our Government chose principle over politics, and justice over expediency.

When the war criminal is Karl Linnas or John Demjanjuk, bringing him to justice is a relatively simple step. When Kurt Waldheim is implicated in criminal activity, serving justice is much harder. But they must be judged by the same standard. Last week our Government showed its devotion to that principle. Only by upholding it, and by refusing to forget the crimes committed in the name of Nazi Germany can we hope to prevent the Holocaust from happening again.

□ 1220

WE SHOULD QUESTION THE VALIDITY OF LISTENING TO A COUNTRY WHICH TREATS ITS CITIZENS THIS WAY

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, like the gentleman from New York whose remarks I hope all of us listened to, I was also privileged to be in Managua last week along with the gentleman from California [Mr. BATES]. And I, likewise, was privileged to visit with a group of women whose relatives had been imprisoned for no offense or for political offenses. But unlike the gentleman I did not meet with 30 women; I only met with 5. It might interest the gentleman to know that Mrs. Gonzalez was not the only one who was picked up and detained by the state security police. Among those ladies that the gentleman met with, there were four who were detained and every single one of the other ladies that the gentleman met with was visited by the state security police and they were strongly advised to cease meeting with foreigners, especially with the U.S. Congressmen.

So by the time I got there, only five of those women were willing to come forth and to meet with me and they showed exceptional courage in doing so.

The gentleman would also be interested, I believe, my colleague and friend, to know that they asked me and through me the gentleman to come home and to tell their story. And they gave me their names. They said, "Please use our names." And they gave me the names of their loved ones who have been imprisoned and they said, "Please use their names, please tell our story. We believe this is the only way that we will be able to obtain freedom and justice in Nicaragua."

I asked them, "Aren't you afraid of retribution and the consequences of us going back to the United States and telling your story?" And they said, yes, they were, but they believed that this is the only way that they can obtain freedom and obtain justice is for us, the American people, to become aware that there is political repression in Nicaragua, that there are political prisoners in Nicaragua and we have to help them regain their freedom.

I would hope my colleagues who in the past have not supported our policy toward Nicaragua will heed the words of the gentleman from New York the next time you have an opportunity to question the validity of listening to a country that treats its citizens this way.

PRESIDENT'S DEFENSE PRIORITIES SKEWED

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, when we resume debate on the Defense authorization bill today, we will be considering more than a dozen amendments related to the strategic defense initiative.

I support a robust SDI research and technology development program, at the level approved by the Armed Services Committee, because I believe that we should explore strategic defense options that may lead to reducing the threat posed by ballistic missiles.

At the same time, Mr. Speaker, we must be realistic about the current threat. If we are serious about reducing nuclear arsenals, then we have better realize that we must strengthen our conventional forces, especially within the Army, in order to close the gap with Warsaw Pact forces in Europe.

At the Reykjavik summit, the United States proposed reducing the superpowers' nuclear arsenals by drastic measures. But the President's fiscal year 1988 defense request indicates to me that he cannot have been serious in making this proposal. The committee's review found that the administration was seeking cuts in conventional force programs so that additional funds could be allocated to strategic, classified, or advanced technology programs.

Mr. Speaker, if the administration really wants to reduce stockpiles of nuclear weapons, it should be pushing to upgrade our conventional forces, not weaken them.

If the administration has its way, our ground forces would suffer in order to pay for more nuclear hardware and two more aircraft carriers. In point of fact Air Force R&D is larger than Army procurement. Vital equipment purchases such as the Apache Attack Helicopter Program would be closed down, 82 choppers short of its original goal. The Army Helicopter Improvement Program would be terminated, at the expense of the troops who really need them.

Mr. Speaker, the committee believes that priorities expressed in the President's request have been skewed the wrong way. Our work reflects a policy decision to protect conventional—particularly Army—forces at the expense of growth in strategic forces, and I urge my colleagues' support.

WE SHOULD SUPPORT THE WELDON AMENDMENT AS THE FIRST STEP IN ADDRESSING VIOLATIONS OF THE ABM TREATY

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, in the next few minutes we are going to begin the continuation of debate on the Department of Defense authorization bill. First up will be what I think is probably one of the most important amendments to be considered and that is the Weldon amendment which addresses the construction of that huge radar system at Krasnoyarsk. We hear so much about the term "Krasnoyarsk," we know that it is a violation. Almost everyone in this House has admitted that it is a violation. We must also remember that there is another important part of the ABM Treaty that is being violated. Not many people have talked about the flat twin and pawn shop mobile ABM missiles that the Soviets have been deploying and utilizing. What I am saying is we have to support the Weldon amendment, but it is only the first step in addressing the Soviet violations of the ABM Treaty.

THE DEATH OF BENJAMIN LINDER

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, I am calling for an official inquiry by the Department of State into the death of Benjamin Linder. Mr. Linder, who was an American citizen, was allegedly killed by Contra guerrillas on April 29, 1987, while working at a remote village in the northern province of Jinotega, Nicaragua. To date, reports of the slaying are conflicting.

One report indicated that Benjamin was killed by the shrapnel of a grenade during a confrontation between Contra guerrillas and Sandinista militiamen. Most reports however, state that he was ambushed with coworkers near an isolated ravine where he received nonlethal wounds to his arms and legs. The autopsy shows he died as a result of being shot in the head at point blank range.

Our State Department has an obligation to the Linder family whom I met with in Managua in providing an appropriate response with regard to this unfortunate incident. I urge my colleagues to join with me in requesting Secretary of State Shultz to look into this matter and providing an adequate response.

THE PRESIDENT AND CONGRESS SHOULD WORK TOGETHER TO SUPPORT THE ARIAS PLAN, THE CONTADORA PROCESS OR BILATERAL TALKS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, while the Nation focuses on the Iran Contra hearings and their daily revelations, could it be we have missed something significant in the administration's policy in Central America? I recall seeing the President as he boarded his helicopter state that he wanted to pursue free elections in Nicaragua. He said nothing about overthrowing the Sandinista government.

If this is the case, this could be a major change of policy. Does this mean that the President is now ready to really support the Arias plan or the Contadora process of bilateral Washington-Managua talks, the best vehicles to achieve these free elections that he wants?

Mr. Speaker, the policy of aiding the Contras is the cornerstone of our Central American policy and has not worked. It is being discredited everyday in the hearings. The American people are not buying it because it is money down a rat hole.

If the President had not made his Central American policy so partisan, perhaps we could have dealt with this issue much more positively.

The only way we can deal with Central American policy is in a bipartisan fashion.

If the President is sending signals that he is ready to work with the Congress for a change, then we should take advantage of that offer which he has made.

ANOTHER OMINOUS EVENT IN SOUTH AFRICA

(Mr. LELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LELAND. Mr. Speaker, yesterday in South Africa, an ominous event occurred. The white electorate went to the polls to determine the future of their country and the fate of 24 million black South Africans. This election was designed to deliver a mandate for change in South Africa. But, it is evident that white South Africans are not interested in change.

The proapartheid parties received nearly double the total votes garnered in the last white election. This signifies the growing opposition of the white minority to any further change.

Furthermore, the election ignored the sovereignty of 24 million blacks and forced them to accept a fate mandated by an election from which they were prohibited.

While the final votes are being tallied, antiapartheid forces are counting their losses and black South Africans are counting their dead. The election stands as an ugly monument to apartheid and the continued repression of the black majority.

We in Congress must continue to act now. Congress and the American people must not let this travesty go unnoticed.

□ 1230

NATIONAL LAW ENFORCEMENT MEMORIAL

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, 2 weeks ago plans were unveiled for a National Law Enforcement Memorial to be built here in our Nation's Capital. Most of the Members here are familiar with this project, because we authorized it by a unanimous act of Congress in 1984.

As a 23-year police veteran, I was proud to have authored that legislation and I am just as proud of the memorial plans that have been developed. The proposed law enforcement memorial would be located on the Ellipse, one of Washington's most prominent sites. Plans call for turning the Ellipse, which is now largely defined by hot dog vendors and parked cars, into one of the world's most beautiful park areas. Two rows of flowering trees would encircle the Ellipse, with appropriate symbolism blended in, including a directory of fallen police officers.

The National Capital Memorial Commission is now considering the plan, with a decision expected next month. Meanwhile, support for the idea has been overwhelming. Today's New York Daily News ran an editorial calling the planned memorial "simple in concept," and "simply, an exquisite idea." They quoted the architect of the plan, Davis Buckley, who said, "What we wanted was a living memorial that will be with us forever. When the trees bloom * * * people will remember."

Finally, the Daily News declared, "There is need for such a memorial. Because too many people forget. Because too many take police—and the death of police—for granted. And that is nearly as tragic as the deaths themselves." Those are important thoughts as we prepare to commemorate "Peace Officers' Memorial Day" on May 15. I hope my colleagues will join me in endorsing this exciting and long overdue tribute to our Nation's law enforcement officers.

STAR WARS

(Mr. WHEAT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHEAT. Mr. Speaker, a few years ago when I heard the President refer to the Soviet Union as the evil empire I was afraid he was confusing reality with the Hollywood world of the reel-to-reel. Today I'm sure of it.

Yes, after 7 years Ronald Reagan finally knows that Mikhail Gorbachev is not Darth Vader. And that's good. Too bad he still hasn't learned that star wars is just another movie fantasy.

In the President's script, little children trained on computer-age video games grow up to become Luke Skywalker and Han Solo. They control a system of space weapons, x-ray lasers, and futuristic energy beams that protect Princess Lea from nuclear weapons.

But in the real world, there are no jedi knights, no ewoks. No, Mr. President, Obi-Wan Kenobi can't save us from nuclear annihilation with a mysterious force. We must save ourselves.

We must reach new arms control agreements, not violate existing treaties.

Mr. President, if you want to see star wars, go to the movies.

McCLOSKEY-SPRATT AMENDMENT

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, yesterday, we voted overwhelmingly to continue adherence to the ABM Treaty, a keystone of arms controls and U.S. security against a space-based arms race.

In the DOD authorization bill now before us there will be another vote to protect and continue the ABM Treaty, the McCloskey-Spratt amendment, to remove spending authority for space-based kinetic kill vehicles, known as SBKKV.

The SBKKV is an interceptor rocket mounted on a satellite that would be fired in space to collide with in-flight warheads.

The problem is that the SBKKV is based on 30-year-old technology that, according to former Secretary of DOD Harold Brown, can easily be defeated.

What is worse, deployment and testing of the SBKKV is the easy first step to early partial deployment of SDI. This would no doubt bedazzle the public and help build political support of SDI. But it would also violate the conservative version of the ABM Treaty which we affirmed only yesterday.

The Subcommittee on Research and Development of the Armed Services Committee recognized this and supported the McCloskey-Spratt approach. Unfortunately, the full committee saw otherwise. We now can sustain the R&D subcommittee.

I urge my colleagues to follow through on yesterday's vote to preserve the ABM Treaty and support the McCloskey-Spratt amendment.

EXPLANATION OF THE RULE

(Mr. DERRICK asked and was given permission to address the House for 1 minute.)

Mr. DERRICK. Mr. Speaker, before I ask to be recognized on behalf of this rule, I would like to explain to the House kind of generally what we have been doing on this Defense authorization rule.

I have been on the Committee on Rules now for about 11 years, and it probably comes close to being the most complicated rule that we have had to deal with, certainly the most voluminous rule that we have had to deal with.

We had over 200 amendments that were presented to the Committee on Rules, and, of course, as much as the committee wishes that everyone have an opportunity to be heard, I think it would be unreasonable to expect us to come out on the floor with an open rule or any facsimile thereof that would make these 200 amendments in order.

Taking that into consideration, we have met on a constant basis with the chairman of the Committee on Armed Services and with the ranking minority member of the Committee on Armed Services to kind of trim it down, to make these amendments in order that the members insisted on, and still, at the same time, that we thought were of significant substance to deserve a lengthy debate.

One of the things that we found, and we discussed it in the caucus at length, is the problem that so many of these amendments have never come before the authorizing committee. I think that would be proper to say that about most of the 200 amendments that came before the committee.

We have kind of—although nothing seems to be absolute around here—decided that next year when this bill comes up, we are going to look very closely at whether amendments were presented to the authorizing committee, and if they were not, we are going to look very closely and be very, very hesitant to make amendments in order that have not first been before the authorizing committee with the time for debate and a time to be heard in authorizing committee so that the members of the authorizing committee, as well as the chairman, will have an opportunity to look at those matters that really the Committee on Rules does not have the expertise, because so many of them are of a very narrow context that, unless you are involved on a daily basis with the consideration of these matters, that you would not.

I think we are—as you know, this is the third rule on this particular bill. I do not know that I can recall, since I have been here, that we have had more than one rule on any particular bill. I think maybe last year we had two on the Defense authorization bill, but it has been necessary to do that and we expect to be on the floor with, I might add, and I am sure you will be delighted to hear this, the final rule probably will be filed this afternoon.

HERE WE GO AGAIN—ANOTHER TAKEOVER—THE RICH GET RICHER AND THE WORKERS GET LAID OFF

(Mr. FLORIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FLORIO. Mr. Speaker, takeover frenzy has engulfed corporate America. The problem is, after a takeover, the rich seem to get richer while the working man gets laid off.

How does this happen? What follows is a recent newspaper article highlighting the latest case study. Supermarkets General Corp. recently agreed to a leveraged buy-out to beat back a hostile takeover. In the process, its annual interest expense will swell from $22 million a year to $208 million a year. To meet this huge debt burden, the company is already reducing expansion plans and plans to sell off some stores. In addition, the capital program will be slowed down.

Thus the company will be cutting back on future capital investment to service current debt. The cutbacks and store sales could well mean layoffs for the work force. The capital program reductions could lead to a less competitive company in the future. But the takeover group will likely profit handsomely.

The article follows:

PATHMARK'S PARENT CUTTING BACK, MAY SELL SOME STORES

(By Allen J. Wax)

Supermarkets General Corp., faced with the prospect of an almost ten-fold increase in its annual interest costs because of a pending leveraged buy-out, is reducing expension plans and planning to sell off some of its stores.

The company's interest expense, $22 million this year, will swell to $208 million next year, according to documents filed with the Securities and Exchange Commission in connection with the $1.8 billion take-over of the New Jersey-based parent of the Pathmark supermarket chain.

Supermarkets General agreed on April 22 to the $46.75-a-share offer from an investor group led by Merrill Lynch Capital Partners and including the Equitable Life Assurance Society and a group of the chain's executives. The tender for 81 percent of the stock of Supermarkets General will end May 22.

The group is putting up only $100 million of the $1.8 billion in cash, the documents show.

Projections made by Merrill Lynch will require the company to undertake a cost-reduction program. Jim Dougherty, executive vice president of Supermarkets General, said Wednesday that the cuts would start after completion of the tender offer.

"It will involve a slowdown in our capital budget program, postponement of certain projects that don't have a real high payback," he said in an interview. "It's just a reassessing of our priorities."

He said that sales of assets mentioned in the documents would not be a major program, but might involve individual stores in certain areas.

In addition to 137 Pathmarks, the company operates 45 Rickel home centers, 41 supermarkets in New England, 65 drugstores and 63 convenience stores.

The company projects a $38 million loss next year, instead of a $79 million profit, because of the additional debt load, the documents show.

Supermarkets General will have a debt of $1.965 billion and stockholder equity of $100 million after the leveraged buy-out, a transaction in which the company's assets are pledged as collateral. That compares with $199 million in debt and stockholder equity of $465.8 million before the merger.

More than half of the debt will be financed through bank loans furnished by Manufacturers Hanover Trust Co. and Bankers Trust Co. Equitable Life will lend the venture $225 million and Merrill Lynch will provide $700 million in short-term bridge financing that is to be refinanced through the sale of high yield junk bonds.

□ 1240

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1988

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 157 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 157

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day reported is hereby waived against a resolution reported from that committee on May 7, 1987 providing for the further consideration of the bill (H.R. 1748) to authorize appropriations for fiscal years 1988 and 1989 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1988 and 1989, and for other purposes, and that any such resolution be considered as having been read when called up for consideration.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], pending which I yield myself such time as I may consume.

Mr. Speaker, this rule simply waives clause 4(b) of rule XI against a resolution reported from the Committee on Rules today which provides for the further consideration of H.R. 1748, the National Defense Authorization Act for fiscal years 1988-89. Clause 4(b) of Rule XI provides that a report from the Committee on Rules may not be considered on the same day it is reported, except by a two-thirds vote of the House.

This rule is necessary because it was impossible for the Rules Committee to complete action yesterday on a rule providing for the further consideration of H.R. 1748. There were more than 200 amendments that Members wished to offer to that bill. In order to ensure that the rule would provide for reasonable consideration of the issues in H.R. 1748, without leading to a free-for-all on the floor that would prevent completion of the bill within a reasonable amount of time, the committee found it necessary to wait until today to complete action on that rule. In order to prevent any delay in the consideration of H.R. 1748, the committee reported this rule last night, allowing us to bring up the rule providing for the further consideration of H.R. 1748 today. As soon as we adopt House Resolution 157, we will turn to consideration of that rule.

I want to make it clear that this waiver of the 1-day layover rule applies only to a rule reported from the Rules Committee today dealing with consideration of H.R. 1748. It does not affect consideration of any other rule reported from the Rules Committee. This rule merely allows the House to move on to the further consideration of H.R. 1748 today.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from South Carolina [Mr. DERRICK] has pointed out, this rule would provide for the waiver that is absolutely necessary unless we want to do nothing today and come in tomorrow and do the rule tomorrow, and then be 1 day further behind in our work.

Late yesterday it became clear that the Rules Committee was not going to be able to report a rule governing the remainder of the amendment process on the defense authorization bill in time to file it yesterday. The rule reported today could only be considered by a two-thirds vote.

Therefore, the solution that was proposed was to report a rule yesterday waiving the two-thirds requirement. If this rule is agreed to, it is not going to be necessary to have a two-thirds vote to consider a rule reported by the Rules Committee today.

I might say that I just came from the Rules Committee, and we are in session on the rule to be reported. That will be a very lengthy rule that hopefully will cover the remainder of the debate on this defense authorization bill. So if this rule is agreed to, it will not be necessary to have the Clerk read the next rule on the defense authorization bill. It will be considered as having been read. I oppose this part of the rule.

Mr. Speaker, I yield 2 minutes to the minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, this is really quite an exercise we are going through, voting a rule to waive a rule. Just when I thought we were confused, the Democratic majority goes us one better. Confusion seems to reign supreme on this entire debate, one of the most critical debates of the decade. It gives me some indication that it is organized chaos, and perhaps we had better pull ourselves together or resign ourselves to a total breakdown here. From my point of view, in all the years I have been here, this seems to be unprecedented. I have not really checked the record on that, but this is not really a resolution declaring the month of May as National Petunia Month. We are talking about something very serious, the security of the country and the security of the entire free world.

It seems to me that we ought to be giving it more thoughtful consideration than to be spending so much time on a rule to debate what a few years ago was no problem at all, the military authorization to defend this country. To get us to this point now where we are actually voting on a rule to waive a rule governing our normal procedures has to be troubling to this Member, and I could not let the opportunity go by, I say to the gentleman from Ohio [Mr. LATTA] without at least expressing my reservations, knowing full well that the gentleman said that we do not want to kill a day here. By the same token, to bring up a measure of this magnitude and importance and keep changing the rules from day to day gives me real cause for concern.

Mr. DERRICK. Mr. Speaker, will the gentleman yield for just a moment?

Mr. MICHEL. Sure, I yield to the gentleman from South Carolina.

Mr. DERRICK. Mr. Speaker, let me say that the gentleman is certainly correct, that this is an unusual procedure, but that in and of itself does not make it an undesirable procedure. I would like to tell the gentleman that the Rules Committee has given very, very thoughtful consideration to the defense authorization bill before us.

The SPEAKER pro tempore. The time of the gentleman from Illinois [Mr. MICHEL] has expired.

Mr. LATTA. Mr. Speaker, I yield 1 additional minute to the gentleman from Illinois [Mr. MICHEL].

Mr. DERRICK. Mr. Speaker, if the gentleman will yield, this is a means of keeping things moving ahead, and when we come forth with the rule later on this afternoon, the gentleman will see that. Everything we have done, I might add, has been in agreement with the chief minority Member.

Mr. MICHEL. Mr. Speaker, I get some measure of comfort when the gentleman tells me they are giving real thoughtful consideration to this matter. I would certainly hope that rule would prevail.

Mr. DERRICK. I thought the gentleman understood that the Rules Committee always gives serious consideration to these matters.

Mr. MICHEL. Well, there have been some times when we have been shortshrifted now, if the gentleman will accept that.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would advise the gentleman from Illinois that, as I mentioned earlier, we are now meeting in the Rules Committee on this rule, and I have 3½ pages of amendments here, single-spaced, that are being made in order on this rule. So thoughtful consideration is being given to this rule that will be down here, I hope, shortly.

It is just a matter right now of deciding, I think, in the main whether or not we are going to do anything today or whether or not we are going to wait until tomorrow to do what we should be doing today.

Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, I think the time has come to say, "enough." And it is not just because of the amendments that we have been considering. The unbelievable votes that occurred yesterday are to me, in the 20 years I have been watching the House of Representatives, the most unbelievable move toward actual surrender I have ever seen. I can understand, though, that when you have an opportunity to make your case, you debate it and you lose. The problem, though, is the numbers. They do not add up, from my point of view, in the House of Representatives. I acknowledge that. But I have never seen such an abomination of the process in my life.

Yes; the Rules Committee has given serious consideration to this all right. We are giving you a rule a day now, and as a matter of fact you even get a two-fer. You get two rules today.

On this Armed Services Committee-Department of Defense bill we are going to have four rules—so far. I suspect we may have to go for a fifth one. I have never seen that before.

Yes; the Rules Committee is considering it very carefully. The Rules Committee is putting itself over the Armed Services Committee and over the Members of this body and saying, "Yes; we will allow this amendment to be offered," or "We don't like this one," and "No; that one won't be offered." We are telling our colleagues, all of us elected by the same number of people, some of them on the Armed Services Committee, that "we don't like your amendment. It is not in order."

I like to see the Rules Committee assert itself a little bit every now and then. I am on the Rules Committee, and I like to see us assert ourselves in stopping committees from putting nongermane, irrelevant issues on reconciliation. I think it is a good idea sometimes that we tell the chairman of a committee, whether it is Chairman ASPIN or some other chairman, "You have exceeded your authority. Your are stealing someone else's territory."

That is fine. But I have never seen anything like this. We have 210 amendments on this bill—really 410 or 420 when you consider that you had to put them in the RECORD on both the bill and the committee substitute. It is because we said, "Members, if you don't get your amendments in the RECORD by Friday afternoon, you're out."

So everybody scrambles back to their desks and says, "My goodness, I have got to protect myself." We all develop our amendments, we run down and put them in the RECORD. This forces us to develop them so we can get them in on time. Then once you develop them, you have got pride of authorship and you feel like you have got to follow through.

In our efforts to try to cut down on amendments, I suggest to you that we are causing them to multiply.

But this rule is really a good one. By a majority vote, we are going to say that you do not have to have a two-thirds vote to bring up a rule the same day.

□ 1250

I have been watching the Rules Committee; I repeat again. For 20 years I have never seen this before. It has been said, "Oh, it is only on this one bill." Hey, man, this is another horse getting out of the barn. The door is open; it is going to be a stampede. We might as well wipe out the two-thirds requirement.

The Rules Committee will be bringing them down here anytime we want to without any advance notice, and that is not the worst of it. We do not even really see the rules. We are up there voting now on a six-page, legal-sized rule, and we are being given a one-page explanation because it is so long and complex we really could not be expected to understand what it is.

My colleagues, this thing is a mess procedurally. The process stinks and the substance is unbelievable. I am ready to put a screeching halt to the whole thing; stop it right here.

Do not vote for this rule. Let us tell the Armed Services Committee chairman and the Rules Committee that we are not playing this game anymore. We are going to stop it now. How many of you know what we are going to be doing today? How many of you know what we are going to be doing this very day? I dare say 98 percent of the Members do not have the foggiest idea what is coming up; whether their amendment is going to come up. Are we going to debate nuclear carriers today or not? Is it going to be tomorrow or not? Is it going to be next Tuesday? The Members do not know.

Mr. Speaker, why do you tolerate that? I will tell you what would happen to me if I was running a schedule like that on our side of the aisle, I would be impeached, summarily, and it would be unanimous. Why do you allow, why allow your leadership to treat you like this? You do not know whether we are going to have votes tomorrow or not or on what. You do not know. By the way, take a look at when we are in and out. You know, we quit on 6 this day, why? Friday it is 3; next Tuesday, it is going to be 9. Come on.

Mr. Speaker, this is a travesty from word "go." Some of you in the majority may think, "Oh, I am going to go along with this because, you know, it will facilitate the thing." Remember this: Today you may be facilitating the process. Today, it may be hurting somebody over here. Tomorrow, it could be you. Vote "no" on this rule.

Mr. Speaker, the time has come to say enough, is enough, is enough. We are now being asked to consider a special rule that waives the requirement of a two-thirds vote to consider another rule for the defense bill on the same day the rule is reported.

I would ask my colleagues to carefully consider what you are being asked to do. This third defense rule will make in order certain amendments to be printed in the report of the Rules Committee—a report that will not be printed until tomorrow, if we're lucky. More importantly, that third defense rule will exclude certain germane amendments which had been submitted, simply because the Rules Committee has determined they are not important enough to see that light of day. The fact is, Mr. Speaker, that in attempting to make the amendment process more efficient, we have made it more complicated and difficult than ever.

The negotiations between the Armed Services and Rules Committees on this issue have become more complex and drawnout than the strategic arms talks. If we had devoted just half of the energies involved in negotiating a procedural fix to managing the bill on the floor under normal process, we probably would be

a lot farther along today than we are. If we had given the Armed Services Committee chairman the rule he originally requested, making in order all germane amendments submitted, subject to appropriate time limits, we could have reported a rule on Tuesday. But, here it is Thursday, and we are about to consider a third rule for the same bill.

I would ask my colleagues to consider just what you are doing and sacrificing in the name of procedural efficiency. You are abdicating your right and responsibility as a freely elected member to participate in the legislative process. Why should the Rules Committee sit in judgment over which amendments are worthy of consideration and which are not?

And yet, that's just what has been happening in almost every rule this year. Of the 12 rules we've reported for consideration of bills, only 2 have been open, and the other 10 have been restrictive. That's only 17 percent open and 83 percent closed. By contrast, in the last Congress at this time, we had reported 11 rules, of which 8 were open and only 3 were restrictive. That's 73 percent open and only 27 percent restrictive. This represents a major reversal and a shocking trend.

The time has come to put a stop to the disenfranchisement of Members of Congress and restore our full right to represent our districts on an equal par with those being given special blessing by the Rules Committee. Vote down this rule and help restore the regular process. It's worked in the past and can be made to work again if we want it to.

RULES REPORTED IN THE 99TH CONG.

[Providing for initial consideration of legislation in House]

Rule No. H. Res.	Date reported	Bill No.	Title and rule type
79	Feb. 26, 1985	H.R. 1035	Emergency farm relief—Open.
85	do	H.R. 1189	Farm credit—Closed.
86	do	H.R. 1239	Urgent supplemental appropriations—Open.
119	Apr. 2, 1985	H.R. 1714	NASA authorization—Open.
128	Apr. 16, 1985	H.R. 1617	Bureau of Standards—Open.
129	do	H.R. 1210	National Science Foundation—Open.
136	Apr. 18, 1985	H.J. Res. 239	Contra aid—Modified open.
137	do	H.R. 2068	Department of State authorization—Open.
140	Apr. 24, 1985	H.R. 1555	Foreign aid authorization—Modified open.
157	May 7, 1985	H.R. 1157	Maritime authorization—Open.
158	do	H.R. 1784	Panama Canal authorization—Open.

Note.—As of May 7, 1985, 11 rules were granted, of which 8 (73 percent) were open, and 3 (27 percent) were restrictive.

RULES REPORTED IN THE 100TH CONG.

[Providing for the initial consideration of legislation in House]

Rule No. H. Res.	Date reported	Bill No.	Title and rule type
26	Jan. 7, 1987		Establishing 3 select committees—Closed.
27	do	H.R. 1	Water Quality Act—Closed.
38	Jan. 8, 1987	H.R. 2	Surface transportation—Closed.
109	Mar. 4, 1987	H.R. 558	Homeless Relief Act—Open.
116	Mar. 10, 1987	H.J. Res. 175	Contra aid moratorium—Closed.

RULES REPORTED IN THE 100TH CONG.—Continued

[Providing for the initial consideration of legislation in House]

Rule No. H. Res.	Date reported	Bill No.	Title and rule type
135	Mar. 31, 1987	H.R. 1320	Land and Water Conservation Fund Act amendments—Modified closed.
139	Apr. 4, 1987	H.R. 139	Concurrent resolution on the Budget—Modified closed.
148	Apr. 22, 1987	H.R. 1827	Supplemental appropriations—Modified open.
151	Apr. 27, 1987	H.R. 3	Omnibus trade bill—Modified closed.
152	Apr. 28, 1987	H.R. 1748	Department of Defense authorization—Modified open.
156	May 5, 1987		Do.
154	May 4, 1987	H.R. 27	FSLIC—Modified open.
155	May 5, 1987	H.R. 1039	Mineral Lands Leasing Act—Open.

Note.—As of May 6, 1987, 12 rules were reported of which 2 (17 percent) were open, and 10 (83 percent) were restrictive.

OPEN AND RESTRICTIVE RULES, 95TH TO 100TH CONG.

Congress	Open rules		Restrictive rules		Total rules
	Number	Percent	Number	Percent	
95th	213	88	28	12	241
96th	161	81	37	19	198
97th	90	80	22	20	112
98th	105	72	40	28	145
99th	65	64	36	36	101
100th [1]	2	17	10	83	12

[1] Data for the 100th Cong. is based on "Notice(s) of Action Taken," Committee on Rules, 100th Cong. as of May 6, 1987.

Source for data: "Survey of Activities of the House Committee on Rules' (reports by the Committee on Rules), 95th–99th Cong. Rules counted were those providing for the initial consideration of legislation (as opposed to special rules on conference reports, etc.). For the purposes of this table, restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules. [Prepared by Don Wolfensberger, Minority Counsel, Subcommittee on Legislative Process, Committee on Rules.]

Mr. LATTA. Mr. Speaker, I yield 7 minutes to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to engage the gentleman in the well in a colloquy because the gentleman serves on the Rules Committee; he is knowledgeable about the process. I approach the subject with some knowledge and experience from my position as ranking member on the Armed Services Committee; the committee that put this thing together or attempted to.

Let me say that the chairman of the full committee and I have worked closely together. As I said in our meeting with our committee this morning, he has been fair in dealing with me. We have had to negotiate. He has sometimes been difficult, but in the final analysis he has been fair.

I think the process lends itself to being unfair to our committee first. Second, unfair to the Members as a whole, and I would raise this caviat to the members of the Rules Committee. They are in the process right now, and when you leave the floor, I assume you will go back and resume deliberations with the Rules Committee, of determining what amendments will not be made in order.

Some of these that are going to be considered that are going to be ruled out of order are absolutely germane.

Mr. LOTT. Yes, sir.

Mr. DICKINSON. Absolutely. Dealing with aircraft procurement thereof, or whether it is research and development or whatever. What we are trying to do is expedite the process. But if I were a member, and I am, of the Armed Services Committee, and I had a germane amendment that had been offered in full committee and been voted on, and the Rules Committee says that you cannot offer it now on the floor, then I think it would be a long, hot summer before we got out of here. We would hear my amendment or else we would debate these things at length.

If we summarily, arbitrarily within the Rules Committee tell a member of this committee that he cannot offer an amendment to his own committee product that has been the subject of debate and vote in the full committee, then we are getting into, instead of accelerating the program, instead of expediting it, I think we are laying a snare here that is going to get us quite tangled up and we might be here a lot longer than we intend to.

When you come out late in the evening, no notice, and offer a rule that says that by a majority vote you can waive the two-thirds vote required by the normal rules of the House; there is no notice on that. I did not know about it. I have not talked to anybody that did not know about it. They just came out with it and said, "We can file this in time and thereby waive what is normally there to protect the minority."

Have I misstated anything, as far as you know, from the Rules Committee?

Mr. LOTT. If the gentleman would yield, not at all. While the gentleman is working with the chairman of the committee and you have all tried to be fair with each other, I am not prepared to give him any accolades, but I understand you might have to.

Let me warn you also that in some instances where you gentlemen have agreed, the Rules Committee has not lived up to your agreement. In some instances, we are saying, "Oh, no, you cannot get your deal because it has been something worked out here between the chairman and the ranking member," so it is used to put some in, but then, when you do have an agreement, the Rules Committee puts in place the Foreign Affairs Committee position over yours. Now, what is going on here? Are we going to go with your agreement or not? There is no consistency.

Mr. DICKINSON. I think we will have to wait and see. The chairman and I on six particular votes that would have to come as what we call "king of the mountain"; who goes

first; who goes second, we have put together an agreement. I have got the "post position," so-to-speak. I have got to go last on three. He got to go last on three that he chose. That was a package; it does not bind the Rules Committee; I understand that.

This is part of a total package of over 200 amendments that we have tried to whittle down and to streamline the process so that we could get through in a 2-week period.

Now, if that package comes unraveled in the Rules Committee, then the other accommodations and considerations are out the window and one of us who was a party to it winds up shortchanged and he is going to feel possibly aggrieved and feel like his deal did not go through and he is not bound by it. Then, again, the whole thing could come unraveled.

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from South Carolina.

Mr. DERRICK. Mr. DICKINSON, I understood your testimony before the Rules Committee to be that you did not want an open rule; is that right?

Mr. DICKINSON. That is right. That is not what we are debating here.

Mr. DERRICK. You know, I am really a little surprised and a little chagrined because we have been working up there together with you and we thought everyone was in agreement over the last several days and to hear now that you are not in agreement, it just amazes me so.

If you are not for an open rule, then what that must mean is that you just do not agree with the amendments that are in order and you want to make yours in order.

Mr. DICKINSON. What the chairman and I presented to your committee, the Rules Committee, we were in agreement on. But I am told that the product, the rule that is coming out of your committee is not what the chairman and I agree on.

Mr. DERRICK. What you disagree with is the amendments that we have made in order.

Mr. DICKINSON. No; it is not that either.

As I just explained to you, and perhaps maybe if I could just draw a picture.

Mr. DERRICK. I understand. I do understand.

Mr. DICKINSON. All right. I am glad I was able to get that part through to you. The thing is if we have an agreement then the Rules Committee cannot say, "Well, we will take part of it and not take the other part without one or the other of the parties feeling aggrieved and then the whole thing can come apart."

So, it has been a very difficult procedure here. I would hope that we never see it again.

Mr. LATTA. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, before we get led too far astray by all this debate, what we are debating right now is one rule. We will be debating this lengthy rule later.

□ 1300

The question is whether or not we are going to continue our work today or whether we are going to go over until tomorrow. The staff was working past midnight last night on this matter and the rule could not be filed. As a consequence, we have to have a two-thirds vote on this. That is all we are deciding at the moment.

The rule on the bill, the germaneness of amendments, et cetera, will be down later. Then you can discuss it as much as you like for an hour.

Let me say that a lot of things have been said here that I agree with, some things I disagree with. I certainly disagree with any kind of an agreement between a ranking member and a chairman that will take my responsibilities away as a member of the Rules Committee. If I am going to go up there and just rubberstamp everything that is agreed to beforehand, they can have my seat. I have a little judgment that I want to exercise up there in the Rules Committee, even though I am outvoted 9 to 4 most of the time, but I want to be able to exercise that judgment and I am not about to give it up.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, I think we ought to pause and reflect on exactly what we are doing here on this particular rule. What this rule does is that it waives the two-thirds vote requirement for consideration of the next rule by a majority vote, and it also says that the next rule does not even have to be read by the reading clerk before the House considers it.

Now, these are two very far-reaching and very unprecedented suggestions. The two-thirds vote requirement was put in to make sure that on controversial legislation the House would at least have overnight to determine what it was going to be doing and what type of a rule was to be considered.

This is particularly important when we are dealing with a complicated rule, such as the one that the Rules Committee will be reporting for our consideration shortly.

The second feature of the rule that is before us waives the reading requirement, so not only is this rule lengthy and complicated, the Members will not even have it read by the reading clerk and I assume there will not be 435 copies available for their reading at the time it comes up.

Haste makes waste, and very frankly, I am afraid that the procedure that the Rules Committee has suggested that the House follow this afternoon is going to result in mistakes that will take a far longer time to correct.

At the very least, I am wondering if the gentleman from South Carolina who is managing this rule would consider deleting the last clause of the rule to permit the reading of the second rule when it comes up, which is the lengthy and controversial one. I know there is a precedent for that, since the gentleman from South Carolina amended the rule on the floor that he was managing last week.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. DERRICK. Mr. Speaker, I yield 1 minute to the gentleman.

Mr. SENSENBRENNER. Mr. Speaker, would the gentleman from South Carolina consider deleting that part of the rule that says that any such resolution be considered as having been read when called up for consideration, so at least the House will know what is in the rule?

Mr. Speaker, I yield to the gentleman from South Carolina.

Mr. DERRICK. Well, no, I will not delete that section.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the rule be amended to delete that portion of page 2, lines 6, 7, and 8, that reads: "and that any such resolution be considered as having been read when called up for consideration.".

Mr. DERRICK. A point of order, Mr. Speaker, the rule is not amendable.

Mr. SENSENBRENNER. Mr. Speaker, I have asked unanimous consent for that.

The SPEAKER pro tempore. The gentleman was not recognized for that purpose.

Mr. DERRICK. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. DERRICK. Mr. Speaker, may I be recognized to say something at this point?

The SPEAKER pro tempore. The gentleman from South Carolina is recognized.

Mr. DERRICK. Mr. Speaker, we very seldom, if ever, read the complete thing—well, not very seldom, but in many instances we do not, and we are talking about 25 or 30 minutes. Nobody is trying to pull any hood or any hooley-dealey over anybody.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. Yes, I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I have been here 8½ years and every rule that the Rules Committee

has brought up on the floor during that time has been read in full by the reading clerk. What this rule proposes is that the reading clerk not even do that. Is the gentleman aware of that?

Mr. DERRICK. Let me say that ordinarily we do not dispense with the reading of rules. The only reason that was put in there was because it would take 25 or 30 minutes to read it.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield further?

Mr. DERRICK. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I would not complain about this had the rule been printed and available for the reading by the Members before it is being brought up. That is what the two-thirds rule is all about, to protect the membership on that. This is trampling on the Members' rights in two instances in this case.

Mr. DERRICK. Mr. Speaker, let me say to the gentleman from Wisconsin, [Mr. SENSENBRENNER], since the gentleman feels so strongly about it, I will offer at the proper time an amendment to delete the requirement that it not be read, if the gentleman feels that strongly.

Mr. Speaker, I have no further requests for time.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding this time.

Mr. Speaker, yesterday the rule that was brought forward with regard to the armed services bill was described to us as being an unusual procedure. Today I would submit to this body that what we have before us is a thoroughly corrupt procedure, a corruption of the entire basis of the rules of this House, because what we are literally saying to the Members is that the two-thirds rule under which we operate here that assures the membership that they will understand what it is in the legislation they are considering is being waived. We are waiving it by a majority vote and we are doing so, we say, for the convenience of the Members.

Well, let me suggest that here is the rule that is being considered up there, page after page of it, and we have no idea what is down in there yet. It has not been adopted by the Rules Committee.

What they propose to do is bring it directly out of the Rules Committee, bring it down to the floor and have us vote on it right away. Up until a moment ago what they were going to do was suggest that we ought to vote on it without even reading it, without even understanding what is in the rule. We obviously are not going to have a printed copy, as we have a printed copy of this rule, and then they were going to suggest that we should not even read it.

Now, I am pleased that the gentleman from South Carolina has agreed that we can now amend this rule to at least read it so that the Members have some understanding of what it is they are going to vote on when we vote on the rule, and also what it is that is being decided in terms of the procedures of the House for the next several days. I think the Members have the right to know that and to deny the Members that right is corrupt.

I think that it is a disturbing procedure that, first of all, we have gone through a number of bills so far in this Congress where we have brought them out under restrictive rules and now what we are doing is modifying that restrictive rule process to the point that the Members do not even know what it is we are considering on the floor. That is wrong, wrong, wrong. It is wrong on this bill, it is wrong on future bills.

I say that we ought to vote down this rule as a thoroughly corrupt process in terms of the rules of this House and say that the membership of this body has some rights. Our rights are that we at least know what we are voting on.

I know it is very unusual for Members to say they want to know what is in the things they are voting on. I realize that is very unusual, but there are at least a few of us who listen to the debate. There are at least a few of us who do look at what it is we are voting on and try to understand it. Now we are even being denied the right to know what it is that we are voting on. That is wrong and this rule should be voted down.

Mr. LATTA. Mr. Speaker, I have no further requests for time.

MODIFICATION TO HOUSE RESOLUTION 157 OFFERED BY MR. DERRICK

Mr. DERRICK. Mr. Speaker, I ask unanimous consent to offer a modification to House Resolution 157.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to House Resolution 157 offered by Mr. DERRICK: Page 2, line 6, after "and for other purposes," strike out "and that any" and all that follows through "consideration." on page 2, line 8.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. The resolution is modified.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution, as modified.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution, as modified.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 251, nays 166, not voting 16, as follows:

[Roll No. 91]

YEAS—251

Ackerman	Flippo	Mineta
Akaka	Florio	Moakley
Alexander	Foglietta	Mollohan
Anderson	Foley	Montgomery
Andrews	Ford (MI)	Moody
Anthony	Frank	Morrison (CT)
Applegate	Frenzel	Mrazek
Aspin	Frost	Murphy
Atkins	Garcia	Murtha
AuCoin	Gaydos	Nagle
Barnard	Gejdenson	Natcher
Bates	Gibbons	Neal
Beilenson	Glickman	Nelson
Bennett	Gonzalez	Nichols
Berman	Gordon	Nowak
Bevill	Grant	Oakar
Biaggi	Gray (PA)	Oberstar
Bilbray	Guarini	Obey
Boggs	Hall (OH)	Olin
Boland	Hall (TX)	Ortiz
Boner (TN)	Hamilton	Owens (NY)
Bonior (MI)	Hammerschmidt	Owens (UT)
Bonker	Harris	Panetta
Borski	Hatcher	Patterson
Bosco	Hawkins	Pease
Boucher	Hayes (IL)	Penny
Boxer	Hayes (LA)	Pepper
Brennan	Hefner	Perkins
Brooks	Hertel	Pickett
Brown (CA)	Hochbrueckner	Pickle
Bruce	Howard	Price (IL)
Bryant	Hubbard	Price (NC)
Bustamante	Huckaby	Rahall
Campbell	Hughes	Rangel
Cardin	Hutto	Ray
Carper	Jacobs	Regula
Carr	Jenkins	Richardson
Chapman	Johnson (SD)	Robinson
Chappell	Jones (TN)	Rodino
Clarke	Jontz	Roe
Clay	Kanjorski	Roemer
Coelho	Kaptur	Rose
Coleman (TX)	Kastenmeier	Rostenkowski
Collins	Kennedy	Rowland (GA)
Conyers	Kennelly	Roybal
Cooper	Kildee	Russo
Coyne	Kleczka	Sabo
Crockett	Kolter	Sawyer
Darden	Kostmayer	Scheuer
Davis (MI)	LaFalce	Schroeder
de la Garza	Lancaster	Schumer
DeFazio	Lantos	Sikorski
Dellums	Latta	Sisisky
Derrick	Lehman (CA)	Skaggs
Dickinson	Lehman (FL)	Skelton
Dicks	Leland	Slattery
Dingell	Levin (MI)	Slaughter (NY)
Dixon	Levine (CA)	Smith (FL)
Donnelly	Lewis (GA)	Smith (IA)
Dorgan (ND)	Lipinski	Solarz
Dowdy	Lloyd	Spratt
Downey	Lowry (WA)	St Germain
Durbin	Luken, Thomas	Staggers
Dwyer	MacKay	Stallings
Dymally	Manton	Stark
Dyson	Markey	Stenholm
Early	Martin (NY)	Stokes
Eckart	Martinez	Stratton
Edwards (CA)	Matsui	Studds
English	Mazzoli	Swift
Erdreich	McCloskey	Synar
Espy	McCurdy	Tallon
Evans	McHugh	Tauzin
Fascell	McMillen (MD)	Taylor
Fazio	Mfume	Thomas (GA)
Feighan	Mica	Torres
Flake	Miller (CA)	Torricelli

Towns	Walgren	Wilson
Traficant	Watkins	Wise
Traxler	Waxman	Wolpe
Udall	Weiss	Wyden
Vento	Wheat	Yates
Visclosky	Whitten	Yatron
Volkmer	Williams	

NAYS—166

Archer	Hansen	Porter
Armey	Hastert	Pursell
Badham	Hefley	Quillen
Baker	Henry	Ravenel
Ballenger	Herger	Rhodes
Bartlett	Hiler	Ridge
Barton	Holloway	Rinaldo
Bateman	Hopkins	Ritter
Bentley	Horton	Roberts
Bereuter	Houghton	Rogers
Bilirakis	Hunter	Roth
Bliley	Hyde	Roukema
Boehlert	Inhofe	Rowland (CT)
Boulter	Ireland	Saiki
Broomfield	Jeffords	Saxton
Brown (CO)	Johnson (CT)	Schaefer
Buechner	Kasich	Schuette
Bunning	Kemp	Schulze
Burton	Kolbe	Sensenbrenner
Byron	Konnyu	Shaw
Callahan	Kyl	Shumway
Chandler	Lagomarsino	Shuster
Cheney	Leach (IA)	Skeen
Clinger	Lewis (CA)	Slaughter (VA)
Coats	Lewis (FL)	Smith (NE)
Coble	Lightfoot	Smith (NJ)
Coleman (MO)	Livingston	Smith (TX)
Conte	Lott	Smith, Denny (OR)
Coughlin	Lowery (CA)	Smith, Robert (NH)
Courter	Lujan	Smith, Robert (OR)
Craig	Lukens, Donald	Snowe
Crane	Lungren	Solomon
Daniel	Mack	Spence
Dannemeyer	Madigan	Stangeland
Daub	Marlenee	Stump
Davis (IL)	Martin (IL)	Sundquist
DeLay	McCandless	Sweeney
DeWine	McCollum	Swindall
DioGuardi	McDade	Tauke
Dornan (CA)	McEwen	Thomas (CA)
Dreier	McGrath	Upton
Duncan	McMillan (NC)	Vander Jagt
Edwards (OK)	Meyers	Vucanovich
Emerson	Michel	Walker
Fields	Miller (OH)	Weber
Fish	Miller (WA)	Weldon
Gallegly	Molinari	Whittaker
Gallo	Moorhead	Wolf
Gekas	Morella	Wortley
Gilman	Morrison (WA)	Wylie
Gingrich	Myers	Young (AK)
Goodling	Nielson	Young (FL)
Gradison	Oxley	
Grandy	Packard	
Green	Parris	
Gregg	Pashayan	
Gunderson	Petri	

NOT VOTING—16

Annunzio	Hoyer	Savage
Combest	Jones (NC)	Schneider
Fawell	Leath (TX)	Sharp
Ford (TN)	Lent	Valentine
Gephardt	Mavroules	
Gray (IL)	McKinney	

□ 1320

So the resolution, as modified, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1330

LEGISLATIVE PROGRAM

Mr. LOTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute for the purpose of getting the schedule for the balance of the day and Friday and hopefully the times that Members might expect the rest of the week and next week.

For that purpose I would be glad to yield to the distinguished majority leader.

Mr. FOLEY. I thank the distinguished whip for yielding.

Mr. Speaker, we will consider this afternoon the so-called Weldon amendment which deals with the sense of Congress with respect to the Krasnoyarsk radar. We will take up the second rule and presuming the adoption of the second rule will proceed to the issue of strategic defense initiative funding. We expect to adjourn at approximately 6 p.m. this evening. Tomorrow the House will meet at 10 a.m. and will continue consideration of this bill until 3 p.m.

On Monday the House will meet at noon and we expect to adjourn Monday at approximately 6 p.m.

On Tuesday the House will meet at noon and Members should expect a late session. I would expect at least 9 p.m. if not later on Tuesday night. On Wednesday the House will, we hope, be able to come in at 10 a.m., and we will proceed to a late schedule similar to the Tuesday session, of at least 9 p.m.

On Thursday next week we will seek permission to come in at 10 a.m. and will adjourn at 3 p.m. This is a result of a scheduled visit to New York. The House will not be in session next Friday.

The House will be in session on Monday the 18th, and we will expect to adjourn about 6 p.m.

Mr. LOTT. If the gentleman would yield at that point, you would expect votes on that Monday also, I take it?

Mr. FOLEY. Yes, in session with votes until 6 p.m.

On Tuesday and Thursday next week——

Mr. LOTT. The week after next.

Mr. FOLEY. The week after next, the 19th, 20th, and 21st of May, the House will be in session without reservation as to time which means after 9 p.m., possibly on each day, at least until 9 p.m. until we conclude the bill. That includes Thursday the week after next and if necessary to complete the bill the House will not go into its recess and will meet on Friday, the 22d until such time as the bill is concluded. No 3 p.m. assurance on Friday the 22d, late on Tuesday the 19th, Wednesday the 20th, and Thursday the 21st, Tuesday, Wednesday and Thursday and Friday if necessary. Now, I will be glad to repeat that if Members want to have it repeated.

Mr. LOTT. If the leader would yield, I think we have the times and all, and it will now be in the RECORD and we can all, both sides, send out notices.

Mr. FOLEY. If the gentleman will yield further, we are trying to accommodate Members who on both sides of the aisle have asked for advance notice as to the meetings of the House. We have to finish this bill. We have an enormous number of amendments still to be disposed of and we are trying by this announcement to give you a clear idea of what will be the schedule for the next 3 weeks, 2 weeks after this week.

We will meet tomorrow until 3 p.m., Monday until 6, and so on. It will be announced.

Mr. LOTT. I would like to thank the leader for doing this. I have always said I think the membership can live with anything just so long as we know what it is going to be and we stick with it. It is helpful to have this additional information.

Could I ask what happened to the nuclear carrier amendments that were scheduled to be taken up yesterday? Are you now——

Mr. FOLEY. Tomorrow.

Mr. LOTT. Now wait a minute. If I might reclaim my time, the gentleman is saying tomorrow. It was scheduled yesterday, and then I thought it would be today, and then I have heard, well, it would be next Tuesday; and now you are saying it is Friday. I understood that on this Friday we would not take up a major controversy like that particular issue. Now, the chairman might say that that is not controversial, but, boy, I cannot imagine that being construed as not being controversial.

Mr. FOLEY. Well, every amendment has some importance to some Member or it would not be on the schedule. We are trying to accommodate to a degree that on Friday and Monday we will try to avoid many, many major issues that would be decided to be major issues.

I am sorry that it is not possible to absolutely track the time required in the House. We assume that by the time we dispose of the Weldon amendment, the rule and the SDI financing issue on which there are four alternative proposals, the House will be at 6 p.m. this evening and it will not be possible to take up the carrier issue tonight. So it is scheduled for tomorrow.

Mr. LOTT. Is it still intended then for tomorrow to take up under the rule, as it was 5 minutes ago, for Friday we were going to take up the ATB issue with the Aspin amendment, unamended, the burden-sharing amendments. But you are not saying we are also going to try the nuclear carrier issue on Friday also.

Mr. FOLEY. Well, let me just say to the gentleman that we are with the cooperation of the Rules Committee attempting to schedule, to a degree, to allow Members to know the time involved in the schedule. But the Rules Committee has given to the Chairman of the Committee on Armed Services, after consultation with the ranking member, the gentleman from Alabama

[Mr. DICKINSON] the ability to announce changes in the schedule. This is absolutely required because it is not possible for any Committee on Rules to see 2 weeks ahead of time as to how expeditious the business is going to be.

Mr. LOTT. Well, without dragging this out too much, let me just ask the gentleman: Will the nuclear carrier issues come up on Friday?

Mr. FOLEY. Yes.

Mr. LOTT. Along with ATB and burden-sharing?

Mr. FOLEY. Yes.

Mr. LOTT. But we will be through regardless of——

Mr. FOLEY. We plan to be through, the House will not meet after 3 o'clock tomorrow.

Mr. LOTT. I thank the distinguished majority leader.

Mr. FOLEY. May I emphasize one factor: when we have given assurances for approximately 6 p.m. and 3 p.m. as we have for Mondays and Fridays, we will try to be very close to that hour. On those evenings next week, Tuesday and Wednesday, and the following week Tuesday, Wednesday, Thursday, and possibly Friday, we are suggesting a minimum of 9 o'clock. Members should not assume that that means 9 o'clock. It might mean 10 o'clock, it might mean 10:30. But the Members should be prepared for a late session at least to 9 o'clock. The 6 o'clock and 3 o'clock hours are designed to give Members a fairly precise notion of when we will adjourn. The later evenings would be flexible according to the business of the House. We ask the Members' indulgence. This is an important and critical bill and must be concluded before the May recess.

I thank the gentleman.

Mr. LOTT. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to House Resolution 156 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1748.

□ 1339

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1748) to authorize appropriations for fiscal years 1988 and 1989 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1988 and 1989, and for other purposes, with Mr. RUSSO (Chairman pro tempore) in the chair.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, May 6, 1987, pending was the amendment, contained in House Budget 100-82, offered by the gentleman from California [Mr. HUNTER] as the designee of the gentleman from Pennsylvania [Mr. WELDON] which is not subject to amendment.

Under the rule, the gentleman from Pennsylvania [Mr. WELDON] will be recognized for 10 minutes, and the Member opposed, the gentleman from South Carolina [Mr. SPRATT], will be recognized for 10 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I yield myself 5 minutes.

□ 1340

Mr. WELDON. Mr. Chairman, yesterday we had extensive debate in this body regarding the SALT treaty and the ABM Treaty. We heard arguments on both sides of those issues, especially regarding the ABM Treaty.

I would say, in looking over the RECORD and listening to the conversations and debate yesterday that I can say that all of us want to achieve arms control and real reduction. The disagreement is over how we get there.

I think as we debate and look at future arms control issues in this session, it is my opinion that we should certainly base future negotiations on past facts and factual information presented to us as leaders of this Nation.

Over the next 2 weeks, we will be debating well over 100 amendments to the armed services bill, the Defense authorization bill.

Perhaps there will be no amendment that will be so simple, so straightforward, so factual, and I hope so profound, as the amendment that I am going to ask this body to vote on today in this session.

This amendment looks at one specific violation of the ABM Treaty. The violation that I am discussing is the installation of the Krasnoyarsk radar facility in the central part of Siberia in the Soviet Union.

For the RECORD, I am entering, for the Members of the House, a number of articles and accounts from leaders throughout this country and throughout the world who have, in fact, declared that the Krasnoyarsk installation is, in fact, a direct violation of the ABM Treaty and is a very glaring violation of that treaty.

I will have in there statements from President Reagan, from Perle, from the Armed Control and Disarmament Agency, from Secretary of Defense Weinberger, from Secretary Shultz, from newspapers such as the Wall Street Journal, the Washington Post and the New York Times.

I will have quotes from Stanford University, from former Defense Secretary McNamara, from the Center for Defense Information, and even a sense of information from the most recently released briefing book, from the National Campaign To Save the ABM Treaty, that even they say that most scientists and most experts agree that Krasnoyarsk is a direct violation of the ABM Treaty.

In addition to all of this documentation in terms of support that this is, in fact, a violation of ABM, I have entered into the RECORD a letter sent by 23 of my colleagues to General Secretary Gorbachev also stating in 1985 that this is, in fact, a violation of the ABM Treaty.

In addition, the other body most recently passed a very similar wording that, in effect, by a 93-to-2 vote, also declared that Krasnoyarsk is a very blatant violation of the ABM Treaty.

I would like to add one additional piece of information to help us realize that Krasnoyarsk is, in fact, a direct violation of the ABM. From the Washington Times, dated April 29, 1987, we have Soviet General Boris Surikov, who has been quoted as saying, "Although I must say in territorial terms, the location of the Krasnoyarsk facility is not adequate and, therefore, we can interpret is in violation of the ABM Treaty."

So to all of these other comments, I now can say that we have on the record a Soviet general who has even acknowledged that Krasnoyarsk violates a treaty which we debated very heavily yesterday.

The purpose of my amendment today is to very simply allow this body to go on record individually and, as a group, to say to America that we are not only going to look to the future for our arms control negotiations and ultimate agreements, but we are going to look at past violations. When those violations occur and when they are documented, then we are going to hold our arms control negotiators to highlight those instances to the Soviet team so that we can, in fact, take appropriation action in future negotiations.

I would hope that this body today would look to support the Weldon amendment and send a clear signal, not only throughout this country, but throughout the world, that the Soviet Union has been in violation of the ABM Treaty with the installation of Krasnoyarsk and that we are going on record in recognizing that violation.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. WELDON. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman for offering his amendment because, for the first time, this House is going to be able to send a positive signal of strength to the Soviet Union.

In the past, we have sent, I think, mixed signals and weak signals to the Soviet Union by affirming arms control treaties after they have shown direct violation to the treaties.

But in this case, the gentleman is saying that Krasnoyarsk is a violation and this House has a chance to go on record in telling the Soviet Union we consider them to be in violation.

I commend the gentleman.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume in order to ask the gentleman from Pennsylvania [Mr. WELDON] some questions in clarification of his resolution.

I am probably going to vote for it, but I think it would help all Members to have a clarification of some of the things that are set forth in his resolution.

In subparagraph 7 of your resolution, it is stated:

The President has certified that the Krasnoyarsk radar is an unequivocal violation of the Antiballistic Missile Treaty.

For purpose of the RECORD, where is the certification that this is an unequivocal violation?

Mr. WELDON. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Pennsylvania.

Mr. WELDON. Mr. Chairman, that will be in the RECORD. That was certified in 1983 when we first found it out. It has also been certified to this body. As a matter of fact, I was not here in 1985, but this body, as a part of the 1985 defense authorization bill, asked the President of this country to certify to it certain arms control violations. One of those certifications by our President was the clear violation of Krasnoyarsk. It will be in the RECORD, as it was yesterday. It will be in the RECORD also today.

Mr. SPRATT. On March 10, 1987, the President submitted his unclassified report on Soviet noncompliance with arms control agreements. Is that the report that you are referring to?

Mr. WELDON. No, I am referring to the 1985 request by this body and the President's response to that.

Mr. SPRATT. This is the most recent report, March 10, 1987, and it states as follows. I am quoting from it.

Large phased-array radars [LPAR's] have always been considered to be the long lead-time elements of a possible territorial defense. Taken together, the Krasnoyarsk radar and other Soviet ABM-related activities give us concerns that the Soviet Union may be preparing an ABM defense of its national territory.

What I am saying is that that does not appear to me to be an unequivocal certification. I was wondering if you could point to a place in the RECORD where we have that.

Mr. WELDON. I would just counter that perhaps we are quibbling over words, but I will have the documentation in there to back up my statement.

Mr. SPRATT. I ask the gentleman also if he is asserting that this facility, when it becomes operational, if it is established then to be part of an ABM facility, is the significance of that primarily military or is it primarily political?

□ 1350

Mr. WELDON. Mr. Chairman, I am not arguing the significance of it. What I am saying is that we agreed to a treaty, the ABM Treaty, and in that treaty there were certain technical guidelines that we both adhered to. No one that I know of disputes—and perhaps the gentleman will quote someone for me—no one disputes the fact that this is a glaring, open, technical violation. I even quoted General Surikov of the Soviet Union, who even said in fact that it is a technical violation of the treaty.

Mr. SPRATT. I am concerned primarily for political reasons, because if it is indeed part of the ABM system to give them territorial defense, then it is a violation of the treaty and it means that we cannot rely upon them even as to things that can be verified. So I share the gentleman's concern. I want to make that very, very clear.

But as to the military significance, let me read a couple of statements and find out how the gentleman responds to the military significance. This is a statement of Robert Gates, who is the Deputy Director of CIA. He was the administration's nominee to be the Director. Directly quoting him, he said this to the Senate Armed Services Committee:

These radars, however, are large fixed installations, vulnerable to direct attack * * * Without the support from these radars, a widespread ABM system would be much less capable * * *. There will always be an issue of whether an ABM system is worth having which depends to a great extent on a few, potentially quite vulnerable facilities, * * *.

Let me give the gentleman another quotation from an administration official who is not identified that appeared in the National Journal in March 1985:

The intelligence community is in basic agreement that when the radar is operational, it will not be optimized for an ABM role * * * [it] does not cover the path of incoming U.S. ICBM's [intercontinental ballistic missiles] because it is too far east and is pointing in the wrong direction.

Then finally here is one statement from the Aspin group, including General Scowcroft:

The marginal ABM potential * * * is minimal and does not significantly advance the prospects for a Soviet ABM system.

Would the gentleman agree that the military significance of it, then, is not nearly as serious as the political significance?

Mr. WELDON. No, I would not agree because the potential for this installation has been well documented that it could in fact have over a period of time battle management capabilities, and it could become a part of a nationwide network within the Soviet Union that could allow them to have a strategic advantage over us for battle management purposes, a clear violation of ABM.

Mr. SPRATT. Mr. Chairman, let me read to the gentleman again what another official, Harold Brown, said about it. In February of 1985, he said this:

Krasnoyarsk is "an early-warning radar that is located in the wrong place. I do not think it is a great threat to U.S. Security because I do not think it has that much capability."

Mr. WELDON. Mr. Chairman, I think there are those who like to pooh-pooh the installation at Krasnoyarsk not on the merits of its being a technical violation but on the merits of its being that strategically important and to go along with the Soviets' claim that it is being used for space purposes. This is in my opinion an entirely shallow argument, and certainly I can well document it, as I have in the RECORD, for those people who clearly disagree with that argument.

As a matter of fact, I would refer the gentleman to the latest copy of "Soviet Military Power." On page 48 there is a clear delineation of the potential for Krasnoyarsk and what it can do in terms of battle management in relation to this country.

Mr. SPRATT. Mr. Chairman, I was simply trying to make the point that the strategic defense initiative and American Security Group, cochaired by General Scowcroft and William J. Perry made in a report back in 1986. They said this:

None of these compliance problems [including the Krasnoyarsk radar] is very significant in a military sense, but all are very troublesome politically.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Weldon amendment.

I think the gentleman has raised a valid point. It clearly does seem significant to those on the Armed Services Committee and also the Intelligence Committee who have had extensive briefings and hearings on compliance issues, and Members agree and state unequivocally that the Krasnoyarsk radar, because of its location, not on the periphery of the Soviet Union, not facing outward or oriented outward, is a clear violation of that treaty.

I think there has been some debate as to the military signficance of it, but I do not think that is the point the gentleman from Pennsylvania is trying to make. I think the gentleman is trying to draw the support of the House and the Congress and to express overwhelming outrage at the construction of this facility and certainly bring pressure to bear on the

Soviets to try to demonstrate that we think it is a serious matter and that a move toward operation would be a tremendous mistake.

As a matter of fact, I chaired a subcommittee of the Intelligence Committee that had over a year long set of hearings on monitoring and verification issues, and as to the ABM it was stated time and time again by the intelligence community and by leaders knowledgeable of the Soviet Union that this is a clear violation.

Now, I notice that on the gentleman's chart there is an artist's rendering of the facility, and it is clear that that is the best that we can show publicly. But I think it is safe to say that the evidence that has been compiled is sufficient, and I have to commend our intelligence community on their ability and the quality of the evidence that they have built to justify the position that this body, I think, will inevitably take today, and that is the Krasnoyarsk radar, if it were to go on line and if it were to become operational as a radar system, because of its location, would be a clear violation. I think from the chart there again, we can see the dot indicating its location. Had that radar been up in the extreme northeastern end where it is pointed, then it would not have been a violation. It would have fallen in the same category of some of the things we are trying to do on the ADI in the Department of Defense for the Air Force. The ADI position is what we have in the bill, which is trying to improve our air defense initiative in this country. ADI has been a long time in coming, and it certainly is an important issue.

Also it should be made clear that if it becomes operational—and there is some question in my mind, and we cannot state for the record here, I think, until it is declassified—I think there is some question whether it is operational today, but the construction is apparent. There is no doubt that, if nothing else, the Soviets have been caught in a pretty blatant attempt to violate this treaty.

So, Mr. Chairman, I would just say in conclusion that I think the intelligence community and certainly the Department of Defense and those of us who have spent considerable time looking at this issue would agree with the gentleman that there is no doubt whatsoever that this is a violation, and I would support the gentleman's amendment.

The CHAIRMAN pro tempore (Mr. RUSSO). The Chair would advise the Members that the gentleman from Pennsylvania [Mr. WELDON] has 5 minutes remaining and the gentleman from South Carolina [Mr. SPRATT] has 30 seconds remaining.

Mr. WELDON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I appreciate the gentleman's yielding this time to me.

Mr. Chairman, I would like to compliment the gentleman from Oklahoma [Mr. MCCURDY] on his statement and also state that I understand the concern of the gentleman from South Carolina [Mr. SPRATT]. But what I think we are concerned about, whether it is operational or not, and clearly it is on the verge of being operational, is the fact that we have these new satellite pictures that prove to us that Krasnoyarsk is in fact a violation. It is not just that that concerns us; it is the dual capable systems, the SA-10 and 12 potentially used in the ABM mode, it is the mobile radars, although there is some dispute as to whether they have mobile radar capability, and it is testing air defense and ABM radars at the same time. That is another thing they engage in. It is the variety of things that they do.

Mr. Chairman, I think we ought to vote unanimously for this good amendment offered by the gentleman from Pennsylvania [Mr. WELDON] because it clearly expresses the concerns of Congress, and, frankly, I think we need to say something to them about these violations because we have not been able to do it so far.

Mr. WELDON. Mr. Chairman, I yield 1½ minutes to my distinguished colleague, the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong support of the amendment offered by my colleague, the gentleman from Pennsylvania [Mr. WELDON].

This amendment is a welcome expression of the truth, something which should be actively pursued as we take up these important national security issues.

Before we unilaterally embrace the most restrictive interpretation of the ABM Treaty, let us examine the conduct of the Soviet Union since the ABM Treaty was signed in 1972. The facts are that the Soviets have violated this treaty in the past and continue to do so now. We must send a message to the Soviets that the United States will not stand by and ignore their violations while we fully comply with that same ABM Treaty ourselves.

□ 1400

Again, I would like to commend my colleague from Pennsylvania for the detailed analysis he has provided in this amendment. The Soviets phased-array radar at Krasnoyarsk has time and again been proven as an unequivocal violation of the ABM Treaty. This issue should be at the top of our list of negotiating issues to bring up with the Soviets.

These facts should also be instrumental in our decision here in the Congress on appropriate funding for the strategic defense research and development.

Mr. Chairman, this amendment forces us to ask the question: Why should the United States comply with a treaty which the Soviet Union is clearly violating?

Mr. WELDON. I thank my colleague from California for his comments. I also thank the gentleman from the other side.

Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. I thank the gentleman for yielding.

Mr. Chairman, this is truly a noncontroversial amendment. All this amendment says is that this little, old radar facility here violated the ABM Treaty.

Yesterday, when we were debating our compliance with the ABM Treaty, time after time Members from this side of the aisle got up and cited this radar facility as being a violation. I do not recall anybody from this side of the aisle denying that it was. So it must be a noncontroversial amendment.

Also, my friends, in March 1985, a letter was sent to the Chairman of the Soviet Union signed by the chairman of the House Armed Services Committee and 22 of his colleagues, and it said, in pertinent part:

> Experts in the field who have served in both Republican and Democratic administrations have come to the deeply disturbing conclusion that the system currently being constructed will violate provisions of the treaty. But the radar construction question must be satisfactorily resolved if we are to maintain the existing treaty on antiballistic missiles or make progress on other important arms control issues.

Yes, my friends, a noncontroversial amendment. A little ironic perhaps, because we certainly did, with the overwhelming vote of the Democrat side of this House put this House on record yesterday as insisting that this country must abide by the strict, narrow interpretation of the Antiballistic Missile Treaty.

We owe it to ourselves to be honest with the world and vote for the noncontroversial Weldon amendment which recognizes this violation.

Mr. SPRATT. Mr. Chairman, I support the amendment and have also risen in opposition solely for debate purposes.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. I thank the gentleman.

Mr. Chairman, let me say, first of all, that in the last 4 years I have chaired the Arms Control and Disarmament Panel of the Armed Services Committee. During our testimony and during the hearings that we had, there was no question in our minds that the

Krasnoyarsk radar is a blatant violation of the ABM Treaty.

It has been almost common knowledge since the 1982 timeframe that this is true. Let me quote from a speech before the National Press Club by Ken Adelman in January 1986:

The Soviets have built a new large phased-array radar in Siberia with a location and orientation explicitly forbidden by the ABM Treaty. Hundreds of hours were expended negotiating this treaty provision. Violation of this provision strikes at the heart of the ABM Treaty.

Mr. Chairman, I want to commend the gentleman for his resolution, and I rise in support of that resolution.

I urge the adoption of the resolution.

Mr. WELDON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. I thank the gentleman.

Mr. Chairman, I think we have an opportunity, with this excellent amendment, to return some comity and some unified approach to this body on arms control. Perhaps when we go to conference committee with the other body we can send a strong signal and let the Soviets know that we are unified on blatant violations of the ABM Treaty.

Krasnoyarsk sits on the Trans-Siberian Railroad, in the dead center of their country. They are not going to stand up and tell the world, yes, this is a battle management radar so that some day we can have an SDI shield over all of our beloved motherland.

But there is something happening in the Soviet Union. Only the worst cynic will say that Mr. Gorbachev does not have some approaches where he is trying to turn a massive juggernaut around. The Soviet Union has admitted that Krasnoyarsk is a violation of the ABM Treaty.

Let us listen again to the quotes of the Soviet generals that the author of this amendment put out.

Gen. Boris Surikov, states, "Yes, in territorial terms, this was a mistake."

A retired three-star general, Mikhail Milshtein, said: "We might be willing to tear this down."

Let us get into the Western Union smoke signal mode here and send a strong message to the Soviet Union that we want this issue resolved.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from Oregon.

Mr. AuCOIN. I thank the gentleman for yielding.

Mr. Chairman, I support this amendment because the radar at Krasnoyarsk is an apparent violation of the letter of the ABM Treaty. It should be modified or shut down.

At the same time, we would miss the point if we addressed Krasnoyarsk without also considering related questions concerning the function and significance of this radar, the U.S. negotiating posture, and comparable U.S. radars.

Krasnoyarsk is a new large phased array radar which is not on the periphery of the Soviet Union. If, when it is turned on, its beam pattern is revealed to be too low for a space-track system—this is what the Soviets claim it is but its design appears inconsistent with this purpose—it will be a violation of article VI of the ABM Treaty.

But while it is a violation of the letter of the treaty, Members should note that this does not make it an ABM radar, a violation of the spirit of the ABM Treaty.

For one thing, its beam patterns is too eastward-oriented for an effective ABM radar. An optimal ABM radar at that location would look north, on great-circle routes from our ICBM bases.

More importantly, Krasnoyarsk is much too large and expensive to be a useful ABM radar. Fifteen years ago, our own designers recognized that any radar is vulnerable. This means if you want to have an ABM system that won't go up in smoke before you can use it, you have to have large numbers of radars; the only way to get these numbers is to make each radar small and cheap. Of course, just because something's dumb doesn't mean the Soviets—or the American military, for that matter—won't do it. But the fact is, Krasnoyarsk would make a dumb ABM radar.

More likely, it's an early warning radar, set back from the periphery to avoid the prohibitive climate on the northern border. It seems probable that the Soviet bureaucracy blundered, ordering the construction of this device without considering its arms control implications. But, as I have stated while Krasnoyarsk may not be a violation of the spirit of the treaty, it is clearly a violation of the letter and it should be modified to conform to the treaty, or shut down altogether. I urge the Soviet leadership to do that.

Regrettably, the Republican administration numbers, among its many failures, the failure to persuade the Soviets to bring Krasnoyarsk into conformity. It's not clear whether the administration's failure is due to ideological obsession—you can't call the other side the "Evil Empire" one day and ask them to accommodate you tomorrow—or to simple incompetence. But the fact is, the current Republican administration has failed where better administrations of both parties have succeeded under more difficult circumstances in the past.

Consider, for example, the 1978 incident in which the Soviets did 14 warhead-releasing maneuvers on a test of the SS-18 ICBM, although SALT II permits only 10 warheads per ICBM. Technically, the Soviets were within their rights, for two reasons: they didn't actually release 14 warheads, and in any case the treaty hadn't been signed and wasn't in effect. But the Democratic administration told the Soviets their 14-maneuver tests were pressing too close to the spirit of the treaty and had to stop. The Democratic administration succeeded; the 14-maneuver tests stopped and have never been repeated. Now, in easier circumstances, the Republican administration has failed to negotiate the problem. This is fact.

Finally, there is the question of the two new American large phased-array radars being built in Greenland and Great Britain. These are early warning radars not on the periphery of the United States, and it is difficult to reconcile them with the ABM Treaty provision which causes concern regarding Krasnoyarsk. Arms control opponents argue that the U.S. radars are upgrades of existing radars rather than new radars, but if you look at the designs this position is hard to defend.

While it is difficult to reconcile the new American radars with the ABM Treaty, beyond a doubt they are stabilizing devices. I'd like to be able to keep them. This creates obvious complications for the Krasnoyarsk issue which we will have to resolve, probably in the next administration.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman.

Mr. Chairman, I would just say one thing for the record. We have got to be able to explain Touley and Flyingdale. We have got a problem ourselves in terms of two large, phased-array radars.

I will vote for the amendment.

Mr. DORNAN of California. You will vote for it?

Mr. DICKS. I will vote for the amendment. I just want to make sure that the House understands that two large phased-array radars——

Mr. DORNAN of California. I thought you were going to kill it with a moral equivalent argument. The United States is not violating the ABM Treaty. In fact we have gone out of our way to stay within the treaty, even when it hasn't been in our best interests to do so. There is no comparison between our legal phased-array radars and Krasnoyarsk. Let us have a unanimous vote in support of this amendment.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from Illinois.

Mr. HYDE. The Flyingdale and Touley were grandfathered in. They existed years before the ABM Treaty was signed.

Mr. DICKS. Not as large, phased-array radars.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. HUNTER].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WELDON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 0, not voting 15, as follows:

[Roll No. 92]

AYES—418

Ackerman	Dixon	Johnson (CT)
Akaka	Donnelly	Johnson (SD)
Anderson	Dorgan (ND)	Jontz
Andrews	Dornan (CA)	Kanjorski
Anthony	Dowdy	Kaptur
Applegate	Downey	Kasich
Archer	Dreier	Kastenmeier
Armey	Duncan	Kemp
Aspin	Durbin	Kennedy
Atkins	Dwyer	Kennelly
AuCoin	Dymally	Kildee
Badham	Dyson	Kleczka
Baker	Early	Kolbe
Ballenger	Eckart	Kolter
Barnard	Edwards (CA)	Konnyu
Bartlett	Edwards (OK)	Kostmayer
Barton	Emerson	Kyl
Bateman	English	LaFalce
Bates	Erdreich	Lagomarsino
Beilenson	Espy	Lancaster
Bennett	Evans	Lantos
Bentley	Fascell	Latta
Bereuter	Fawell	Leach (IA)
Berman	Fazio	Leath (TX)
Bevill	Feighan	Lehman (CA)
Biaggi	Fields	Lehman (FL)
Bilbray	Fish	Leland
Bilirakis	Flake	Lent
Bliley	Flippo	Levin (MI)
Boehlert	Florio	Levine (CA)
Boggs	Foglietta	Lewis (CA)
Boland	Foley	Lewis (FL)
Boner (TN)	Ford (MI)	Lewis (GA)
Bonior (MI)	Frank	Lightfoot
Bonker	Frenzel	Lipinski
Borski	Frost	Livingston
Boucher	Gallegly	Lloyd
Boulter	Gallo	Lott
Boxer	Garcia	Lowery (CA)
Brennan	Gaydos	Lowry (WA)
Brooks	Gejdenson	Lujan
Broomfield	Gekas	Luken, Thomas
Brown (CA)	Gibbons	Lukens, Donald
Brown (CO)	Gilman	Lungren
Bruce	Gingrich	Mack
Bryant	Glickman	MacKay
Buechner	Gonzalez	Madigan
Bunning	Goodling	Manton
Burton	Gordon	Markey
Bustamante	Gradison	Marlenee
Byron	Grandy	Martin (IL)
Callahan	Grant	Martin (NY)
Campbell	Gray (IL)	Martinez
Cardin	Gray (PA)	Matsui
Carper	Green	Mazzoli
Carr	Gregg	McCandless
Chandler	Guarini	McCloskey
Chapman	Gunderson	McCollum
Chappell	Hall (OH)	McCurdy
Cheney	Hall (TX)	McDade
Clarke	Hamilton	McEwen
Clay	Hammerschmidt	McGrath
Clinger	Hansen	McHugh
Coats	Harris	McMillan (NC)
Coble	Hastert	McMillen (MD)
Coelho	Hatcher	Meyers
Coleman (TX)	Hawkins	Mfume
Collins	Hayes (IL)	Mica
Conte	Hayes (LA)	Michel
Conyers	Hefley	Miller (CA)
Cooper	Hefner	Miller (OH)
Coughlin	Henry	Miller (WA)
Courter	Herger	Moakley
Coyne	Hertel	Molinari
Craig	Hiler	Mollohan
Crane	Hochbrueckner	Montgomery
Crockett	Holloway	Moody
Daniel	Hopkins	Moorhead
Dannemeyer	Horton	Morella
Darden	Houghton	Morrison (CT)
Daub	Howard	Morrison (WA)
Davis (IL)	Hoyer	Mrazek
Davis (MI)	Hubbard	Murphy
de la Garza	Huckaby	Murtha
DeFazio	Hughes	Myers
DeLay	Hunter	Nagle
Dellums	Hutto	Natcher
Derrick	Hyde	Neal
DeWine	Inhofe	Nichols
Dickinson	Ireland	Nielson
Dicks	Jacobs	Nowak
Dingell	Jeffords	Oakar
DioGuardi	Jenkins	Oberstar
Obey	Saiki	Stump
Olin	Sawyer	Sundquist
Ortiz	Saxton	Sweeney
Owens (NY)	Schaefer	Swift
Owens (UT)	Scheuer	Swindall
Oxley	Schneider	Synar
Packard	Schroeder	Tallon
Panetta	Schuette	Tauke
Parris	Schulze	Tauzin
Pashayan	Schumer	Taylor
Patterson	Sensenbrenner	Thomas (CA)
Pease	Sharp	Thomas (GA)
Penny	Shaw	Torres
Pepper	Shumway	Torricelli
Perkins	Shuster	Towns
Petri	Sikorski	Traficant
Pickett	Sisisky	Traxler
Pickle	Skaggs	Udall
Porter	Skeen	Upton
Price (IL)	Skelton	Vander Jagt
Price (NC)	Slattery	Vento
Pursell	Slaughter (NY)	Visclosky
Quillen	Slaughter (VA)	Volkmer
Rahall	Smith (FL)	Vucanovich
Rangel	Smith (IA)	Walgren
Ravenel	Smith (NE)	Walker
Ray	Smith (NJ)	Watkins
Regula	Smith (TX)	Waxman
Rhodes	Smith, Denny (OR)	Weber
Richardson	Smith, Robert (NH)	Weiss
Ridge	Smith, Robert (OR)	Weldon
Rinaldo	Snowe	Wheat
Ritter	Solarz	Whittaker
Roberts	Solomon	Whitten
Robinson	Spence	Williams
Rodino	Spratt	Wilson
Roe	St Germain	Wise
Roemer	Staggers	Wolf
Rogers	Stallings	Wolpe
Rose	Stangeland	Wortley
Rostenkowski	Stark	Wyden
Roth	Stenholm	Wylie
Roukema	Stokes	Yates
Rowland (CT)	Stratton	Yatron
Rowland (GA)	Studds	Young (AK)
Roybal		Young (FL)
Russo		
Sabo		

NOT VOTING—15

Alexander	Ford (TN)	McKinney
Annunzio	Gephardt	Mineta
Bosco	Jones (NC)	Nelson
Coleman (MO)	Jones (TN)	Savage
Combest	Mavroules	Valentine

□ 1420

Mr. VISCLOSKY and Mr. COOPER changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). Pursuant to House Resolution 156, it is now in order for the gentlewoman from Illinois [Mrs. MARTIN] or her designee to offer an amendment contained in House Report 100-82, which is not subject to amendment or to a demand for a division of the question. If said amendment is not adopted, it shall be in order to consider the amendment offered by Representative MCCURDY or his designee, which shall not be subject to amendment or to a demand for a division of the question.

AMENDMENT OFFERED BY MRS. MARTIN OF ILLINOIS

Mrs. MARTIN of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. MARTIN of Illinois: Page 3, after line 25, insert the following new subsection:

(c) ADDITIONAL AUTHORIZATIONS.—(1) The amount authorized in subsection (a)(5) for other procurement for fiscal year 1988 is hereby increased by $50,000,000 for the Mission Essential Equipment Program.

(2) The amount authorized in subsection (a)(4) for procurement of ammunition for fiscal year 1988 is hereby increased by $10,000,000, of which—

(A) $5,000,000 is for 25-millimeter M792 round; and

(B) $5,000,000 is for 155-millimeter M483 artillery projectile.

Page 6, strike out lines 11 through 13.

Page 7, after line 24, insert the following:

(3) The amount authorized in paragraph (1) for fiscal year 1988 is hereby reduced by $644,000,000. The amount authorized in such paragraph for fiscal year 1989 is hereby reduced by $797,000,000.

Page 8, line 6, strike out the period and insert in lieu thereof ", plus an additional $200,000,000 for Reactor Plant Equipment.".

Page 8, line 8, strike out the period and insert in lieu thereof ", plus an additional $20,000,000 for the AN/SSQ-89 Surface Antisubmarine Warfare (ASW) Combat System.".

Page 8, line 10, strike out the period and insert in lieu thereof ", plus an additional $12,735,000 for CVN Catapults and Arresting Gear.".

Page 8, line 12, strike out the period and insert in lieu thereof ", plus an additional $10,000,000 for 5-inch/54-caliber gun ammunition.".

Page 8, after line 16, insert the following new flush sentence:

The total amount authorized for other procurement for the Navy for fiscal year 1988 in the matter preceding paragraph (1) is hereby increased by $242,735,000.

Page 9, after line 19, insert the following new subsection:

(b) ADDITIONAL AMOUNTS FOR AIRCRAFT PROCUREMENT.—

The amount authorized in subsection (a) for procurement of aircraft for fiscal year 1988 is hereby increased by $55,535,000 for programs as follows:

(1) $5,535,000 for C-141 aircraft modifications.

(2) $25,000,000 for aircraft spares.

(3) $25,000,000 for common ground equipment.

(By unanimous consent, Mr. FOLEY was allowed to speak out of order for 1 minute.)

FURTHER LEGISLATIVE PROGRAM

Mr. FOLEY. Mr. Chairman, I take this time to advise the Members that because of the problems in considering the rule, which we yet have to consider today, that it seemed advisable, after consultation with the minority, to reschedule for this afternoon the carrier issue in order to come to the approximate time of adjournment of 6 p.m. which we had announced earlier.

The effort to bring up the funding on the strategic defense initiative would inevitably lead us into a very late session tonight under the circumstances. Since the Members had been assured that that would not be the case, we are going to return to the

original schedule and consider the carrier issue.

In addition to that, I would advise the Members that we intend to proceed with the previously announced schedule on Friday and Monday, both tomorrow and Monday, and we will be adjourning at approximately 3 o'clock tomorrow and at 6 p.m. on Monday. But on Tuesday it would be my intention to ask for permission to come in at 10 a.m. rather than at 12, and as previously announced work late on Tuesday night.

This proposed schedule for Tuesday would be first, consideration of the Davis-Bacon amendents, and second, both money and language amendments that apply to the strategic defense initiative, and we would spend the rest of Tuesday and into Tuesday evening to complete that issue, all phases of the strategic defense initiative.

As I say, this has been a matter of discussion between the leadership on both sides and the committee leadership on both sides.

□ 1430

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, let me say that the majority leader has stated it correctly. We have been here in consultation on this side.

We had a problem that seemed very difficult to solve. I agreed to this because this is in consonance with the first agreement that we had that we would have no major amendments or the most controversial amendments would not come up on Friday or Monday for the benefit of Members who because of previous engagements could not be here.

This was really a matter of some contention as to whether or not this should fall in this category, so by rearranging the vote, I think we are keeping faith with the Members to whom we have announced that we would not have the most controversial amendments on Monday and Friday. So as I understand what the majority leader said, we will finish the carrier today and following that we will have the rule for the balance of the week; tomorrow and Monday we will have the less controversial amendments. The first item of business Tuesday will be the Davis-Bacon, followed then by SDI and everything related to SDI until we furnish everything related thereto on Tuesday.

Mr. FOLEY. The gentleman from Alabama is correct.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). Without objection, the gentleman from Wisconsin [Mr. ASPIN] is recognized for 1 minute.

There was no objection.

FURTHER LEGISLATIVE PROGRAM

Mr. ASPIN. Mr. Chairman, let me enter into a dialog here with the gentleman from Alabama.

If I might have the attention of the committee and the attention of the gentleman from Alabama, I would like to explain to the House the issue on carriers.

Mr. Chairman, I would like to discuss with the gentleman from Alabama a little bit about this amendment that is coming up. The amendment which we have before us now is the Martin amendment which would strike the two aircraft carriers that are in the bill.

If that amendment should fail, we would have a 20-minute debate. There would be an hour debate on that. If that amendment should fail, we have an hour debate on an amendment by the gentleman from Oklahoma [Mr. MCCURDY] to strike one of the carriers in the bill.

We have to divide the time on this amendment between a half hour on each side, and we normally do that. We have a little problem here, because the proponent of the amendment is on the Republican side, and I agree with the proponent of the amendment. I think the gentleman from Alabama, BILL DICKINSON, agrees with the opponent of the amendment.

Who is going to control the 30 minutes on your side, the gentlewoman from Illinois or the gentleman from Alabama?

We will do it the opposite way. If the gentleman would yield 30 minutes of his time to the gentlewoman from Illinois [Mrs. MARTIN], I will yield 30 minutes of my time to the gentleman from Florida [Mr. BENNETT], who is opposed to the issue.

The gentleman from Alabama can vote with the gentleman from Florida, and I can vote with the gentlewoman from Illinois.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Alabama.

Mr. DICKINSON. Do not presuppose my vote on this, but I agree with the yielding of the time.

If the genlteman would yield further, I have been asked by several of my colleagues on this side of the aisle what we might reasonably be expected to vote on Friday and on Monday. Since many of them might have their own amendments to come up, it would be helpful if the gentleman could give us that information.

Mr. ASPIN. Part of it is that we do not yet know what the rule is going to look like, but it is for certain that on Friday and on Monday, we will be dealing with the individual Members' amendments that they filed in the rule, and the rule is going to make in order most of them, I understand, not all of them.

There is also going to be a package of amendments that the gentleman from Alabama and I have agreed on that we will present en block but the ladies and gentleman who have filed with the Committee on Rules amendments, we ought to look for trying to handle a very great deal of those on both Friday and Monday.

Mr. DICKINSON. In looking over the schedule, I would assume that we do not know what the rule coming out will be, I would assume that on Friday, tomorrow, we would probably deal first with the ATB.

Mr. ASPIN. The gentleman is correct.

Mr. DICKINSON. Probably the next would be on the nuclear reactor?

Mr. ASPIN. No, that one not tomorrow.

Mr. DICKINSON. A new rule?

Mr. ASPIN. Burden sharing next.

Mr. DICKINSON. So we know those will be the first two?

Mr. ASPIN. After that, I would suspect we would be wanting to do individual amendments of individual Members.

Mr. DICKINSON. When is it anticipated that the oracle will speak and we will know what will be the order of amendments?

Mr. ASPIN. We are all waiting breathlessly for the room up there on the third floor to open the doors, and when white smoke comes out, we will have a rule.

Mr. DICKINSON. I thank the gentleman.

The CHAIRMAN pro tempore. Under the rule, the gentlewoman from Illinois [Mrs. MARTIN] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Illinios [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment before our committee deals with the budgetary issue which will impact defense spending for the next decade:

The funding of a $7 billion accelerated aircraft carrier construction program.

The issue is quite obviously not a partisan one, nor is it necessarily an issue about 15 carriers, or even about the eventual need to replace 1, 2, 3, or 8 of the carriers.

My amendment will save $1.8 billion in fiscal year 1988 and fiscal year 1989 budget authority by denying the Navy's accelerator request to buy two *Nimitz*-class nuclear carriers.

The amendment also saves $5.5 billion during the out years of 1990 or 1993.

Before citing my reasons, let me go through a relatively boring part of this, so that you can understand what was replaced and what was not in this particular amendment.

The first part of the amendment provides for a cut of $444 million in 1988, and almost $800 million in 1989.

This would have initiated procurement of the two new replacement carriers.

In the next part of the amendment is a $200 million transfer to the Navy's nuclear reactor plant equipment.

This is not new spending but necessary to retain the base nuclear capabilities for our fleet. Both opponents and proponents agree on this particular issue.

With the money saved from these first years, there are dollars added to readiness for the Army, the Navy, and the Air Force.

The package of readiness items restores $43 million to accounts reduced from the President's budget and provides $115 million to accounts that the services have identified as suffering deficiencies.

These items include aircraft spares, munitions, antisumbarine warfare equipment, and Army combat equipment.

□ 1440

Mr. Chairman, it is unusual for a Republican to be standing here bringing to the floor an amendment which cuts from the defense budget. But this Republican does it because to do else would ultimately hurt the defense and national security of this Nation.

Less than 1 year ago the Secretary of the Navy testified before the Committee on Armed Service, of which I am a member, that there would be no need to replace aircraft carriers before 1992.

Suddenly now we are accelerating by two the number of aircraft carriers it is essential, according to the Navy now, that we have.

Mr. Chairman, I am going to argue that the Navy is incorrect and, indeed, jeopardizes future readiness of this Nation by greedily trying to acquire from a budget too much that would ultimately help the defense of this Nation.

I would quote then-Secretary Lehman:

> There are new aircraft carriers in the fiscal year 1987 budget and no new construction carriers are needed until the early 1990's.
>
> We intend to request long-lead funding in 1992 for a *Nimitz*-class replacement for the *Midway*.

The Navy claims that the new carriers will not weaken the readiness of the Army, Navy or Air Force. But to provide for these carriers the Navy's own programs decision proposes these cuts, and I think you should listen to them: Aircraft procurement $450 million, weapons procurement, $400 million, readiness and support, $1.6 billion; military construction, $200 million, carrier service life extension programs, $640 million and deferral of two other ships.

One of the least delightful things about this debate has been part of the level on which I believe the Navy has been acting. I do not fault the Virginia delegation for trying to protect for its State some of the most incredible jobs, and, frankly, pork of the century. Were it my district, I would do the same thing. But our obligation is a different one. It is to make sure that this Nation is ready and that this Nation's security will not be impaired even to the benefit of one, two, or three States. Some Members, if they are back in their office, may have received a copy of what their district will get. I say this right now: If the reason we are voting for national defense is what a district gets, I should not have voted for one defense bill in the 7 years I have been here.

My State does not get that much from defense, but I am proud to have voted for it.

If on the other hand, Mr. Chairman, you did not receive a sheet saying how much you are going to make out from this, as 190 districts would not, that indicates to you that there are no benefits to your individual district and that, overall, you are causing a drop in readiness for this Nation.

I think through the debate you will be hearing much; you will be hearing from the superb chairman of the Subcommittee on Seapower. We all know on the Committee on Armed Services that sometimes when you are involved in a subject your caring about it puts it forward on the agenda.

I can only tell you this: When this vote is over, if you have voted for the Martin amendment, there will still be 15 carriers; when this vote is over, with the Martin amendment there will still be national security and the schedule that was described by the Secretary of the Navy will still be kept.

There is one last thing: If we vote for these two carriers, I beg Members to look forward to the 1993, 1994, 1995 fiscal years when virtually all congressional flexibility in matters of defense will be over. To maintain this carrier survey, there will have to be a 3- to 5-percent growth in Navy outlays every year. I may support such an outlay but we do not here. If, therefore, we go ahead with this program, knowing full well that more than 1 percent of growth is totally unlikely, we will continually take from other programs and, moreover, we will be looking at long-term costs of not just $7 billion, but some estimate up to $30 billion. That is without debate, without strategic necessity. To do so I think ultimately narrows our ability as Members of Congress to make those difficult defense decisions in the 1990's and we should not be precluded by the desire of some to accelerate and take from the Congress its right to make those decisions.

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). Is the gentleman from Florida [Mr. BENNETT] opposed to the amendment?

Mr. BENNETT. Mr. Chairman, I am.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. BENNETT] is recognized for 30 minutes.

Mr. BENNETT. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, we have had extensive hearings in the Subcommittee on Seapower as to how many carriers there should be. It has been conclusively shown that the responsibility defensewise of our country requires a 15-carrier fleet at a minimum. The Joint Chiefs of Staff say that, everybody who has studied it says that. We know we need that. If we do not build these two carriers now when they are actually in the fleet or when they are about to come into the fleet the ships that they would be supplanting would be about 50 years of age.

So it is not true that if you do not build these carriers that you are going to have a 15-carrier fleet because you are going to have 2 carriers out there when these come aboard that have to be jettisoned, taken out of the fleet.

The next point: You save about $700 million by having these two carriers done together. That is the reason the committee approved it. I did not start off wanting to do this, but when I realized that one was coming in one year and another was coming another year and we were going to save $700 million by that process, that seemed the logical thing to do.

Every year there is a great discussion about what are the needs of the Navy. We had a thorough discussion of that, lots of testimony this year. This is essential to our national defense. It actually is sort of the cutting edge of our strength in times of peace and a very important part of our ability in times of war. The carrier is the one thing that we can use in peacetime as we send a carrier into an area of concern and yet not actually go to war. We tell people that if they do not behave up, they are going to be in trouble. Therefore it has been a very valuable thing in our maintaining peace throughout the world. There have been about 90 instances in recent years which have occurred by the use of a carrier putting down a thing that might have gone into a war. In time of war it is, of course, our advanced airstrip. General Rogers tells us we may lose all airstrips in Europe. If that happens to be the case, this is the only way you are going to have a sufficient number to do anything—to do any-

thing or to do harm to the enemy at that time.

An argument has been made that this is a lot more expensive than having just a carrier, and that a carrier cannot operate by itself. Under some circumstances the carrier should have additional ships around it, but it is a great, potent factor by itself in many circumstances.

Mr. Chairman, I will go to the next speaker and reserve whatever time I may have.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. McCURDY].

□ 1450

Mr. McCURDY. Mr. Chairman, I support the amendment offered by the gentlewoman from Illinois. As she stated, and I concur, I do not think this is an issue of the number of carriers or the issue of whether or not we ought to have carriers.

The issue is one of timing. It is important to note here that the carrier fleet will remain the same, will have 15 carrier battle groups, but the difference is that the timing will be considerably different.

The Navy has not included this approach in the last 3 of the Navy 5-year shipbuilding plans. It was not even in this year's JCS posture statement. The Navy did not submit this proposal for the normal DOD program budget review; instead, took it directly to Secretary Weinberger in the late fall.

I understand that much of the rationale for his decision was the statements then that this acceleration of this shipbuilding program would save $3 billion if you accelerate it. Under closer scrutiny, they had to revise their figures considerably downward, and now the allegation is, or the estimate is that they will save some $700 million.

That may be the case, but that is 10 percent of the overall cost of these systems.

The GAO and CBO estimated and testified that a similar investment in accelerating the aircraft production lines would yield at least as much savings in the same timeframe. CBO actually estimated a minimum of $1.1 billion in savings.

So it is not unique that we want to save money by accelerating developments. We can do it. But why is it that the Navy has this opportunity in the year that Air Force R&D is larger than Army procurement, in the year that we see that the decline in conventional capability?

It is clear, Mr. Chairman, that eventually these carriers will have to be replaced. I do not argue that the *Midway*- and the *Saratoga*- and the *Forrestal*-class ships will eventually be replaced, but there are other costs involved here. Other costs. It takes 1,000 more men to man a *Nimitz*-class carrier than it does the *Midway*, 1,000 more men that we have to supply, feed and equip.

The cost that we make today, the budget decisions that we make today have long-term policy decisions, and I think it is important that we not accelerate this development, that we put the money where we can best utilize it, and that is in the ammunition accounts, the conventional account and that we relook this and not be locked into a long-term development program that we are not going to be able to look at again in the near term.

I believe this is probably the first real test of homeporting, whether or not it can work, and I think it is clear that some of those decisions made today are based on politics, as opposed to the necessity of proper programming within the Department of Defense.

I urge passage of the amendment.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, proponents of amendments to delete long-lead funding of two replacement aircraft carriers recognize that it is necessary to periodically replace carriers. That, Members of the House, is precisely what the bill does, if the amendments are defeated.

We would in an economic smart buy, that GAO says will save at least $700 million, replace the *Midway* at age 52 after 1995 and a *Forrestal*-class carrier in the late 1990's. The carriers to be replaced will be beyond their useful life.

Defeat of the pending amendments will preserve our national maritime strategy in the most cost-effective manner. It will save thousands of jobs and keep our industrial base intact. This is the most critical vote of this session for our faltering shipbuilding and steel industries. I call your attention to the compelling letter of the Shipbuilders Council and the urging of significant elements of the AFL-CIO on this issue.

When the long-lead funding for the two carriers is in the bill and within the House-passed budget resolution, why delete them and why lose thousands of jobs? Why wreck our national maritime strategy? Why cripple our conventional capability and readiness into the 21st century?

I proudly represent the shipbuilders of Newport News who delivered the U.S.S. *Theodore Roosevelt* 16 months ahead of schedule and under the target costs. They are building the U.S.S. *Abraham Lincoln* and *George Washington* on the same construction schedule and $1 billion under the projected costs. This is of the essence of why the Navy has advanced its request for long-lead funding to replace ancient aircraft carriers. For the Navy not to do so would leave a hiatus period that would dismember this critical industrial base. Rather than do this, the Navy has indeed advanced its request and thereby saves at leat $700 million.

It is not just shipbuilding jobs for my district. It is a question of jobs in the domestic steel, coal, and electronics industries and other jobs that would be lost. Do not inflict this needless and costly pain and in the process undermine a rational national maritime strategy that demands we replace carriers which are beyond their useful life.

Vote against the pending amendment.

Mrs. MARTIN of Illinois. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. Mr. Chairman, I want to frame this debate in talking why this amendment has been offered and why it has been offered by the gentlewoman from Illinois [Mrs. MARTIN].

The gentlewoman said in her opening remarks that she has no axe to grind. She has worked for the defense of this country as a member of the Committee on Armed Services. Her concerns are the costs and the plans that are made for military expenditures and what that means to this year's budget and budgets into the next decade.

She makes no friends by offering this amendment. The problem with the way that we do our appropriations, our appropriations is that every committee comes to the House floor and says that they need more and more and that they have priorities, and legitimately, they do. The Members work very hard on the facts and the figures, whether it be people coming down for public services, for highways, or for the most important responsibility we have, and that is the national defense of this Nation.

It was just a year ago that I stood in this well and offered amendments to delete the New York Port from homeporting, mainly because of the great expense that that port will cost now, but especially into the future. On that first vote here in the House, we were successful in deleting that money for the New York Port, partially because LYNN MARTIN had the courage to come down and say what she has said today. That is, Mr. Chairman, we do not have the money.

We are not talking about the tactical advantages and need for aircraft carriers; we are talking about priorities for the 1987 budget and down the line, how much this is going to cost us.

I just want to commend the gentlewoman for her courage in bringing this amendment forward because the Members of this entire House are now suffering one of the heaviest lobbying efforts they have seen since last year's home-porting. I am saying that the

Navy can mount—I will give them credit—can mount probably the most massive lobbying effort that this House has ever seen 2 years in a row, back to back.

I only ask the Members to consider during this lengthy debate what the facts are, what the options are.

You have already been told that we need two carriers because the others are rapidly ending their useful life after a period of 45 years. But if we look at the battleships *New Jersey, Wisconsin, Iowa,* and *Missouri,* they are as old or older. They have the same powerplants as our current *Midway* and *Coral Sea* carriers.

The Navy has properly made its four-battleship action programs centerpieces of service life extension programs. They have been successful. Many Members of this House voted for that just a few years ago.

□ 1500

In fact the rationale for justifying two new carriers directly contradicts the far less costly service life extension program. We have some problems in our older ships, but let us look at what the commanding officer of the *Midway* said this last month:

> The material condition is excellent, and I am pretty sure she will be able to remain in the front line well over the year 2000.

He also said:

> The morale of the crew is very high. Retention is also high. Fortunately, we do not experience any manning shortages.

We have already been told about the savings, but I ask the Members to just look down to the following years and eventually to the $60 billion it will cost for the new carriers. We do not have the money today, we do not have the money next year. I ask the Members to vote for the Martin amendment.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, I would like to address some of the major manpower issues associated with the Navy's request for two replacement aircraft carriers. The primary issue stems from the misperception that the replacement of two aging carriers with two of the *Nimitz*-class will necessitate a drastic increase in required manning. This is not the case.

It must be realized that by the time the two replacement carriers, CVN–74 and CVN–75, come on line, the 600 ship Navy will already be manned and will have been operational for years. As the Navy starts to replace the older *Forrestal*-class carriers in the late 1990's, the actual required increase in manpower including both air wing and ship's company personnel will be less than 120 individuals. Replacing an even older *Midway*-class carrier with a *Nimitz*-class would require a little larger increase of about 800 individuals; however, this is due primarily to the *Nimitz*-class carrier's ability to deploy with 90 vice 60 aircraft. But the enhanced capability of the *Nimitz*-class, both in size and striking power, is disproportionately higher than the manpower increase and essential for the Navy's future. Let me also emphasize that as we move toward the Navy of the late 1990's, manpower reductions from other areas within the Navy will more than compensate for the slight additions required for replacement carriers. Therefore, manpower should not be an issue in our consideration of the replacement carrier proposal.

Morale and retention of our sailors does, however, have a great impact and deserves our consideration. We cannot mortgage the future by hoping that our venerable but older carriers will forever remain cost effective to operate and maintain. We cannot ask our sailors to be our front line fighting force on carriers which are over 45 years old and aging daily. Without carrier replacements, we will be forced to ask sailors to struggle to repair aging, increasingly costly to maintain, less capable systems. If we do not begin the replacement process now, we will be asking some men to serve on ships designed and built 20 years before they were born.

Let me emphasize that these carriers are not intended to supplement current force levels, but replace two of our present ships as they approach the age when repair and equipment updates required become economically prohibitive. If we are to sustain a realistic level of readiness for immediate response around the globe we must not be unrealistic in our approach to the carrier issue. The cruisers, destroyers, and support ships for the 600 ship Navy will be in place by the time CVN–74 and CVN–75 are delivered. Without the fully capable modern aircraft carrier, forward deployed naval operations would have to be conducted at great risk. And with less than 15 carriers we would have to either cancel current national commitments to certain parts of the world or significantly increase the operational tempo of a decreasing carrier force. The former would signal a form of retreat; the latter would be devastating to our sailors' morale and retention.

In sum, these carriers are indispensible to the Navy's mission. We are responsible to ensure that the men deployed on them are provided what they need to execute their required missions. I support this aspect of the President's budget in the strongest possible terms and urge each of you to do the same. The national interest and our obligations to the American public demand it.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BADHAM].

Mr. BADHAM. Mr. Chairman, I would like to engage a slightly different course of debate on these two carriers. I am not noted as a great fan of John Lehman as Secretary of the Navy. But, I think he did some very excellent things to and for the Navy. I very early opposed the 15 carriers because I could not at that time see the rationale for 15 carriers. But let me share with the Members the argument that persuaded me to become a strong advocate of the 15 battle groups, and that is in essence this:

As we know, in 1945 the United States of America reluctantly, not by its desire, became the leader of the free world, and we took on responsibilities we did not ask for. We took on responsibilities for the protection of sea lanes, for the protection of Western civilization, and for peaceful progress of the world, and I will have to say that I think it has worked pretty well, because for the longest time in recent recorded history the world has not seen global conflict for more than 40 years. That is some kind of record of which to be proud. With this, of course, is mobility, technology, training, experience, and the projection of defensive power to deter people from attacking other people.

We are responsible, whether we like it or not, for five huge areas of this globe, all covered with water. For that we have to have five carrier battle groups. Naval deployment logic insists that for each carrier battle group we have to have one carrier, and for each area of the earth for which we are responsible we have to have a carrier battle group, and we have to have three carriers for each. Now, to maintain each of the five areas it requires three carriers, one in port for training; one in maintenance and overhaul, and one on station or in transit. Any way you look at it, if we are responsible for five huge areas of the Earth, it takes 15 carriers to do it, and you just cannot do it with less.

Mr. Chairman, it is absolutely essential, lest we abdicate the responsibility we have but did not seek, the responsibility that goes along with having maintained global peace for more than 40 years, that we have to have 15 battle groups, which requires that many carriers.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, we have heard the outline of why we need 15 carriers, but I want to get it straight right from the beginning. These are replacement carriers. They are not carriers to add to the battle groups. They will not cost $17 billion, $37 billion or $57 billion, as has been charged all over the place. They will cost $6.9 billion.

Let us talk a little bit about cost because the thrust of the amendment offered by the gentlewoman from Illinois [Mrs. MARTIN] is affordability. I guess, the Navy did cite in its plans that they would bring this in at some time in 1990 or 1992, but the strange part about it is that they found out they should change their plans when they discovered a two-ship buy at an earlier date instead of $10 billion at this date would be again $6.9 billion, for a savings of $3 billion.

Now, the figure of $700 million was mentioned by GAO. What we did not hear is that that was the minimum savings. And what is that? It means that an Aegis cruiser represents $700 million, and I hope we never stay here long enough to learn that $700 million is not a good savings.

But let me tell the Members what happened in the purchase of the CV-72 and CV-73. The Navy, when they propose these carriers, saves $754 million right off the top by the two-carrier purchase. And guess what happened then? Those carriers will come in at $1.2 billion cheaper than the amount appropriated by this Congress.

So, Mr. Chairman, they are affordable. We cannot penalize the Navy for finding out that they made mistake and then tried to correct the mistake. I ask for a "No" vote on the amendment.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I cannot believe what I am hearing here this afternoon from Members who should know better.

At the risk of getting too academic, let us run through for a minute the procedure for the effort that goes into the formulation of our defense authorization bill. We consider the threat facing us in the world, our commitment throughout the world, our commitments and our national strategy. Our military leaders come before us and tell us what they need in the way of equipment to carry out their duties and responsibilities.

The Army, the Navy, the Air Force, and the Marines all have a part to play. They decide on their priorities. In the case of the Navy, they decide on the types of ships they need, the aircraft they need, and the weapons systems they need.

□ 1510

They are in the best position to know what they need. If they do not know, who does?

I have a lot of confidence in the people we have here who serve on the Armed Services Committee. But Lord help us, I do not think they should be the ones to decide over the advice of our military leaders what their priorities should be. After all, they have the job to do.

Am I to understand that this procedure is to be reversed? Should our self-styled experts, who have much experience in these matters, start off and decide for the military what they need, and tell the Navy, "You do not know what you are talking about. You do not need this type of weapons system; I am an expert, I know better than you do. You need this type."

If we have gotten to that place, as I said before, we have had it.

Mrs. MARTIN of Illinois. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. I thank the gentlewoman for yielding me this time.

Mr. Chairman, I rise to support the Martin amendment to redirect funds from early funding of two carriers to the readiness accounts. The first point to make about the Navy's request is that it represents an acceleration of the carrier program, but former Secretary Lehman has testified to our colleagues that these will not be needed until the early 1990's.

The second point I would like to make is that the initial outlays are very misleading; $644 million this year and $797 million next year. They are very, very small compared to the very large outlays that will be required in the following years. We have a bill of $5.5 billion waiting for us in the early 1990's if we take this early step now.

The third point is the question of economies of scale. Yes, it does save money to build two as long as you are building one, and we can save $700 million. But the real issue is do we have to have that savings now? We still have that savings later. Suppose we build two later? We still save the $700 million by combining them and having economies of scale at that time. So that is not a compelling argument in itself.

My fourth point and last one is that the Martin amendment, and the key to the Martin amendment is that it redirects funds away from the carrier account now into our chronically neglected Readiness and Sustainability accounts. These accounts are not exciting, they are not big ticket. They do not have huge contracts in anyone's district, but they are very important in terms of the fighting capacity of our naval forces. We need a force that can fight, not a hollow force that is long on hardware and short on ammunition. Short on spares and short on combat support equipment.

In the words of former JCS Chief Admiral Crowe, when, because of judicial restraints, "painful choices have to be made," Admiral Crowe said, "I would give first priority to sustainability, modern munitions, ASW, and the SSN program." These are the words of Admiral Crowe, and I think he is absolutely right.

I hope we will support the Martin amendment.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. I thank the gentleman for yielding me this time.

Mr. Chairman, I wish we did not need 15 carriers and 15 carrier battle groups. They are not cheap, as we all know, but I believe we need them.

When I was a younger man, I spent almost 5 years of my life as a naval flight officer. I flew in and out of a number of places around the world where we no longer fly in military aircraft. We no longer fly in and out of the naval air station at Sangley Point in the Philippines; we no longer fly in or out of Utapao Air Base in Thailand. There are a number of other places we do not fly out of anymore today either.

There are additional bases which may follow in the wake of Sangley Point and Utapao, Thailand. They could be bases in the Philippines. There could be bases in Greece, or there could be bases in Spain. I believe that we need aircraft carriers and carrier battle groups today as much as ever. Tomorrow, we likely will need them even more.

The question is: How do we maintain those 15 carriers battle groups and how do we do it at the least cost to the taxpayer. That is the question. I believe the answer is the bill that is before us today, without this amendment. I urge its defeat.

Mrs. MARTIN of Illinois. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. I thank the gentlewoman for yielding me this time.

Mr. Chairman, I rise in support of this amendment because it makes strategic sense and reflects budgetary realities.

This is a budget and policy decision. I do believe that the Congress should have some say in deciding the fleet mix of such naval forces because that is a major defense policy issue. My own view is that the Navy has much more critical funding requirements in terms of attack submarine development and procurement if they are to play the pivotal role in protecting our sea lanes to NATO. I agree that we should prevent Soviet attack submarines from getting out through the Barents Sea into the Atlantic. However, I don't think destruction of their Soviet submarines bases by U.S. carrier-based aircraft is realistic or prudent. I believe that we should augment our attack submarine forces to do this job.

Force projection is admittedly an important element of a U.S. maritime strategy, but it seems to me the nuclear carrier with its battle group array of defensive ships is a high price to pay chiefly for force projection. Building and sustaining a battle group does

not constitute an acceptable cost/benefits approach to defensive sea control. Life cycle cost is the budget issue here, not the $300 million in savings for 1988.

The gentlelady's amendment very responsibly retains $200 million of the carrier funding for reactor plant equipment to maintain a vendor infrastructure to fabricate components for naval nuclear power plants. This, in my view this amendment supports industry's ability to manufacture tomorrow's nuclear attack submarines as well as nuclear carriers. We should make every effort to enhance and modernize our attack submarine fleet and this set-aside funding will help preserve our high technology nuclear manufacturing teams.

I have pursued my concerns about the need for a broader and more comprehensive approach to attack submarine RDT&E for the past 3 years. In fact, the $100 million recommended by the committee for advanced submarine technology is a direct result of our HASC correspondence with the Secretary of Defense regarding the emerging Russian threat. The Soviet Akula class submarine has narrowed the gap between U.S.S.R. and U.S. attack submarines and four members of the committee expressed deep concern to Mr. Weinberger over this issue. The Secretary avoided our question as to whether the SSN-21 class is adequate to meet the variety of Soviet threats. We cannot take the risk of, as one admiral put it, "shooting behind the rabbit * * *." We simply must improve our submarine technology base through a comprehensive program with integrated technology platforms for new classes of SSN-21's. We must begin now!

I am pleased that the committee has recommended the $100 million in additional funding for advanced technology submarine development and I certainly hope that the House can preserve this committee initiative through conference. As stated in my additional view on H.R. 1748, the nuclear navy's answer to the emerging Russian threat in submarine technology has lamentably been "business as usual". The nuclear navy simply does not perceive revolutionary technology development, incorporating innovative features as a desirable approach to RDT&E. They unfortunately wish to adhere to incremental technology improvement in naval powerplants technology and other aspects of attack submarine technology development. Indeed, the stakes involved here in terms of the navy fleet mix and their ability to counter tomorrow's Soviet threats are simply too great to leave this matter to the "conventional wisdom" of the U.S. nuclear navy.

Mr. Chairman, I am strongly supportive of the gentlelady from Illinois' amendment and I commend it to the whole House. The carefuly crafted redirection of funds make considerable sense. I would hope that the House will send a message to the Navy that we cannot blindly forge ahead to implement questionable strategic doctrine with staggering life cycle costs. The committee has already put the Navy on notice that the old ways of developing submarine technology won't meet tomorrow's threats: the risks are too great.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. I thank the gentleman for yielding me this time.

Mr. Chairman, I do not take a back seat to anyone in the House in being a critic of big ticket Pentagon spending. I fully admit that these carriers do not come cheap. But I want to say to my colleagues that I support both carriers and I rise to oppose the Martin amendment which strikes them and I would like to tell the Members why.

We need these two new carriers to bolster our conventional forces, not only on land but also at sea, which these carriers will do. I think it is important for my colleagues to understand that the United States is first and foremost a maritime power, and controlling the world's sealanes is of utmost importance. If stability is our primary goal, and we are firm in honoring our commitments worldwide, then we simply have to replace the *Midway* and the *Coral Sea* with new *Nimitz*-class carriers.

We should not put off the inevitable: we should fund these replacement carriers now. It not only makes good strategic sense, it makes good business sense as well. If we wait to replace these aging carriers, we will increase their cost to the taxpayer by millions and millions of dollars. In fact, the Navy projects that if we buy these carriers today, these ships will cost less to acquire than their predecessors.

How long must vital conventional programs of this kind suffer from the President's romance with SDI? These carriers have been proven and time tested, both in peacetime and in wartime. Let us move today to reward consistency. I believe that it is time that we put our faith in proven track records, rather than relying on strategic visions such as SDI which are destabilizing and unnecessary.

The aircraft carrier is the major striking element of U.S. general-purpose naval forces—the cornerstone of our maritime strategy. This is strategy that is based on the premise that the United States, as the preeminent Western maritime power, must have the ability to use the seas to project force ashore against our adversary if need be, while maintaining unimpeded use of the ocean lifelines to our allies, our forward deployed forces, and our trading partners. The maritime strategy recognizes the unique role maritime forces play in supporting our national military strategy and the key role they play in plans for the defense of NATO allies. A balanced force of 15 deployable aircraft carriers is the core element of that strategy and commitment to maintaining the maritime superiority necessary to execute fully our national strategy.

Mr. Chairman, rather than pay an enormous penalty in both strategic and fiscal terms, let us move now in the direction of conventional strength and fiscal responsibility. The *Achille Lauro* hijacking and Libya should have convinced us of the importance and utility of the carrier battle group.

It is time to take a valuable lesson from history. In the name of flexible response and economic prudence, we must bolster our carrier fleet by replacing the *Midway* and the *Coral Sea* today.

□ 1520

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. Lott].

Mr. LOTT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I urge my colleagues to vote against the Martin amendment.

I am not a member of the Armed Services Committee and we do not build carriers in my area, although it is not a bad idea, but I do not have a vested interest in this amendment.

I am here speaking on this amendment because I am concerned about what we are doing and what we have already done. The votes yesterday were the most staggering votes I have ever seen in this body in 20 years. It was an inadequate amount of funding. We are saying we must comply with treaties that the Soviet Union does not even have to comply with and now we are even talking about not moving forward with getting new carriers that we need.

Enough already. We have proven our point. We want to hold the line on the fence or cut it back, but are we with this amendment cutting our throats? Are we missing an opportunity to save $700 million? Are we missing an opportunity to have these jobs for blue collar workers, men and women who need this employment?

Mr. Chairman, these carriers are our long legs. If we are going to be where we need to be around this world to protect America's strategic interests, we must have these carriers, new carriers. We are going to have to retire the *Coral Sea* and the *Midway*.

Let me ask you a question. Have you ever landed on a carrier? It will scare the fool out of you.

Have you ever landed on an old carrier like the *Forrestal* before it was retired?

How would you like to have your son or daughter land in a modern airplane on the *Midway*? It is dangerous.

Our best aviation, our best planes, cannot even be carried on the *Midway*.

Mr. Chairman, this amendment would be a tragic mistake. We need these carriers. Without them, we cannot do our job to defend America's interest.

Defeat the Martin amendment.

Mrs. MARTIN of Illinois. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I, too, rise in support of the amendment of the gentlewoman from Illinois to strike the authorization for the two nuclear-powered aircraft carriers for fiscal years 1988 and 1989 and to retransfer some of those funds.

Originally I intended and planned to offer a similar amendment which would have saved the American taxpayers $1.4 billion in fiscal years 1987 and 1988, and a total of $6.9 billion between 1988 and 1993; but I am not offering that amendment. It was not made in order by the rule. Instead, I am supporting the amendment of the gentlewoman from Illinois which comes close to achieving the same goal.

Mr. Chairman, the United States continues to run a deficit of immense proportions. It must be dealt with by achieving savings wherever they can be found.

Those who say that by including the carriers we are going to save money in 1987 and 1988 have mathematics that I cannot understand at all. I do not know how you save money by spending money. You are going to spend, ultimately you will save money, but those savings, as I said before, are going to be here in 1992. They are going to be here in 1991, if you feel we must start these aircraft carriers at that time; but the impact of these carriers on the total naval budget in the time of the next 6 to 8 years is going to adversely impact on the rest of the fleet, on our attack submarines, on the numbers we can have of those, because we are going to have to continue on with these carriers in that timeframe when you are not going to get that 3-percent increase in the defense budget that is needed in order to carry out the type of program that is needed for the 600-fleet Navy. It just is not going to be there.

So the question is whether or not we wait, we continue with the rest of our program for the Navy, and do the aircraft carriers later as they are needed. Right now this money is not needed. We do not need to start building these two carriers now.

The argument that this means jobs for people is a specious argument.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to my friend, the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I rise in opposition to the amendment offered by my good friend Congresswoman MARTIN that deletes the authorization for the two new carriers. These carriers are not intended to supplement current force levels, but to replace two aging carriers—carriers that will be over 50 years old by the time they are replaced.

Congress has directed the Navy to maintain a 15-carrier force; 15 carrier battle groups is the minimum-sized force capable of adequately meeting the threats posed to our national security interests. Congress has consistently supported the requirements for this force structure as evidenced by approval of funding for the *Lincoln* and the *Washington*, now under construction. We will finally attain the 15 deployable carrier level with the delivery of the *Lincoln* in fiscal year 1990 and will maintain it with the delivery of the *Washington* 2 years later, replacing the World War II-era *Coral Sea*.

The two new proposed carriers would replace the *Midway* and a 50-year-old *Forrestal*-class carrier. The Navy has determined that the point at which a carrier reaches the end of its useful service life, or that time that it is no longer economically prudent to repair and update them is approximately 45 years of total commissioned service. The *Midway*, commissioned in 1945, back when I was in the Navy, was designed to provide 25 years of useful service life. It will be 55 by the time the new carrier replaces it—if we begin funding the new carriers today. The *Midway* has served us very well, but its useful life has expired. It is economically unfeasible to revamp or update its equipment to meet current threats. In fact, because of its size, the *Midway* is unable to operate the F-14 Tomcat fighter, an important part of the battle group's defense perimeter. In addition, it is extremely doubtful that the ancient steam propulsion plants in the *Midway* and the old *Forrestal* carriers can be maintained with spit, black magic, sweat, and morale, without jeopardy to operational capability. Can we, with a clear conscience, ask our sailors to put their lives on the line in World War II vintage carriers? Remember, the threats have changed; we are no longer facing Japanese zeroes or Nazi U-boats. Finally, my colleagues may have noted recent reports noting that the new antiroll devices in the *Midway* still do not work. This carrier is just getting too old. The early *Forrestal*-class vessels have similar problems.

Let me comment briefly on arguments voiced by some of my colleagues that age is not really an issue. They point to the recent redeployment of World War II vintage battleships. They forget to mention that these battleships have been laid up, in mothballs for years. The carriers, however, have seen continuous, hard service. They have been on the cutting edge for 40 years. It's analogous to two cars—one carefully kept in the garage for many years, then brought out after extensive maintanence. It's the battleship. The other is the family stationwagon that has been used hard every day for those same years. Obviously, the wagon is in far worse shape. The stationwagon is the carrier. The need for the two new carriers is real.

Some of my colleagues have argued that carriers are vulnerable and are not worth the investment. No vessel is immune to attack, but the *Nimitz*-class aircraft carrier with its aircraft, support ships, and damage control capabilities, is our most defendable platform. The modern, and I emphasize modern, carrier can hold its own in combat and still deliver a lethal punch. The carrier is a military instrument of choice and is used in nearly every instance we have needed a military dimension for our foreign policy objectives. Carrier-borne aircraft were used in response to the *Achille Lauro* hijacking and the strikes against Libya. The carrier can be quickly deployed, its armanent can be tailored to specific mission requirements, and its response can be graduated to a variety of levels of engagement. Unlike foreign bases, carriers are not disadvantaged by geography, ally support, lease agreements, landing rights, and perimeter security. It is much easier to target an airfield with ordnance and terrorism than a carrier with a torpedo. An airfield may cost only about $1.3 billion to build whereas a carrier goes for $3.5 billion, but remember that we left many excellent airfields and facilities for the enemy in Vietnam. We did not lose or leave a single carrier. The need for an all-purpose, fully capable, modern carrier was further reinforced during the Falkland conflict.

I fully agree with my colleagues that scarce defense dollars must be efficiently and prudently spent. That is why I support this carrier acquisition plan. The total cost of this program represents a bargain for the American taxpayer. It is about $700 million less, according to a GAO estimate, than would be needed to procure the two carriers in separate authorizations and separate contracts. Studies indicate that delaying carrier procurement will increase the cost per ship by millions of dollars. So the sooner the United States starts replacing them, the cheaper they will be. Furthermore, by utilizing a one-carrier buy with a follow-on option, the Navy expects to save more than $1 billion. This savings has been verified by the experience in construction outlays for the *Lincoln* and *Washington*. The relatively small difference in construction costs between conventional and nuclear powered carriers is offset over the service life of the nuclear carrier.

What if we wait? While delaying this funding would appear to be a savings, it is a very shortsighted one. As I just explained, waiting costs more. Waiting will cost jobs and future quality and efficiency. The Navy has wisely asked for long-lead funding now to avoid losing thousands of outstanding craftsmen at Newport News, who would lose their jobs and be dispersed if the replacement carriers are not promptly authorized. Getting them back or training workers would be difficult and extremely expensive. The work force employed is a good one—the two carriers they are building now, the *Lincoln* and the *Washington*, are 16 months ahead of schedule and are $1 bil-

lion under budget in equivalent construction time.

While the carriers are built in Newport News, it is important to remember that everyone benefits. Obviously, the national defense benefits. So does the depressed American shipbuilding industry. The new ships require massive amounts of American steel, American coal, American electronics, and American aircraft and fittings. Today, 44 States including my State of California, share in the industrial effort supporting the carrier program. These carriers are not budget busters—they are included in the original Presidential request, committee budget, and Aspin substitute. This long-lead funding does not weaken the readiness of our other services or other Navy programs. It has been integrated in the budget preparation since the beginning.

We need to maintain at least the minimum 15 carrier group level to protect our Nation and its vital interests. We will be purchasing two new carriers in the near future. I support this measure to make this carrier acquisition more economical and timely—it just makes more sense. I urge my colleagues to reject the Martin amendment that would delete these ships or any other amendments that would sink this important program. As Theodore Roosevelt said, "No nation can hold its place in the world, or do any work really worth doing, unless it stands ready to guard its rights with an armed hand." We need these replacement carriers to fulfill our responsibilities effectively.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment offered by my friend, the gentlewoman from Illinois [Mrs. MARTIN]. Let me give you four reasons: aircraft, airfields, survivability, and people.

Number one, the *Midway* will not take the F–14. I think the whip has just talked about the problems that you have landing on a very small aircraft carrier, the danger that is involved; but also the fact that you cannot project your No. 1 fighting machine, the F–14, from that particular platform.

Second, airfields. We no longer have Libya. We no longer have Iran. We no longer have all the North African countries and the Middle East countries that we had in the old days that would accommodate American airfields.

American power is projected around the world from an airbase that consists only of carriers, and I would like to remind my colleagues that in 1970 we had 24 carriers. Today we have 15, so we are talking about a market reduction in carriers.

Survivability: The *Midway* is about half the size of the *Nimitz* class aircraft carriers.

Last, if you look at people, the people problem, and that was brought up by the other side a couple of times. The facts are that the *Midway* was built to accommodate about 3,000 people. It has to accomodate now about 4,000 because you have so many operations to undertake to allow an aircraft carrier to survive in a hostile environment, that you need those people, and because of that you have very cramped quarters. You have very tough living conditions on the *Midway*.

One Member was on the *Midway* and he said when you get down below the surface on the *Midway*, it is like one of the old Humphrey Bogart movies, "The African Queen," watching them trying to make this old equipment work and handle, and that is absolutely true.

So if you are looking for quality for the men and women who operate our aircraft carriers, maybe we need a thousand extra people. The gentleman from Oklahoma [Mr. MCCURDY] mentioned that; but it is much better to have more than enough people operating an aircraft carrier than to have too few and to have crowded conditions.

Mr. Chairman, I urge defeat of the Martin amendment.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. Mr. Chairman, a previous speaker said that we ought to be somewhat skeptical of this whole approach because of the full court press presented on this issue by the Navy Department and likened it to what they did on the home-porting issue last year.

Well, I was one of those who was very skeptical of this approach this year because I was skeptical of the home-porting question last year.

Well, I have sat down. I have looked at this, and I think they are absolutely right in the request they make this year.

The question is not debated on either side that they need to be replaced, that we need two replacement aircraft carriers. The question is when; so that really comes down to the question of timeliness.

The committee has told us they have reviewed it and the question of timeliness comes down on the side of having these replacement aircraft carriers as soon as possible. The need is essential. The need is also timely.

Some have criticized the Navy Department by saying somehow they did not come up with this last year, now they come up with it this year. The Navy has explained that by saying they went back and they surveyed it. They surveyed their needs and with new information, new analysis, they now say this is something they need; so I guess what people are saying is that when the Department does what we ask them to do, go back and make an assessment of your needs, and they do that and come up with new information, we tell them to forget about that information. It does not fit in our political agenda or our budgetary agenda driven by political circumstances this particular year.

The last thing I would like to talk about is something that has been talked about by a number of people, and that is people. We love to talk about weapons systems. We love to talk about ships, but we very rarely talk about the people who happen to be on them. If we do not have timely replacements, what will probably happen is that we will go from 15 down to 13 carriers. We did that at another time in recent history. We did that from 1976 to 1981. What did we do? Did we reduce our missions? No. We put a greater stress and impact not only on the ships themselves, but on the people.

In 1980 the U.S. *Eisenhower* was at sea for 247 out of 252 days in the Indian Ocean. If we were to do that today, because it went down to 13 carriers, that means they would have to work 7 days a week, 12 to 16 hours a day, get no overtime pay and virtually no conveniences of privacy that civilians expect.

Mr. Chairman, we owe these people on these ships more than that.

Mrs. MARTIN of Illinois. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DENNY SMITH].

□ 1530

Mr. DENNY SMITH. Mr. Chairman, I rise in support of the Martin amendment, and I do so because I believe that the amendment is in the best interests of our national defense.

There is simply not enough money in the Navy budget or in the Federal budget for us to commit here today another $7 billion in authorizing two more carriers.

I have served with the gentlewoman from Illinois [Mrs. MARTIN] on the Committee on the Budget, a committee where we have spent a lot of time taking a hard look at the budget.

What we have found is that our Federal deficit has grown so big, and the problem is so long-term, that it is time for this body to start taking a long-range view of the policy decisions that we make here every day.

Like it or not, the Navy's budget shortfall, without authorizing two more carriers, is already of titanic proportions. Two more carriers will make it even worse.

If you think that you are doing the Navy a favor by supporting two more carriers at this time, you are wrong. More carriers right now will rob them of the readiness and sustainability money that they are going to need in the future.

We will, in fact, be building a very large, very hollow fighting force without the men, equipment, and training to be sufficiently combat ready.

And please do not be persuaded by the argument that two carriers now will save the taxpayers money. It is true that building two carriers at once

will save some money, and in 1981 I voted for those two carriers we have on the way. Building three carriers at once would probably also save some money. If that is the case, why not 5 carriers or 10 carriers? We could replace the entire fleet that is getting older, but it would also bankrupt the Nation.

Believe me, any savings achieved by building two more carriers now will be wiped out by the increased debt service that this country will carry when we borrow the $7 billion needed to pay for them.

I ask my colleagues to support the Martin amendment.

Mr. BATEMAN. Mr. Speaker, will the gentleman yield?

Mr. DENNY SMITH. I yield to the gentleman from Virginia.

Mr. BATEMAN. Mr. Speaker, the gentleman is aware, is he not, that these proposed two long lead funds authorizations for carriers are within the House-passed budget resolution, which is a negative growth figure, and they are within that figure.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I rise in opposition to the Martin amendment.

Mr. Chairman, this is a situation where we in the Committee on Armed Services have worked within a very constrained budget this year. We have also looked at some very important programs, and in so doing we have put within this authorization bill two new carriers.

In my opinion these carriers are a must. If we as a nation are to maintain the deployable aircraft carriers at 15, it is necessary that we start two carriers now. You do not build them overnight. It takes several years to build them.

This is a replacement of two older carriers that are in the force today, and they will be leaving the force in the late 1990's. In that respect it is necessary that we have these carriers to replace them at that time.

The CHAIRMAN pro tempore (Mr. RUSSO). The Chair will state that there is 7 minutes remaining for the gentlewoman from Illinois [Mrs. MARTIN] and there is 7 minutes remaining for the gentleman from Florida [Mr. BENNETT].

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. Mr. Chairman, at the midpoint in this debate I ask the Members to consider that the argument is not about the use of carriers or the excellent job that the Navy and our fighting people have been doing with carriers. It is not about the fact that down the road, as the Navy Secretary said last year, we will need replacement carriers. The issue and the reason that this amendment is before us right now is the cost argument as to what it would mean not so much this year, as the gentleman from Virginia pointed out, or even next year, but in the following years, when we talk about the billions of dollars for the carrier, for the people to man it, and for the support, aircraft, and ships.

No one is happy that we have this tremendous Federal deficit, no one is happy at all in this Nation, but we have to face it. So this is one of those votes. When we talk to our constituents as to why we have this deficit, we will have to look them in the eye regarding this vote and how much these two carriers cost at this time and in the future.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. SWEENEY].

Mrs. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield to the gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Chairman, I rise in opposition to the amendment.

I thank the gentleman for yielding and allowing me to express my opinion.

Mr. SWEENEY. Mr. Chairman, I recently had the opportunity to share the other side of an argument with the gentlewoman from Colorado [Mrs. SCHROEDER] about withdrawing troops from NATO. It is not important today who won that argument. What is important is that there is a lot of talk in this Congress about withdrawing troop commitments from foreign bases. At the same time we have forces around the world asking us or telling us or ousting us from bases—Papandreou in Greece; we lost our land presence in Iran and throughout the Middle East; we are losing our land presence in Central America.

At a time when we are withdrawing our land-based commitments around the world, it is almost axiomatic that we have to increase our reliance on our sea-based commitments. A simple look at history confirms for us the importance of having carriers.

In Korea, in the first 5 days of that conflict, the opponents overran almost all of our land bases. In Vietnam, in addition to fighting the distance problem from our shores to theirs, 400 of our land-based tactical aircraft were destroyed, and over 4,000 were damaged.

Those concerned about special operation forces should ask themselves how well we would have performed in the *Achille Lauro* hijacking, ask themselves how well we would have performed in the Gulf of Sidra conflict were it not for those carriers.

In fact, in 90 percent of all crises involving the use of armed force since World War II, we have depended upon the Navy. In 60 percent of all those limited crises we have further relied upon nuclear carriers.

Mrs. MARTIN of Illinois. Mr. Chairman, I reserve the balance of my time for my final statement. I know that the gentleman will be concluding the debate, and I would like to precede his final statement.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I appreciate the gentleman's yielding time to me.

Mr. Chairman, I would like to very briefly summarize my support for the carriers and my opposition to the amendment offered by my very good friend, the gentlewoman from Illinois.

Let me briefly say, Mr. Chairman, that these carriers are the result of some very tough budget decisions that we had to make in the committee on Armed Services, but we set our priorities and we determined that this is one program that not only could we afford, but we could not afford to let pass by.

These are not new carriers, these are replacement carriers. We cannot let this work force which we have already assembled be dispersed and then be brought back again at a cost of more than $700 million. So let us go ahead and bite the bullet now. Let us save $700 million. So let us go ahead and bite this bullet now. Let us save $700 million for these carriers that we have got to have to replace the aging carriers in our fleet.

Mr. Chairman, there is some question as to the need for 15 carrier battle groups. The necessity of 15 carriers centers around the requirements set forward in the current maritime strategy. This strategy is based on the principle that we will take the offensive on the seas if a serious threat emerges. I believe it imperative to our security that we do indeed go on the offensive if our sovereignty, or that of our allies, is threatened.

Although we adhere to this forward maritime strategy, we must face the reality that it may not be accomplished, and we will, through necessity, fight a defensive battle. However, if we are not willing to fund the tools necessary to attempt a forward, offensive battle, we are destined to fight a defensive struggle that could result in loss of control of the seas by the American Navy.

On another note, cancellation of these carriers will undoubtedly degrade the ship-related industrial base. If we wait until 1994 to begin production of these carriers, will create a gap of over a year in the production line and work force.

Today we have in place a highly skilled work force. Should we allow this force to disperse we will then pay dearly to bring it together again.

I have spoken with several members of the Virginia delegation. I understand and have firsthand experience of the economic consequences of gaps in production lines. I know what gaps can do to a State's economy.

In closing, there are several programs that can and should be canceled—the C–17, and our entire torpedo research and development inventory are excellent examples. But, these carriers are essential to fulfiling the current maritime strategy.

I urge rejection of this amendment.

Mrs. MARTIN of Illinois. Mr. Chairman, I am reserving my time to precede the chairman's final statement, if I may.

The CHAIRMAN pro tempore. It is the opinion of the Chair that the gentlewoman is the sole speaker remaining on her time.

Does the gentleman from Florida [Mr. BENNETT] yield time to any Member?

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. SWEENEY].

Mr. SWEENEY. Mr. Chairman, let me make a couple of additional points. Many people refer to this carrier issue and see this carrier issue as a symbol or even worse yet as simply a budget issue. I guess for those who have not taken the time to really explore this issue in detail it is a symbol. But more than that it is a measure of our commitment fulfilling our obligations around the world, to patrolling the world's waters and keeping the world's peace.

A lot of people prefer to talk about our obligations and commitments, but then when it comes down to acting on them in this fashion, to instead withdraw and look at the world as a Sweden or as a Holland or as a Portugal might, and to be sure, Sweden and Holland and Portugal have no aircraft carriers, and therefore they have no influence over world military affairs or over foreign policy.

□ 1540

A carrier in this case and the two carriers we are talking about, give us tools to influence world military affairs, give us tools to influence world foreign policy importantly, and that is why it is important we vote down the Martin amendment.

The CHAIRMAN pro tempore (Mr. RUSSO). The gentlewoman from Illinois [Mrs. MARTIN] is recognized for 6 minutes.

Mrs. MARTIN of Illinois. Mr. Chairman, it is extraordinarily difficult for me to stand here and to in effect oppose a distinguished chairman with whom I serve on the Armed Services Committee and whom I respect. Frankly, it is even more difficult to hurt people, if this amendment passes, that are fighting for, I concur, what they believe, but it has a direct effect on their districts. Again, that is not easy.

But I would also argue unless we begin doing some of these things that we ultimately are beginning to do to defense that which we have accused our enemies of doing, and that is destroying ultimately the strategic value and the needs of this Nation.

I did not serve in the Navy. I do not claim sudden expertise. I cannot wave flags. I did not have 40 people looking like admirals and all of those other things, with those lovely uniforms, going to every office begging for votes. But I can tell you a few things.

Some people have urged I use this. This is the goodie list. Perhaps I am being naive, but I respect the people with whom I serve more than that. I do not think ultimately that is the way most of them are going to make a decision on this.

Second, there are those that argue that you would be cutting back to pick up the liberal votes. Well, we are not. I am not going to lie to you. This year and next year we do not cut those dollars from the budget, nor am I going to argue for the conservatives that it guarantees that it will be everything they want in a military budget, because it does not do that either.

It does this: It keeps us at 15 carriers, 15 carriers. It is what we promised. It is part of the commitment to the 600-ship Navy.

Mr. BATEMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. MARTIN of Illinois. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I thank the gentlewoman for yielding.

You have said throughout that you wanted to keep 15 battle carrier groups?

It takes 5, 6 years to build one. The *Midway* will be 15 years old before the first will be built.

Why is it you are saying you want to keep 15, if you are not willing to keep an orderly replacement?

Mrs. MARTIN of Illinois. I am going to be 52 before the *Midway* is built, and I do not intend to get rid of me either.

Mr. BATEMAN. I do not suggest that at all.

Mrs. MARTIN of Illinois. I will now quote from the captain of the *Midway* who says that his ship will be eager to go into the year 2000, that morale and reenlistment is high.

The argument that you cannot, you would not retain the 15-ship Navy is both unfair and specious.

The 15-ship aircraft carriers will be maintained.

Ladies and gentlemen of the House, do you like having your ability to make decisions removed? Do you not want the chance to argue the strategic value of these massive aircraft carriers? Do you not want to talk about in 1989, 1990, and 1991 the kinds of things we should be doing?

Do you want to see perhaps our submarines which, I would argue, are the most important part of that fleet cut back?

The Members and I know what is happening here. We know; we can tell from the people who are supporting this amendment the kind of geography in which it comes.

The Members understand what happened this year and last year, but some of the rest of us have other obligations and it is to this nation as a whole.

Mr. Chairman, I wish to quote from the Chairman of the Joint Chiefs of Staff whom I do believe we would all concur is a naval expert.

This memorandum is from October 14, 1986, and it is an internal memorandum.

• • • it would be very difficult to accommodate the early funding given our current fiscal limitations.

• • • One percent real growth would require the Navy to cut $74 billion from its current BES position in addition to the $6.2 billion identified offset. Before agreeing to accelerating CVN procurement, it would appear advisable to know more about the larger picture.

The simple fact is that in a fiscal climate more austere than currently planned the carrier priority may not be as high as it is today. For example, when painful choices have to be made, I would give first priority to sustainability, modern munitions, ASW, and the SSN program. In essence, I believe we need to see the full spectrum of the Navy's programs before making a decision that will lock us into a long-term major commitment. Under no circumstances would I like to see a decision made that would fence the Navy's TOA, vis-a-vis the other Services, in order to provide an accelerated carrier schedule.

Mr. Chairman, I ask only that we do the same thing. I do not ask to remove any carriers. I ask you to keep to the same schedule that was agreed to in 1986.

I will say this. If we do not, and if my amendment loses, we will face the unique view of having new, modern aircraft carriers in seas that are unpatrolled by submarines, under skies without aircraft to defend troops without munitions. Is this truly national defense? Is this truly serving seapower? I would argue no.

It takes courage for Republicans and Democrats alike to say no to a service as honorable as the Navy. I say no, because I think it ultimately will save the Navy.

Mr. VOLKMER. Mr. Chairman, will the gentlewoman yield?

Mrs. MARTIN of Illinois. Mr. Chairman, I yield to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I wish to join with the gentlewoman's remarks, and I think it is important for people to recognize that there is only going to be so many dollars in the future in the budget of the Navy.

Mrs. MARTIN of Illinois. Mr. Chairman, I thank the gentleman.

Spend the dollars wisely. "Yes" on Martin.

Mr. BENNETT. Mr. Chairman, I yield the remainder of my time to the gentleman from Washington [Mr. DICKS] to conclude the debate.

The CHAIRMAN pro tempore. The gentleman from Washington [Mr. DICKS] is recognized for 3 minutes to close debate.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. DICKS. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. MONTGOMERY] the distinguished member of the Committee on Armed Services.

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman for yielding, and I rise in opposition to the Martin amendment and support the committee amendment for the two carriers that will replace the old carriers, the *Midway* and the *Forrestal.*

This will not be done until the 1990's. The problem we have had on the Committee on Armed Services is, we do not plan far enough ahead. We come up now with the carriers and they want them to be knocked out. I support the Martin amendment being defeated.

Mr. DICKS. Mr. Chairman, I rise in strong opposition to the amendment of the gentlewoman from Illinois [Mrs. MARTIN].

I would like to point out on April 27, Admiral Crowe sent a letter to Chairman BENNETT in which he said:

I am fully committed to the President's budget as submitted. It represents a reasoned and measured approach to a balanced national defense given the existing fiscal climate. The Navy's two replacement aircraft carrier request has attracted much discussion and attention, as well it should. It is an essential program that makes eminent sense and I fully support it.

A balanced force of 15 deployable aircraft carriers is the core of our Nation's commitment to maintaining the maritime superiority necessary to fully execute our national strategy.

Henry Kissinger said about his service as National Security Adviser that every time there was a crisis around the world he and the President, the first thing they would do is say, where are the carriers?

I must say that for my friends who talk about a conventional defense initiative, who talk about conventional readiness, I would say that the backbone of our conventional force and the thing that gives us superiority over the Soviet Navy is our very important aircraft carriers, and particularly those with nuclear power.

The two carriers that are going to be voted on here, when we did this a few years ago, when we bought two carriers, we did not save just $700 million, we saved $1.2 billion by packaging this and taking advantage of a contract opportunity.

If you are really interested in saving the taxpayers some money, underline that.

We even financed the bringing back of the Missouri out of the funds that were saved. These are replacement carriers, nuclear-powered replacement carriers, far superior to the ships that they are replacing.

The *Midway* today has a very serious operational problem called snap-roll. We are sending kids out there to land airplanes on a carrier today that has a very serious operational deficiency.

□ 1550

We cannot even operate the F-14 off of that carrier. So I say to my friends here today, let us vote down this very ill-conceived amendment, let us take advantage of an opportunity to save between $700 million and $1.2 billion; let us keep our commitment to a 600 ship Navy; let us keep our commitment to our young men and women who serve in the Navy.

Let us vote down the Martin amendment and support the committee position.

Mr. MCMILLAN of North Carolina. Mr. Chairman, the debate on the merits of beginning long-lead funding for two *Nimitz*-class aircraft carriers has been proceeding for 5 months. Critics of this procurement have challenged the tremendous cost associated with these ships and their accompanying aircraft and complements, the trade-offs between readiness and procurement, and the assurances of the Department of Defense that there would be no need to seek funding in 1988 for these ships.

Proponents cite the need to maintain 15 carrier battle groups in the context of a 600-ship navy, the opportunity for substantial savings through such long-term financing, the need to maintain our shipbuilding mobilization base for future construction of our carriers, and the age of the carriers these new ships would replace.

The capabilities of the *Nimitz*-class battle groups are impressive. But nowhere in the course of the protracted debate, in newspapers, in briefing papers, in conversation, have I heard a responsible discussion of the strategic arguments for or against such procurement. Once again, debate has boiled down to budgetary implications with little or no attention paid to strategic policy. We need to expand our focus beyond isolated weapons systems and examine the total strategy within which these decisions need to be made. A debate of this magnitude and significance, like all other decisions, needs to be supported by a clear analysis that makes a strong case for 15 carrier battle groups in light of the range of threats to our security and that of the free world. At this point, we are not addressing strategy in terms of national policy. Nor are we informed as to what degree the 15 carrier battle groups are strategically allocated in support of treaty obligations and the degree to which we should reasonably expect our allies to bear a fair share of the cost of building and operating these units.

Mr. DAVIS of Michigan. I rise in opposition to any amendment that stops the Navy's plan to purchase two new aircraft carriers. While that sort of amendment is portrayed as a dollar saver, I think quite the opposite is true.

We need 15 carrier battle groups. Time and time again, defense experts have studied this question and the answer is always the same: 15 carriers is a minimum. The two carriers that the Navy has proposed does not increase our number of carriers. The two new ships would be replacements for the U.S.S. *Midway,* and a *Forrestal*-class carrier, which would be more than 45 years of age when the new carriers become available. We are going to need replacements for these carriers, and, as they say in the TV commercial, "You can pay me now or you can pay me later!"

I vote for buying the carriers now! A skilled labor force is in place to construct the vessels, and the Navy's so-called heel-to-toe procurement plan—which basically means one after another—is estimated to save $700 million. And who can predict how much the cost of these carriers will increase if we wait several years. Besides, if the money is not there now, it sure is not going to be there 5 years from now.

For years we have been beating up on the Navy, encouraging them to make "businesslike" decisions. This is a businesslike decision. I have no parochial reason for wanting a buy of these carriers now. This is just common sense.

I urge my colleagues to defeat this amendment.

The CHAIRMAN pro tempore (Mr. RUSSO). All time has expired.

The question is on the amendment offered by the gentlewoman from Illinois [Mrs. MARTIN].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. MARTIN of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 124, noes 294, not voting 15, as follows:

[Roll No. 93]

AYES—124

Aspin	Fawell	Leland
Atkins	Fish	Levin (MI)
Bates	Flake	Levine (CA)
Beilenson	Flippo	Lightfoot
Bereuter	Florio	Lloyd
Berman	Ford (MI)	Lowry (WA)
Boggs	Frank	MacKay
Bonior (MI)	Frenzel	Markey
Bonker	Garcia	Martin (IL)
Boxer	Gejdenson	McCurdy
Brooks	Gibbons	McHugh
Brown (CO)	Gingrich	Meyers
Bruce	Gradison	Mfume
Buechner	Green	Miller (CA)
Carr	Gregg	Mineta
Clay	Gunderson	Moody
Coats	Hayes (IL)	Morella
Collins	Hayes (LA)	Morrison (CT)
Conyers	Hefley	Mrazek
Cooper	Hertel	Nagle
Coyne	Houghton	Nelson
Daub	Jacobs	Oberstar
DeFazio	Kastenmeier	Obey
Dellums	Kennedy	Owens (NY)
Dorgan (ND)	Kildee	Owens (UT)
Durbin	Kolbe	Patterson
Dyson	Kostmayer	Perkins
Edwards (CA)	Leach (IA)	Petri
Evans	Lehman (CA)	Pursell
Fascell	Lehman (FL)	Rangel

Ray	Smith (IA)	Tauke
Regula	Smith (NE)	Udall
Rodino	Smith, Denny (OR)	Upton
Roth	Smith, Robert (OR)	Vento
Roukema	Solarz	Volkmer
Roybal	Stark	Walker
Scheuer	Stokes	Waxman
Schroeder	Studds	Weiss
Schuette	Sundquist	Wheat
Schumer	Synar	Williams
Sensenbrenner		Wolpe
Skaggs		Yates

NOES—294

Ackerman	Emerson	Luken, Thomas
Akaka	English	Lukens, Donald
Alexander	Erdreich	Lungren
Anderson	Espy	Mack
Andrews	Fazio	Madigan
Anthony	Feighan	Manton
Applegate	Fields	Marlenee
Archer	Foglietta	Martin (NY)
Armey	Foley	Martinez
AuCoin	Frost	Matsui
Badham	Gallegly	Mavroules
Baker	Gallo	Mazzoli
Ballenger	Gaydos	McCandless
Barnard	Gekas	McCloskey
Bartlett	Gilman	McCollum
Barton	Glickman	McDade
Bateman	Gonzalez	McEwen
Bennett	Goodling	McGrath
Bentley	Gordon	McMillan (NC)
Biaggi	Grandy	McMillen (MD)
Bilbray	Grant	Mica
Bilirakis	Gray (IL)	Michel
Bliley	Gray (PA)	Miller (OH)
Boehlert	Guarini	Miller (WA)
Boland	Hall (OH)	Moakley
Boner (TN)	Hall (TX)	Molinari
Borski	Hamilton	Mollohan
Bosco	Hammerschmidt	Montgomery
Boucher	Hansen	Moorhead
Boulter	Harris	Morrison (WA)
Brennan	Hastert	Murtha
Broomfield	Hatcher	Myers
Brown (CA)	Hawkins	Natcher
Bryant	Hefner	Neal
Bunning	Henry	Nichols
Burton	Herger	Nielson
Bustamante	Hiler	Nowak
Byron	Hochbrueckner	Oakar
Callahan	Holloway	Olin
Campbell	Hopkins	Ortiz
Cardin	Horton	Oxley
Carper	Howard	Packard
Chandler	Hoyer	Panetta
Chapman	Hubbard	Parris
Chappell	Huckaby	Pashayan
Cheney	Hughes	Pease
Clarke	Hunter	Penny
Clinger	Hutto	Pepper
Coble	Hyde	Pickett
Coelho	Inhofe	Pickle
Coleman (MO)	Ireland	Porter
Coleman (TX)	Jeffords	Price (IL)
Conte	Jenkins	Price (NC)
Coughlin	Johnson (CT)	Quillen
Courter	Johnson (SD)	Rahall
Craig	Jones (TN)	Ravenel
Crane	Jontz	Rhodes
Crockett	Kanjorski	Richardson
Daniel	Kaptur	Ridge
Dannemeyer	Kasich	Rinaldo
Darden	Kemp	Ritter
Davis (IL)	Kennelly	Roberts
Davis (MI)	Kleczka	Robinson
de la Garza	Kolter	Roe
DeLay	Konnyu	Rogers
Derrick	Kyl	Rose
Dickinson	LaFalce	Rostenkowski
Dicks	Lagomarsino	Rowland (CT)
DioGuardi	Lancaster	Rowland (GA)
Dixon	Lantos	Russo
Donnelly	Latta	Sabo
Dornan (CA)	Leath (TX)	Saiki
Dowdy	Lent	Sawyer
Downey	Lewis (CA)	Saxton
Dreier	Lewis (FL)	Schaefer
Duncan	Lewis (GA)	Schulze
Dwyer	Lipinski	Sharp
Dymally	Livingston	Shaw
Early	Lott	Shumway
Eckart	Lowery (CA)	Shuster
Edwards (OK)	Lujan	Sikorski
Sisisky	Stangeland	Vucanovich
Skeen	Stenholm	Walgren
Skelton	Stratton	Watkins
Slattery	Stump	Weber
Slaughter (NY)	Sweeney	Weldon
Slaughter (VA)	Swift	Whittaker
Smith (FL)	Swindall	Whitten
Smith (NJ)	Tallon	Wilson
Smith (TX)	Taylor	Wise
Smith, Robert (NH)	Thomas (CA)	Wolf
	Thomas (GA)	Wortley
Snowe	Torres	Wyden
Solomon	Torricelli	Wylie
Spence	Towns	Yatron
Spratt	Traficant	Young (AK)
St Germain	Traxler	Young (FL)
Staggers	Vander Jagt	
Stallings	Visclosky	

NOT VOTING—15

Annunzio	Ford (TN)	Roemer
Bevill	Gephardt	Savage
Combest	Jones (NC)	Schneider
DeWine	McKinney	Tauzin
Dingell	Murphy	Valentine

□ 1610

The Clerk announced the following pairs:

On this vote:

Mr. Roemer for, with Mr. Ford of Tennessee against.

Miss Schneider for, with Mr. Combest against.

Messrs. TRAXLER, HASTERT, and PORTER changed their votes from "aye" to "no."

Messrs. LEHMAN of Florida, HAYES of Illinois, PURSELL, ROYBAL, OBERSTAR, SCHEUER, RANGEL, and GARCIA changed their votes from "no" to "aye."

Mr. MOAKLEY changed his vote from "present" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MC CURDY

Mr. McCURDY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. (Mr. GRAY of Illinois). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. McCURDY:

Page 4, after line 2, insert the following new subsection:

(c) ADDITIONAL AUTHORIZATIONS.—(1) The amount authorized in subsection (a)(5) for other procurement for fiscal year 1988 is hereby increased by $50,000,000 for the Mission Essential Equipment Program.

(2) The amount authorized in subsection (a)(4) for procurement of ammunition for fiscal year 1988 is hereby increased by $10,000,000, of which—

(A) $5,000,000 is for the 25-millimeter M792 round; and

(B) $5,000,000 is for 155-millimeter M483 artillery projectile.

Page 6, line 20, strike out "$644,000,000 for fiscal year 1988 and".

Page 8, after line 9, insert the following:

(3) The amount authorized in paragraph (1) for fiscal year 1988 is hereby reduced by $644,000,000.

Page 8, line 15, strike out the period and insert in lieu thereof ", plus an additional $200,000,000 for Reactor Plant Equipment.".

Page 8, line 17, strike out the period and insert in lieu thereof ", plus an additional $20,000,000 for the AM/SSQ-89 Surface Antisubmarine Warfare (ASW) Combat System.".

Page 8, line 19, strike out the period and insert in lieu thereof ", plus an additional $12,735,000 for CVN Catapults and Arresting Gear.".

Page 8, line 21, strike out the period and insert in lieu thereof ", plus an additional $10,000,000 for 5-inch/55-caliber gun ammunition.".

Page 8, after line 25, insert the following new flush sentence:

The total amount authorized for other procurement for the Navy for fiscal year 1988 in the matter preceding paragraph (1) is hereby increased by $242,735,000.

Page 10, after line 4, insert the following new subsection:

(b) ADDITIONAL AMOUNTS FOR AIRCRAFT PROCUREMENT.—The amount authorized in subsection (a) for procurement of aircraft for fiscal year 1988 is hereby increased by $55,535,000 for programs as follows:

(1) $5,535,000 for C-141 aircraft modifications.

(2) $25,000,000 for aircraft spares.

(3) $25,000,000 for common ground equipment.

The CHAIRMAN pro tempore. Pursuant to the provisions of House Resolution 156, the gentleman from Oklahoma [Mr. McCURDY] will be recognized for 10 minutes, and a Member in opposition, the gentleman from California [Mr. BADHAM] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. McCURDY]

PARLIAMENTARY INQUIRY

The CHAIRMAN pro tempore. For what purpose does the gentleman from Virginia [Mr. BATEMAN] rise?

Mr. BATEMAN. Mr. Chairman, before we begin the debate on the upcoming amendment offered by the gentleman from Oklahoma [Mr. McCURDY] I would like to address a parliamentary inquiry to the Chair in order that all Members will understand, including this one, how this amendment is impacted by section 802 of the provisions of the bill which would remain in the bill if the amendment were adopted.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BATEMAN. Mr. Chairman, section 802 of the authorization bill on the floor as it comes from the committee provides authorizations for appropriations in this act for fiscal year 1989 shall be effective only with respect to appropriations made during the 1st session of the 100th Congress. In light of that provision and in light of the fact that the upcoming amendment would eliminate funding for aircraft carriers in fiscal year 1988 but retain them for fiscal year 1989, but leaving the Appropriations Committee without any authorization for 1988, it would appear under the normal procedures of the House to make the McCurdy amendment a nullity even if

it passed insofar as authorizing a 1989 carrier.

I do not know the answer to the question. I thought, however, that the Members should have it brought to their attention and know the implications of the amendment and its passage based upon this provision of the bill.

The CHAIRMAN pro tempore. The gentleman has not raised a parliamentary inquiry with respect to the amendment. The Chair cannot construe its legal effect.

The gentleman from Oklahoma [Mr. MCCURDY] is recognized for 10 minutes.

Mr. MCCURDY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not intend to take the full time allotted me because I think the debate is somewhat redundant. We have been through the issues before, and clearly there was a very strong vote on the last amendment.

I do not think we are deterred, however, and we intend to proceed with this amendment to delete one of the two carriers that are authorized under this bill.

As we found in the earlier debate, I am not sure there were many Members who were opposed to the upgrading of the carrier battle force in the future, and we think there should be replacement carriers. The issue, pure and simple, is that the Navy slam-dunked the DOD this year with the classic camel's-nose-under-the-tent routine in trying to get it in this year's authorization.

I say to my colleagues that it is easy today to vote for an authorization that only has some $50 million in the bill. It is not a big issue. Yes, it does fit within the authorization level this year, and it does fit within the overall budget levels. That is not the issue. The issue is the outyear funding, the outyear accelerated funding of these carriers. We are talking about something in the neighborhood of $3.5 billion, and in the previous amendment we talked about $7 billion.

It is important that we keep this in mind about the savings made this year. If we were to vote for the McCurdy amendment for delaying the production in the building of the second carrier—the first carrier, in this instance, that is, only one of the two carriers—the savings this year is minimal, and those savings we would redirect to necessary operations and maintenance accounts. We would direct those to the areas where the CINC's and the military personnel that appeared before our committee indicated our greatest weakness lies, and that is in the ammunition account and that is in the readiness accounts. We intended this bill to protect operations, maintenance, readiness, and personnel, but we made some very harsh procurement decisions for the long term. We are building in, in the outyears, the future years, a tremendous cost to this Nation in this shipbuilding account.

Mr. Chairman, by voting for this amendment today we are not going to be precluded from revisiting this issue next year. By making this decision today, we say that we are going to authorize the production of one aircraft carrier. Next year in our authorization bill we can then revisit this and again make that determination. If Members voted no on previous amendment, they have indicated that they are willing to spend $7 billion over the next 3 years and are obligated to that funding amount.

□ 1620

By making the decision now on the McCurdy amendment, all you are saying is, "Yes, we believe that we can go ahead with the replacement carrier, the *Midway*, which is truly in trouble." By making that decision, we can produce that carrier. However, we are deferring the decision on the second carrier until a later date, whether it is next year or the year afterwards.

Now, they are going to argue that this is perfect marriage; that by buying two carriers you save $700 million.

Mr. Chairman, I wish to conclude. I want to make the point, and I think it is important. We are right down to the crux of it right now. If you agree, if you voted "no" on that last amendment, and if you vote "no" on this amendment, what you have committed this country to is the long lead and the purchase of over $7 billion of taxpayers' money on only two vessels. If you vote "yes" on this amendment, you are agreeing to fund one carrier, you are making savings this year that can be transferred to effective accounts such as ammunition, operations and maintenance, and other necessary items.

You can and you will have the opportunity next year to revisit this issue. We have a better opportunity through full hearings to determine whether or not the savings are actually going to be achieved.

Let me just conclude by saying what the Navy is arguing today by accelerating over 5 years, by accelerating—I want to say it one more time—by accelerating their decision to build these carriers is that you can make these savings.

Members of the House, in this budget climate, and if you support a balanced budget, I think you ought to listen to this, if you support this, if you signed onto a constitutional amendment to balance the budget, you ought to listen to this.

What you are telling us is that we are basically going to be "bargain poor." You have heard that term; we use it in the South. Basically that means if my wife were to give me her credit card and say, "Go down to the sale, because we are going to have this great, 20-percent-off sale downtown," in this case, 10-percent-off sale, and you charge up all those items, we are going to save a lot of money. The problem is it is going to appear on my credit card balance at the end of the month. We are going to be bargain poor if we continue to make decisions like we are making today.

My colleagues, I only ask you to carefully consider this amendment which I think is fiscally prudent, is security-sound and is a wise choice for those in the Congress who do not want to get committed for a long-term investment that we will not have a chance to revisit in the future.

I ask you to support the McCurdy amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BADHAM. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, the House just made a very dramatic statement in favor, I think, of a 15-carrier battle group. If we go along with the McCurdy amendment which, because this is a 2-year authorization bill, we are not going to have any money this year for a new replacement carrier because the Appropriations Committee, which I serve on defense, only operates on a 1-year basis.

I can understand an amendment to take out both of these, but if you are going to go ahead and do one, we ought to package them together and get the savings that we got last time.

The last time we did this, we saved $1.2 billion. I think that is very important. I am just as concerned about fiscal responsibility as my friend from Oklahoma is. But I also understand that we need a 15-carrier battle group Navy. This is an important conventional issue.

I hear my friends talking about a conventional defense initiative. This is a very important conventional defense vote.

Mr. BADHAM. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. I thank the gentleman for yielding me this time.

Mr. Chairman, as has already been mentioned, the House has spoken eloquently for building the two carriers. They are replacements for the carriers that are going to be about 50 years of age when a decade from now they actually hit the water. This is the economical way to do it by buying two at once.

When the Navy came to us for these carriers, at first I was quizzical about it myself, but I found out we are going to save all this money by doing it in

this particular way. It just makes sense to to it this way. We are going to save at least $700 million, perhaps $1.5 billion by doing it this way.

Carriers are our best and most effective tool to preserve peace in peacetime by our President. We can withdraw if we find out that there is not going to be any problems that we cannot handle. In wartime, they give us the flying fields that we may lack in Europe if we have a conventional war in Europe that overruns Europe, and right now it seems a possibility. These carriers would be our only place to get airplanes into the European Theater.

Mr. Chairman, they are very valuable from the standpoint of preserving peace. They are very valuable in time of war, and are the winning edge of war even if we have a very serious conventional war in Europe. Mr. Chairman, this is the cheapest way to to it, and therefore we ought to do it this way.

Mr. BADHAM. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. I thank the gentleman for yielding me this time.

Mr. Chairman, we have by our last vote indicated that we believe America needs and deserves 15 deployable carrier battle groups, and that the buy that has been structured which saves the $700 million is an intelligent one.

To now pass the McCurdy amendment wipes out all the logic of what has just been done; it eliminates the savings of the $700 million; it disbands the industrial base upon which our ability to build these carriers is based, and requires that we then try and bring it all back. All because we did not go forward with the smart, intelligent buy structured the way we have been telling the Department of Defense they should be structuring it with long-lead funding preventing huge spikes in the future over the 5 or 6 fiscal years that this two-carrier buy would make possible. You undermine the entire intelligence of that very sound buying strategy if you pass the McCurdy amendment.

I ask for its defeat.

Mr. BADHAM. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to attack this in a different vein. We know it is going to be very expensive to build one or two or three aircraft carriers, but if we intend to keep the sealanes open as stated by our own Pentagon, our own military advisers, you are going to have to take the initial step and go on with two aircraft carriers for good planning for the future.

Let me remind all of the Members these are not two to be added, but two to be replacing older carriers that I am told are 45 and 46 and 47 years old. If you want to retain a qualitative edge in the ocean and under the sea, including submarines eventually, I urge all of my colleagues today to continue the buildup of our aircraft carriers and their groups to retain that edge for the security of our country.

The best vote, I believe, for all of you and for me and all others would be to vote for two aircraft carriers.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman.

I wish to associate myself with your comments. I think that we have embarked on the right decision on the last vote and I certainly hope that we can proceed with the aircraft carriers.

□ 1630

Mr. LAGOMARSINO. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, we have been through the arguments today about the needs of the carriers, so this is not the issue right now. The issue is an economic issue, as it was before. By removing one carrier, that really does not solve anything, except to increase procurement costs. The cost of a single carrier increases by several hundred million dollars over the cost of a carrier in a two-ship package. Buying just one carrier involves additional costs of $200 million in fiscal year 1988 for production of nuclear spare components and $400 million added to the cost of buying only one carrier next year.

How can anybody concerned about money, whether today or in the future, think that this makes any sense?

Mr. Chairman, I ask for a "no" vote on this amendment.

Mr. McCURDY. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. Mr. Chairman, I support the amendment, but I agree with the opponents of the amendment, if in any case you buy things 5 years sooner, whether it be an automobile, a plane, a tank, or an aircraft carrier, you will save money. If in any case you buy twice as much, you should save money or you are getting a bad deal.

I can take you to a Chevrolet dealer this afternoon. If we buy 2 cars or 10 cars, we will save money instead of the purchase price for one car. I will concede that argument.

So why do we offer this amendment, after the House has overwhelmingly defeated the Martin amendment? The same reason. There is not enough money.

So when you read the newspaper articles and your constituents come to you and say, "Why don't our troops have enough munitions? Why don't we have enough fuel to fly the airplanes? Why don't we have enough airplanes?"

Tell them that you bought two carriers 5 years earlier and you got a deal, but you do not have any money left for what you need for the defense and the conventional requirements of the armed services of this Nation.

Mr. BADHAM. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER], a member of the committee.

Mr. HUNTER. Mr. Chairman, I oppose this amendment. I want to tell you three reasons why we need the carrier: aircraft, airfields, and people.

Very simply, the F-14 is our top-line fighter. You cannot fly the F-14 off the *Midway*.

Airfields: In the old days we had places like Libya in North Africa. We had Iran. We had other friends around the world, especially in volatile areas, who would allow Americans to base aircraft on their land areas. That time is gone.

The aircraft carriers are America's airfields and those 15 aircraft carriers in many cases are the only American airfields we have in several very volatile regions.

Finally: people. For quality of life, we need to have *Nimitz*-size aircraft carriers. The *Midway* right now should accommodate only 3,000 people. It has 4,000 people and very cramped quarters. In the case of the pilots who fly into that aircraft carrier, it is a very dangerous situation.

Mr. Chairman, I would recommend a no vote on this amendment.

Mr. McCURDY. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Mr. Chairman, I thank the gentleman for yielding me this time.

People can make up their own minds on what they have to do.

Mr. Chairman, I would point out something. Although we are talking about $7 billion or $3½ billion, by the time you add the new planes and the new people, you are talking about a lot of money. You are talking about the SSC. One of these carriers and its accompanying costs equals the SSC.

Now decide what this country needs and maybe even what your State needs.

Mr. BADHAM. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I appreciate the gentleman yielding me this time, to rise in opposition to the McCurdy amendment.

Mr. Chairman, it may very well be true, as the gentlewoman from Illinois has said, that the cost of one of these carriers is the equivalent of the SSC, but I think we ought to think about

what the importance of these carriers are.

I will stipulate that the cost of the carrier is not cheap. I take a back seat to no Member of the House in terms of being a critic of big ticket defense spending items that don't enhance our security, but I want to stipulate also that the importance of these carriers is very great. The aircraft carrier is the major striking element of the U.S. general-purpose naval forces.

It is the cornerstone of our maritime strategy. This is a strategy that is based on the premise that the United States, as the preeminent Western maritime power, must have the ability to use the seas to project forces ashore against an adversary if need be, while maintaining unimpeded use of the ocean lifelines to our allies, our forward deployed forces, and our trading partners.

Our maritime strategy recognizes the unique role maritime forces play in supporting our national military strategy and the key role they play in plans for the defense of NATO allies. A balanced force of 15 deployable aircraft carriers is the core element of our commitment to maintaining the maritime superiority necessary to execute fully our national security.

How long must vital conventional programs suffer from the President's romance with SDI? These carriers have been proven and time-tested, both in peacetime and in wartime. Let us move today to reward consistency. I believe that it is time that we put our faith in proven track records, rather than relying on strategic visions such as SDI which are destabilizing and unnecessary.

Rather than pay an enormous penalty in both strategic and fiscal terms, let us move now in the direction of conventional strength and fiscal responsibility. The *Achille Lauro* hijacking and Libya should have convinced us of the importance and utility of the carrier battle group.

As others in the debate earlier have pointed out, almost every time there has been a major need to project U.S. force anywhere in the world when a time of crisis comes, they turn to the Navy, and frequently it is to our aircraft carriers. That is No. 1.

No. 2, the carriers are getting old. They are obsolete. Look at the *Midway;* it is in need of replacement. They are unsafe.

Let us do the inevitable. It is inevitable that they must be replaced. Let us replace them now with 1987 dollars, rather than 1990 or 1994 dollars and save the taxpayers' dollars and do something important for the Nation's security at the same time.

Mr. McCURDY. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I just rise to align myself with the McCurdy amendment.

Mr. McCURDY. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I voted against the Martin amendment, but I am voting for the McCurdy amendment.

I would like to respond to the argument made by the gentleman from Virginia [Mr. SISISKY]. Sure, we can save money by building two carriers, but we pay a price for it. We pay a price for it in buying less than the optimal buy of F-14's and F-18's to go on the decks of these carriers. We pay a price for it in terms of eliminating the ABA carrier altogether because the money is not there. We buy fewer Apache helicopters than we need. All through the procurement accounts we will buy less than what will be optimum so that we can accommodate these two carriers in this budget.

The problem with buying two carriers this year is that it misses the whole message of the debate on this budget. We have limited, finite resources for defense, and we have to be prudent about the way we allocate those resources.

Mr. BADHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this debate has probably gone on long enough. I would simply say that the Congress of the United States in not altogether too often in agreement with the administration and the Department of Defense has already made the decision long ago that we believe in the theory and the practice and the philosophy of a 600-ship Navy. We agreed on that. We are driving toward that.

We also further agreed on the contention that to have a 600-ship Navy and to protect 5 huge areas of the planet Earth that are convered by water, it requires 15 carrier battle groups.

We have already decided today that we are not going to lop two carriers off.

This amendment here is undoubtedly well-meaning. I have the greatest respect for the gentleman from Oklahoma [Mr. McCURDY], a member of the committee, but the gentleman is losing sight of the fact, and I think the Members would agree with me on this, losing sight of the fact that what we have now is that we are going to have two more carriers. We are going to have 15 carrier battle groups. That has already been decided.

The question is, how do we get them in the most efficient way?

Lest, Mr. Chairman, we continue the practice of micromanaging the Defense Department, which has proven costly and wasteful, let us let the Navy use their resources that we have given them to provide in the best way they can to do those things to accomplish the mission that we and the administration want.

Mr. HOPKINS. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I am happy to yield to the gentleman from Kentucky.

Mr. HOPKINS. Mr. Chairman, I appreciate my colleague yielding.

Mr. Chairman, as the ranking member on the Procurement Subcommittee of the Armed Services Committee, we have just decided in this body not to eliminate two aircraft carriers. Those two carriers are already within the budget figures of $289 billion; is that correct?

Mr. BADHAM. That is correct.

Mr. HOPKINS. Now we have an amendment before us to eliminate one of those carriers, is that correct?

Mr. BADHAM. That is correct.

Mr. HOPKINS. If that amendment fails, can we anticipate another amendment to perhaps do away with the landing deck on one of the carriers?

Mr. BADHAM. I certainly hope not and I thank the gentleman for his contribution.

Mr. Chairman, I yield back the balance of my time.

□ 1640

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The question is on the amendment offered by the gentleman from Oklahoma [Mr. McCURDY].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. McCURDY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 145, noes 267, not voting 21, as follows:

[Roll No. 94]

AYES—145

Aspin	Fawell	Kastenmeier
Atkins	Flake	Kennedy
Bates	Flippo	Kildee
Beilenson	Florio	Kleczka
Bereuter	Ford (MI)	Kolbe
Berman	Frank	Kostmayer
Bilbray	Frenzel	Leach (IA)
Bonior (MI)	Garcia	Lehman (CA)
Boxer	Gejdenson	Levin (MI)
Brooks	Gibbons	Levine (CA)
Broomfield	Glickman	Lewis (GA)
Brown (CO)	Gonzalez	Lightfoot
Bruce	Goodling	Lloyd
Buechner	Gordon	Lowry (WA)
Carr	Green	MacKay
Coats	Gregg	Markey
Collins	Gunderson	Martin (IL)
Cooper	Hamilton	McCloskey
Coyne	Hayes (IL)	McCurdy
Daub	Hayes (LA)	McHugh
DeFazio	Hefley	Meyers
Dellums	Hertel	Mfume
Dixon	Houghton	Miller (CA)
Dorgan (ND)	Hoyer	Mineta
Durbin	Hughes	Moody
Dyson	Jacobs	Morella
Edwards (CA)	Johnson (SD)	Morrison (CT)
Evans	Jontz	Mrazek
Fascell	Kaptur	Nagle

Nelson	Roybal	Stark
Nowak	Savage	Stokes
Oberstar	Sawyer	Studds
Obey	Scheuer	Sundquist
Owens (NY)	Schroeder	Synar
Owens (UT)	Schuette	Tauke
Panetta	Schumer	Towns
Patterson	Sensenbrenner	Udall
Pease	Skaggs	Upton
Penny	Slattery	Vento
Perkins	Slaughter (NY)	Visclosky
Petri	Smith (IA)	Volkmer
Porter	Smith (NE)	Walgren
Pursell	Smith, Denny (OR)	Walker
Rangel		Waxman
Ray	Smith, Robert (OR)	Weiss
Ritter		Wheat
Rodino	Solarz	Williams
Roth	Spratt	Wolpe
Roukema	Stallings	Yates

NOES—267

Ackerman	Downey	Livingston
Akaka	Dreier	Lott
Alexander	Duncan	Lowery (CA)
Anderson	Dwyer	Lujan
Andrews	Early	Luken, Thomas
Anthony	Eckart	Lukens, Donald
Applegate	Edwards (OK)	Lungren
Archer	Emerson	Mack
Armey	English	Madigan
AuCoin	Erdreich	Manton
Badham	Espy	Marlenee
Baker	Fazio	Martin (NY)
Ballenger	Feighan	Martinez
Barnard	Fields	Matsui
Bartlett	Fish	Mavroules
Barton	Foglietta	Mazzoli
Bateman	Foley	McCandless
Bennett	Frost	McCollum
Bentley	Gallegly	McDade
Biaggi	Gallo	McEwen
Bilirakis	Gaydos	McGrath
Bliley	Gekas	McMillan (NC)
Boehlert	Gilman	McMillen (MD)
Boggs	Gingrich	Mica
Boland	Gradison	Michel
Boner (TN)	Grandy	Miller (OH)
Bonker	Grant	Miller (WA)
Borski	Gray (IL)	Moakley
Bosco	Gray (PA)	Molinari
Boucher	Guarini	Mollohan
Boulter	Hall (OH)	Montgomery
Brennan	Hall (TX)	Moorhead
Brown (CA)	Hammerschmidt	Morrison (WA)
Bryant	Hansen	Murtha
Bunning	Harris	Myers
Burton	Hastert	Natcher
Bustamante	Hatcher	Neal
Byron	Hawkins	Nichols
Callahan	Hefner	Nielson
Campbell	Henry	Olin
Cardin	Herger	Ortiz
Carper	Hiler	Oxley
Chandler	Hochbrueckner	Packard
Chapman	Holloway	Parris
Chappell	Hopkins	Pashayan
Cheney	Horton	Pepper
Clarke	Howard	Pickett
Clinger	Hubbard	Pickle
Coble	Huckaby	Price (IL)
Coelho	Hunter	Price (NC)
Coleman (MO)	Hutto	Quillen
Coleman (TX)	Inhofe	Rahall
Conte	Ireland	Ravenel
Coughlin	Jenkins	Regula
Courter	Johnson (CT)	Rhodes
Craig	Jones (TN)	Richardson
Crane	Kanjorski	Ridge
Crockett	Kasich	Rinaldo
Daniel	Kemp	Roberts
Dannemeyer	Kennelly	Robinson
Darden	Kolter	Roe
Davis (IL)	Konnyu	Rogers
Davis (MI)	Kyl	Rose
de la Garza	LaFalce	Rostenkowski
DeLay	Lagomarsino	Rowland (CT)
Derrick	Lancaster	Rowland (GA)
DeWine	Lantos	Russo
Dickinson	Latta	Sabo
Dicks	Leath (TX)	Saiki
DioGuardi	Lent	Saxton
Donnelly	Lewis (CA)	Schaefer
Dornan (CA)	Lewis (FL)	Schulze
Dowdy	Lipinski	Sharp
Shaw	Staggers	Vucanovich
Shumway	Stangeland	Watkins
Shuster	Stenholm	Weber
Sikorski	Stratton	Weldon
Sisisky	Stump	Whittaker
Skeen	Sweeney	Whitten
Skelton	Swift	Wilson
Slaughter (VA)	Swindall	Wise
Smith (FL)	Tallon	Wolf
Smith (NJ)	Taylor	Wortley
Smith (TX)	Thomas (CA)	Wyden
Smith, Robert (NH)	Thomas (GA)	Wylie
	Torres	Yatron
Snowe	Torricelli	Young (AK)
Solomon	Traficant	Young (FL)
Spence	Traxler	
St Germain	Vander Jagt	

NOT VOTING—21

Annunzio	Ford (TN)	McKinney
Bevill	Gephardt	Murphy
Clay	Hyde	Oakar
Combest	Jeffords	Roemer
Conyers	Jones (NC)	Schneider
Dingell	Lehman (FL)	Tauzin
Dymally	Leland	Valentine

□ 1650

The Clerk announced the following pairs:

On this vote:

Mr. Roemer for, with Mr. Jones of North Carolina against.

Mr. Leland for, with Mr. Lehman of Florida against.

Miss Schneider for, with Mr. Combest against.

Mr. FOGLIETTA and Mr. GEKAS changed their votes from "aye" to "no."

Mr. TOWNS and Mr. DAUB changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. LELAND. Mr. Speaker, earlier this afternoon I was unavoidably detained and missed the vote on rollcall No. 94. Had I been here, I would have voted "aye."

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. MURTHA], having assumed the chair, Mr. GRAY of Illinois, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1748) to authorize appropriations for fiscal years 1988 and 1989 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1988 and 1989, and for other purposes, had come to no resolution thereon.

HOUR OF MEETING ON TUESDAY, MAY 12, 1987, WEDNESDAY, MAY 13, 1987, AND THURSDAY, MAY 14, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 11, 1987, it adjourn to meet at 10 a.m. on Tuesday, May 12, 1987, and that when the House adjourns on Tuesday, it adjourn to meet at 10 a.m. on Wednesday, May 13, 1987 and that when the House adjourns on Wednesday, it adjourn to meet at 10 a.m. on Thursday, May 14, 1987.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING OF CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule shall be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 67. Joint Resolution to authorize and request the President to issue a proclamation designating May 3 through May 10, 1987, as "Jewish Heritage Week."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1157. An act to provide for an acreage diversion program applicable to producers of the crop of winter wheat harvested in 1987, and otherwise to extend assistance to farmers adversely affected by natural disasters in 1986.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1157) an act to provide for an acreage diversion program applicable to producers of the crop of winter wheat harvested in 1987, and otherwise to extend assistance to farmers adversely affected by natural disasters in 1986," disagreed to by the House and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEAHY, Mr. MELCHER, Mr. PRYOR, Mr. BOREN, Mr. LUGAR, Mr. DOLE, and Mr. HELMS; and for areas under jurisdiction of Committee on Environment and Public Works: Mr. MOYNIHAN and Mr. STAFFORD, to be conferees on the part of the Senate.

The message also announced that the Senate had passed a joint resolution and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 124. Joint resolution designating May 10, 1987, through May 16, 1987, as "Just Say No to Drugs Week"; and

S. Con. Res. 52. Concurrent resolution to recognize and congratulate Ducks Unlimited, Inc., in honor of its 50th anniversary.

The message also announced that pursuant to section 9355(a) of title 10 of the United States Code, the Chair on behalf of the Vice President appoints Mr. REID, Committee on Appropriations; Mr. COCHRAN, Committee on Appropriations: Mr. WIRTH, Committee on Armed Services; and Mr. PRESSLER, at large; to the Board of Visitors of the U.S. Air Force Academy.

The message also announced that pursuant to section 6968(a) of title 10 of the United States Code, the Chair on behalf of the Vice President appoints Ms. MIKULSKI, Committee on Appropriations; Mr. HATFIELD, Committee on Appropriations; Mr. GRAMM, Committee on Armed Services; and Mr. SARBANES, at large; to the Board of Visitors of the U.S. Naval Academy.

The message also announced that pursuant to section 4355(a), title 10 of the United States Code, the Chair on behalf of the Vice President appoints Mr. D'AMATO, Committee on Appropriations; Mr. NICKLES, Committee on Appropriations; Mr. LEVIN, Committee on Armed Services; and Mr. SHELBY, at large; to the Board of Visitors of the U.S. Military Academy.

The message also announced that pursuant to section 194(a) of title 14 of the United States Code, the Chair on behalf of the Vice President appoints Mr. BREAUX, Committee on Commerce, Science, and Transportation; and Mr. PACKWOOD, Committee on Commerce, Science, and Transportation; and Mr. DODD, at large, to the Board of Visitors of the U.S. Coast Guard Academy.

□ 1700

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1748, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1988

Mr. DERRICK, from the Committee on Rules, reported the following privileged resolution (H. Res. No. 160, Rept. No. 100-84), which was referred to the House Calendar and ordred to be printed:

H. RES. 160

Resolved, That during the further consideration of the bill (H.R. 1748) to authorize appropriations for fiscal years 1988 and 1989 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1988 and 1989, and for other purposes, no further amendment to the bill or to the amendment in the nature of a substitute, as modified, shall be in order except the amendments designated in section 2 of this resolution or in the report of the Committee on Rules accompanying this resolution, and said amendments shall be considered only in the order and in the manner specified. The amendments designated in this resolution shall be printed in the report of the Committee on Rules accompanying this resolution and shall be considered as having been read when offered. Each amendment may only be offered by the Member designated for such amendment in the report of the Committee on Rules accompanying this resolution. Debate on each of said amendments shall not exceed the time specified in this resolution or said report, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto. Points of order under clause 7 of Rule XVI are waived against amendments contained in sections one and two of the report of the Committee on Rules accompanying this resolution. No amendment except for the amendments printed in section three of the report of the Committee on Rules accompanying this resolution shall be subject to amendment (except as otherwise specified in this resolution or in such report of the Committee on Rules) or to a demand for a division of the question in the House or in the Committee of the Whole. Debate on any amendment offered to an amendment printed in section three of the report of the Committee on Rules shall be limited to ten minutes, equally divided and controlled by the proponent of the amendment and a member opposed thereto. Any particular amendment under consideration when the Committee of the Whole rises on a legislative day shall be completed when the Committee of the Whole next resumes its sitting on H.R. 1748. During the consideration of the bill, pro forma amendments for the purpose of debate shall be in order only if offered by the chairman or ranking minority member of the Committee on Armed Services. Any period of general debate specified in the resolution shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

SEC. 2. It shall be in order to begin consideration of the amendments contained in the report of the Committee on Rules accompanying this resolution as follows:

(1) When the Committee of the Whole resumes its sitting on H.R. 1748 on Thursday, May 7, 1987, it shall be in order, following disposition of the amendment offered by Representative Hunter of California, pending when the Committee of the Whole rose on Wednesday, May 6, 1987 to debate the levels of funding for the Strategic Defense Initiative for a period not to exceed 40 minutes. It shall then be in order to consider the amendments relating to such funding contained in section one of the report of the Committee on Rules accompanying this resolution, only in the following order: (A) by Representative Hunter of California, or his designee; (B) by Representative Dellums of California, or his designee; (C) by Representative Rowland of Connecticut, or his designee; and (D) by Representative Bennett of Florida, or his designee. Each of said amendments shall be in order even if changing portions of the amendment in the nature of a substitute, as modified and as amended, already changed by amendment. If more than one of said amendments is adopted, only the last such amendment which is adopted shall be considered to have been finally adopted and reported back to the House. Following disposition of said amendments, it shall be in order to debate the subject matter of the Strategic Defense Initiative, for a period not to exceed 60 minutes. At the conclusion of said debate, it shall be in order to consider the amendments printed in section one of the report of the Committee on Rules accompanying this resolution in the following order: (A) by Representative Kemp of New York, or his designee; (B) by Representative McCloskey of Indiana, or his designee; (C) by Representative Hertel of Michigan, or his designee; (D) by Representative Courter of New Jersey, or his designee; (E) by Representative Downey of New York, or his designee; (F) by Representative Olin of Virginia, or his designee; (G) by Representative AuCoin of Oregon or by Representative Bennett of Florida, or their designee; (H) by Representative Dornan of California, or his designee; and (I) by Representatiave Buechner of Missouri, or his designee.

Following disposition of said amendments, it shall be in order to begin consideration of the amendments printed in section 3 of the report of the Committee on Rules accompanying this resolution in the order and in the manner provided for in said section and subject to the provisions of paragraph (7) of section 2 of this resolution.

(2) After the Committee of the Whole rises on the legislative day of Thursday, May 7, 1987 and resumes its sitting on H.R. 1748 on Friday, May 8, 1987, further consideration of the amendments printed in section 3 of the report of the Committee on Rules accompanying this resolution shall be suspended. It shall then be in order to consider the amendment relating to the Advanced Technology Bomber printed in section 1 of the report of the Committee on Rules accompanying this resolution by, and if offered by, Representative Aspin of Wisconsin. Following disposition of said amendment, it shall then be in order to debate the subject matter of defense burdensharing for a period not to exceed 40 minutes. It shall then be in order to consider the following amendments relating to defense burdensharing contained in section 1 of the report of the Committee on Rules accompanying this resolution in the following order: (A) by Representative Gregg of New Hampshire, or his designee; (B) by Representative Richardson of New Mexico, or his designee; (C) by Representative Bryant of Texas, or his designee; and (D) by Representative Mrazek of New York, or his designee. All points of order against amendments (C) and (D) for failure to comply with the provisions of clause 7, Rule XVI, are hereby waived. Following disposition of said amendments, it shall be in order to resume consideration of the amendments printed in section 3 of the report of the Committee on Rules accompanying this resolution.

(3) After the Committee of the Whole rises on the legislative day of Friday, May 8, 1987 and resumes its sitting on H.R. 1748 on Monday, May 11, 1987, further consideration of the amendments printed in section 3 of the report of the Committee on Rules accompanying this resolution shall be suspended. It shall be in order to debate the subject matter of contracting out for a period of not to exceed 20 minutes. It shall then be in order to consider the following amendments on this subject, printed in section 1 of said report, in the following order: (A) by Representative Nichols of Alabama, or his designee; (B) by Representative Hutto of Florida, or his designee; and (C) by Representative Matsui of California, or his designee. Following disposition of said amendments, it shall be in order to resume consideration of the amendments printed in section 3 of the report of the Committee on Rules accompanying this resolution.

(4) After the Committee of the Whole rises on the legislative day of Monday, May 11, 1987, and resumes its sitting on H.R. 1748 on Tuesday, May 12, 1987, further consideration of the amendments printed in section 3 of the report of the Committee on Rules accompanying this resolution shall be suspended. It shall be in order to debate the application of the Davis-Bacon Act to funds authorized in H.R. 1748 for a period not to exceed 40 minutes. It shall then be in order to consider the following amendments relating to the Davis-Bacon Act printed in the section 1 of said report; (A) by, and if offered by, Representative Murphy of Pennsylvania, or his designee, and then (B) by, and if offered by, Representative Dickinson of Alabama, or his designee. Following disposition of said amendments, it shall be in order to debate the subject matter of testing of nuclear arms for a period not to exceed one hour. At the conclusion of said debate, it shall be in order to consider the following amendments relating to the testing of nuclear arms printed in section 1 of said report: (A) by, and if offered by, Representative Broomfield of Michigan, or his designee; and then (B) by, and if offered by, Representative Schroeder of Colorado, or her designee. Following disposition of said amendments, it shall be in order to debate the subject matter of chemical weapons for a period not to exceed 40 minutes. It shall then be in order to consider the following amendments relating to chemical weapons contained in section 1 of said report: (A) by, and if offered by, Representative Aspin of Wisconsin, or his designee; and then (B) by, and if offered by Representative Fascell of Florida, or his designee.

Following disposition of said amendments, it shall be in order to debate the subject matter of anti-satellite weapons for not to exceed 40 minutes. It shall then be in order to consider the following amendments relating to the anti-satellite weapons printed in section 1 of said report: (A) by, and if offered by, Representative Dickinson of Alabama, or his designee, and then (B) by, and if offered by, Representative Brown of California, or his designee. Each of the amendments designated in this paragraph shall be in order even if changing portions of the amendment in the nature of a substitute, as modified and as amended, already changed by amendment. If both of said amendments on any issue specified in this paragraph are adopted, only the latter amendment on such issue which is adopted shall be considered to have been fully adopted and reported back to the House. Following disposition of said amendments, it shall be in order to resume consideration of the amendments printed in section 3 of the report of the Committee on Rules accompanying this resolution.

(5) After the Committee of the Whole rises on the legislative day of Tuesday, May 12, 1987, and resumes its sitting on H.R. 1748 on Wednesday, May 13, 1987, further consideration of the amendments printed in section three of the report of the Committee on Rules accompanying this resolution shall be suspended. It shall be in order to debate the subject matter of Ballistic Missiles for a period not to exceed 60 minutes. It shall then be in order to consider the following amendments on this subject printed in section one of said report: (A) by, and if offered by, Representative Hertel of Michigan, or his designee; (B) by, and if offered by, Representative Frank of Massachusetts, or his designee; (C) by, and if offered by, Representative Dellums of California, or his designee; (D) by, and if offered by, Representative Kyl of Arizona, or his designee; (E) by, and if offered by, Representative Dickinson of Alabama, or his designee; (F) by, and if offered by, Representative Weiss of New York, or his designee; (G) by, and if offered by, Representative Feighan of Ohio, or his designee. Following disposition of said amendments, it shall then be in order to consider the following amendments printed in section one of said report relating to Central America in the following order: (A) by, and if offered by, Representative Foley of Washington, or his designee, which shall not be subject to amendment except for an amendment by, and if offered by, Representative Hunter of California, or his designee; (B) by, and if offered by, Representative Mrazek of New York, or his designee; (C) by, and if offered by, Representative Boxer of California, or her designee; (D) by, and if offered by, Representative Foglietta of Pennsylvania, or his designee; (E) by, and if offered by, Representative Davis of Illinois, or his designee. It shall be in order to post-pone recorded votes, if ordered, on any first degree amendment designated (A) through (E) until the conclusion of debate on all said amendments, and the Chair may reduce to a minimum of five minutes the period of time within which a recorded vote, if ordered, may be taken on all said amendments following the first vote in that series. Following disposition of said amendments it shall be in order to resume consideration of the amendments printed in section three of the report of the Committee on Rules accompanying this resolution.

(6) Notwithstanding any provision of this resolution and subject to the second sentence of this paragraph, it shall be in order for the chairman of the Committee on Armed Services, or his designee, after giving at least one hour notice and after consultation with the ranking minority member of that committee, to offer at any time any of the amendments printed in section two of the report of the Committee on Rules accompanying this resolution. Said amendments shall be in order even if amending portions of the amendment in the nature of a substitute, as modified, already amended. All points of order against the amendment relating to military pay printed in section two of the report for failure to comply with the provisions of section 303(a)(4) of the Congressional Budget Act of 1974, as amended, are hereby waived.

(7) Notwithstanding any provision of this resolution, it shall be in order for the chairman of the Committee on Armed Services, or his designee, at any time to offer en bloc amendments including modifications in the text of any amendment beginning with amendment numbered 28 printed in section three of the report of the Committee on Rules. Such amendments en bloc shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, such amendments en bloc shall be debatable for not to exceed 60 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The original proponents of amendments offered en bloc shall have permission to insert statements in the Congressional Record immediately before the disposition of the amendments en bloc.

(8) If the Committee of the Whole does not complete consideration of any amendments specifically made in order by Section 2 of this resolution for consideration on any particular legislative day, it shall be in order on any subsequent legislative day for the chairman of the Committee on Armed Services, after giving at least one hour notice, and after consultation with the ranking minority member of that committee, to request the Chair to recognize the proponent of such amendments following disposition of a specified amendment contained in the report of the Committee on Rules accompanying this resolution and the Chair may recognize the proponents of such amendments in accordance with that notice notwithstanding the order of amendments otherwise specified in such report. If the chairman of the Committee on Armed Services does not give such notice or make such request, the amendments may be offered by their proponents following the disposition of all other amendments contained in section three of the report of the Committee on Rules accompanying this resolution.

SEC. 3. At the conclusion of the disposition of all amendments printed in the report of the Committee on Rules accompanying this resolution, no further amendment to the bill or to the amendment in the nature of a substitute as modified shall be in order, and the question shall occur on the amendment in the nature of a substitute as modified and as amended. The Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute as modified, subject to the preceding provisions of the resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without intructions.

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 160 and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution.

□ 1710

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 160 is a rule providing for the further consideration of H.R. 1748, the National Defense Authorization Act for fiscal year 1988-89. As I noted when the House considered House Resolution 156 yesterday, the procedure we are using to govern consideration of H.R. 1748 is a bit unusual. We have already adopted two rules governing the consideration of H.R. 1748 and a rule which allowed the House to consider this rule today. We have followed this procedure not because the Rules Committee enjoys reporting four rules on the same bill, but because we were faced with a very important and complex piece of legislation, with more

than 200 amendments that Members wished to offer to that legislation, and a desire on the part of the vast majority of Members to complete action on that legislation in a reasonable amount of time. I might also state that this procedure is at least in part the result of the Rules Committee's efforts to work with the chairman and ranking minority member of the Armed Services Committee in order to develop a rule with bipartisan support. That effort complicated our work, but we think it was worthwhile.

Mr. Speaker, this rule provides for the consideration of amendments to H.R. 1748 which are printed in the Rules Committee report accompanying this rule. These amendments must be considered in the order and manner provided in the rule and the report. These amendments are divided into three categories, which are listed in three sections of the committee report. I will describe each category, but because of the very large number of amendments I cannot describe each amendment. Members will find all amendments which are in order, and the amount of debate time accorded each amendment printed in the committee report accompanying this rule. During consideration of H.R. 1748 pro forma amendments for the purposes of debate are in order only if offered by the chairman or ranking minority member of the Armed Services Committee. The rule also provides that any amendment under consideration when the Committee of the Whole rises, shall be completed when the committee next resumes its sitting.

The first section of the report contains amendments which address major policy issues. The rule structures the consideration of these amendments around the policy issues involved, sometimes even providing for "general debate" on the issue before specific amendments are considered. For instance, the rule provides that the Committee of the Whole will consider four amendments dealing with SDI authorization levels.

There will then be 1 hour of debate on SDI policy issues, followed by consideration of amendments dealing with those issues. There are 13 major policy clusters, including such issues as contracting out Davis-Bacon, chemical weapons, nuclear testing, Asat, and Central America. The rule specifies the day on which consideration of the amendments within each cluster may begin. If all amendments in a cluster are not disposed of when the committee rises at the end of that day, it is in order at any subsequent time for the chairman of the Armed Services Committee, after consulting with the ranking minority member of Armed Services and giving 1 hour notice, to request that the Chair recognize the proponent of such amendments.

If the chairman of the Armed Services Committee does not exercise this option, the proponent of such amendments will be recognized after the disposition of all of the amendments contained in section 3 of the Rules Committee report. The amendments contained in section 1 of the report are not subject to amendment or a division of the question, except as specified in the rule. The debate time for each amendent is specified in the report. The rule waives clause 7 of rule XVI, which prohibits nongermane amendments, against amendments in section 1 of the report.

The second section of the report contains eight amendments that address significant issues, but do not fall into a major policy category. This category includes, for instance, amendments dealing with the the N-reactor at Hanford, WA, and amendments dealing with procurement of the C-17 aircraft. It is in order for the chairman of the Committee on Armed Services, after consultation with the ranking minority member of Armed Services and 1 hour notice, to offer any amendment printed in section 2 of the committee report. These amendments are printed in the committee report, along with the debate time allotted to each amendment. These amendments are not subject to amendment or a division of the question, except as specified in the Rules Committee report. The rule waives clause 7 of rule XVI against the amendments contained in section 2 of the committee report. It also waives section 303(a)(4) of the Budget Act, which prohibits consideration of new entitlement authority prior to final adoption of a budget resolution, against the amendment relating to military pay.

The third section of the committee report contains 83 amendments which are not insignificant, but which do not require lengthy consideration. Many of these amendments are likely to be accepted by the Armed Services Committee and can be disposed of very quickly. The debate time for each amendment is listed in the committee report. The amendments in section 3 are in order on any day, after the disposition of the amendments in section 1 scheduled for consideration on that day. The amendments contained in section 3 are subject to perfecting amendments, with debate on any perfecting amendment limited to 10 minutes. In addition, the chairman of the Armed Services Committee has the discretion at any time to offer any of the amendments numbered 28 through 83 en bloc, with modifications of the text. Such en bloc amendments are debatable for 60 minutes, divided between the chairman and ranking minority member of the Armed Services Committee. They would not be subject to amendment or to a demand for a division of the question. The original proponents of any such amendment would have permission to insert statements in the record immediately before the disposition of the amendments en bloc.

Mr. Speaker, as I indicated before, this is a rather complicated rule. However, I think that it allows for fair and appropriate consideration of a very complicated and important bill.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the able gentleman from South Carolina [Mr. DERRICK] has explained the rule in the best way possible. It is a very complicated rule. Members of the House may feel like shouting with joy about the conclusion of the last rule on the defense authorization bill.

I understand that the four rules that we have hammered out in the Committee on Rules may have set a record for the number of rules on one bill. I do not know that any one bill in the history of this Congress has ever taken four rules before the bill is finally concluded on the floor since the Committee on Rules was first organized.

At the same time, I applaud the staff of the Committee on Rules for working with the membership of the Committee on Rules to do whatever was necessary to bring this bill to the floor.

At long last, here we are, the last rule to bring this matter to a conclusion sometime before our Memorial Day recess.

Mr. Speaker, I support the rule. I think it is absolutely necessary that we get down to business on the amendments and quit debating the rules.

□ 1720

This is the fourth one. Sooner or later, if we do not watch it, we will have more debate time on the rules than on the bill itself.

Mr. Speaker, I urge adoption of the rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, exactly the kind of thing that we feared would happen has happened in this rule. We are dealing here with a monster. If I understand the rule correctly—and I hope someone will correct me if I am wrong, because I have a real problem here—we give the ability in this rule to take everything from amendment 28 through amendment 83 and wrap every one of those amendments into one en bloc amendment which would be debatable for 60 minutes.

Let me say that my understanding is that we could, therefore, take 55 amendments, put them all in this 1 en bloc amendment, and debate it for a

total of 60 minutes, 1 minute per amendment.

Let me suggest to the Members that there are a few things here we might want to debate for more than 1 minute. One of those amendments, for example, would prohibit the use of the NASA-manned space station for military purposes. That is a very controversial amendment. I serve on the Space Subcommittee. It is something we have debated for hours in the Space Subcommittee, and we are going to allow it perhaps 1 minute on the House floor?

Here is an amendment to report on the electronic spying from the Soviet Embassy. That is something of great importance to all the Members of this body. We have talked about it out here before, and that report might get a total of 1 minute of time on the House floor?

Here is something having to do with minority and small business setasides. That is very important to many Members of this body. We are going to give that a possible total time of 1 minute?

And the fact is that within the 60 minutes of time many of these amendments are not even going to get 1 minute because if some Member gets up and uses 5 minutes, some of these amendments will not even be discussed. We have potentially 55 amendments here, of which a handful will get discussed and most of them will not even be involved in discussion on the floor.

Mr. Speaker, I think this rules procedure is a travesty. To suggest to people that we are going to give the manned space station and the military application of it 1 minute of time on this House floor, I think, is appalling.

Mr. Speaker, I would hope that the Members would vote against this rule.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me address the remarks that were just made by the gentleman from Pennsylvania [Mr. WALKER]. If the rule were to be followed as the gentleman outlined it, I think there would be room for some concern, but it is not going to be in the interest of the gentleman from Wisconsin [Mr. ASPIN] to wrap any controversial matters into this block, because the block would run a strong chance of failing if he did so. So it is our assumption that what he will do is separate those more controversial matters, and they will have 10 minutes each and will be voted on separately.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding. He is most gracious.

My problem is that we were told earlier today that the Rules Committee was in the process of intense deliberations here and we are getting their very best judgments on these things. What the gentleman is now telling me is that their best judgment was to give the ability on the floor to wrap 55 amendments into one en bloc amendment. I thought that is what the gentleman was up there doing, picking out some of these controversial items and giving them a certain amount of time.

Now what we find out is that the product of what the gentleman did gives us a report this size that is dumped on the floor. We have one copy of this report on the minority side. Most of the stuff in the rule is pursuant to this report. I have struggled to just get through a little bit of it to try to understand it, and then I came to the understanding that approximately this much of the report is going to be subject to perhaps being put in one amendment.

It seems to me that that is not very much in the way of deliberations, and that we are put in the position of voting for a rule that has an awful lot of problems.

Mr. DERRICK. Mr. Speaker, let me say to the gentleman from Pennsylvania [Mr. WALKER] that I said earlier we were giving these matters a lot of deliberate consideration. We did. I did not guarantee that the gentleman would agree with the results.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. DARDEN] for the purpose of debate only.

Mr. DARDEN. Mr. Speaker, I thank the gentlemen for yielding this time to me, and I stand here today and reaffirm my support for the rule.

The reason I come before the House at this time, Mr. Speaker, is that there had been some confusion earlier about whether or not an amendment I had intended to offer, along with the gentleman from Utah and the gentleman from Georgia [Mr. JENKINS] would in fact be allowed. However, this controversy has been resolved, and I want to take a moment to thank the Chairman of the Rules Committee, the gentleman from Florida [Mr. PEPPER], the gentleman from South Carolina [Mr. DERRICK], and the leadership for working out this very difficult situation, which now will ensure that my amendment, an amendment to delete the C-17 funding, is in fact heard.

I think, Mr. Speaker, we will all agree, whether we support the C-17 or whether we do not, that this is a very important amendment. It is an amendment which will affect expenditures of some $40 billion in the next 5 years. So I think it is more than fitting that we at least get 40 minutes to come and debate this matter. That is roughly a billion dollars a minute to talk about this very important program.

I am not going to address the merits of it right now, and I am not going to make a pitch for my amendment to delete the C-17, but I think both the proponents and the opponents will all agree with me that it is an important amendment, and it will be considered by the House of Representatives in due time.

Again, Mr. Speaker, I want to thank the very cooperative members of the Rules Committee for working out this controversy.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I just want to go on record as explaining my vote on the upcoming rule. I was hoping that the chairman of the Armed Services Committee would be here because this affects some discussions and agreements he and I made prior to going to the Rules Committee and asking for this particular rule.

Mr. Speaker, we had a very difficult time, as has been evidenced by what has transpired here on the floor, in coming to a conclusion as to what the rule would provide and how this bill would be presented to the floor because of the myriad of amendments that have been filed. As has been pointed out, there were originally over 400 amendments filed to the bill. These were whittled down to something around 250 amendments. We spent a great deal of time, the staff, the committee chairman, and myself, trying to resolve these amendments, to group them, and to knock those that were duplicative.

There were six policy issues that were very much in contention, and whether it is a fact or just a perception, there is a strong feeling here that when you follow what we call the "king of the mountain" procedure in offering amendments, rather than just following the straight amending process, the order in which these amendments are offered is sometimes very vital. So on these six amendments, the chairman of the committee and I, who, I believe, differed on all of them, agreed that on the Davis-Bacon amendment, which I intend to offer and which was fought very hard last year, I would be allowed to offer the last amendment.

I see that the chairman of the committee has now come in, and I want him to hear what I am saying. It was agreed on the Davis-Bacon amendment that the gentleman from Pennsylvania [Mr. MURPHY] would go first and I would have the last amendment.

There was agreement on nuclear testing. It was agreed that the gentleman from Michigan [Mr. BROOMFIELD] would go first and the gentlewoman from Colorado [Mrs. SCHROEDER] would have the last amendment. It was agreed on the antisatellite weapons that I would have the first amend-

ment and the gentleman from California [Mr. BROWN] would go last. These were very hardly fought positions, and we had a lot of discussion. It was agreed on the chemical weapons that the gentleman from Florida [Mr. FASCELL] would go first, and then the gentleman from Wisconsin [Mr. ASPIN]. That was three and three.

No one denies the Rules Committee the right and the authority to make rules in order and to make a determination of the order in which they would come in. I simply say that in four out of the five or five out of the six, the Rules Committee did accede to our request, but in one very important instance, which has to do with the chemical weapons, the order was reversed by the Rules Committee, and they have a right to do that.

The chairman of the full committee and I entered into these agreements in good faith. I thought we entered into them with the understanding that they would be adhered to. We cannot control the Rules Committee. I understand that. it is for that reason I am not going to try to block the rule, and I am not going to try to create any problem in presenting the rest of the bill, but it is for that reason that I am not going to support the rule. I am voting personally against the rule.

□ 1730

I would also like to serve notice that if we ever get into this mess again where we have to package these things, any agreement I make with the chairman is going to be conditioned on the agreement being adhered to by the Rules Committee. Otherwise, all bets are off.

For us to put ourselves at a disadvantage on certain amendments and then have somebody else tear up the package and say somebody else likes it better, we have spent too much time to have what we did ignored.

I would say to the chairman, if I have misstated anything, I want you to correct it.

Mr. ASPIN. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Let me just say to the gentleman that he is absolutely correct on this. The agreement that we worked out and that I had hoped that the Rules Committee would follow would give the Republican side the post position, the second vote on the chemical weapon issue. That was changed by the Rules Committee on this side. As you say, that is their right.

We do have a problem, I would say to our people on this side on this whole issue. That is that every one of these amendments is important to somebody, and that we end up in the process, we try and work out which ones are the most important to the most important number of Members on the Democratic side.

On our side, it was my judgment that the issues of the narrower interpretation of ABM was important, the issue of testing was important, the issue of the SDI numbers was important, and that we would like to have the pole position on everything, but given the choice that we would give them the pole position on chemicals, we would give it to them on Davis-Bacon, and finally, we even had to give it to them on SALT II. That was the hardest one to give them. We worked it out and said, OK, we have got a deal. But it is very hard to be the negotiator on that when then I find out that the Rules Committee has changed what we have worked out, and I did not hear about it until the Rules Committee had already agreed among themselves to make that change.

As I understand it, the gentleman from Florida, the chairman of the Foreign Affairs Committee, had a particular interest. But every issue is important to somebody, and we are going to get ourselves in an awful jam on our side if we have to, if we create suspicion on the Republican side that the deal they are cutting is not the deal that is going to be delivered.

Mr. DICKINSON. Let me say that I do not, in any way, try to infer that it was not done in good faith. I do not, in any way, say that there was any subterfuge or any trickery involved; I do not mean that. You and I had an agreement and we worked it out. The Rules Committee is not bound by anything that you and I agreed to.

I am just simply going on record as saying, first, I am not going to vote for the rule, because that is not what we agreed to. Second, I will never enter into another agreement that is not conditioned on it being finally bought off on by the Rules Committee because it puts us at a disadvantage, and you can darn well see who was at a disadvantage when it came out of the Rules Committee.

Mr. DERRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. I thank the gentleman.

Mr. Speaker, what the gentlemen have said here is that they entered into an agreement between themselves. That is correct. The Rules Committee accepted scores of amendments and requests and suggestions agreed to by these two distinguished Members.

We tried it every way we could to cooperate with them. The minority will attest; that was our purpose. But they must not expect us to give up all of our prerogatives. They, between themselves, do not have the right to deprive us of all of our jurisdiction. When this matter arose, we debated it very sincerely. We were very much aware of our distinguished friends having entered into this agreement. We were very reluctant not to observe their agreement.

But, here was our chairman on the Foreign Affairs Committee who insisted that his committee had primary jurisdiction over this matter. He asked to be heard. We had to give consideration to him as a Member of the House. Our judgment was that if his committee, without any dispute apparently, had primary jurisdiction over this subject, that he was entitled to insist, as he vigorously did, that we give him the position that the rule affords.

So we are sorry that we could not in every respect accede to our friends; they were wonderfully helpful. I do not know what we would have done without the advice and counsel of these two distinguished gentlemen. I hope they will forgive us, if, in some instance at least, we felt that it was necessary to exercise our own responsibility.

Mr. DICKINSON. If the gentleman will yield, I would say that I do not mean to, in any way, impugn bad faith or anything. We do not deny your right. We did not realize that the Foreign Affairs Committee had primary jurisdiction over chemical weapons. If we had known that, we probably would not have got into the subject matter.

Mr. DERRICK. If I may reclaim my time, let me just say something to the distinguished gentleman from Alabama.

I want to say that I am very disappointed that you have chosen not to support the rule because I quite frankly will tell you that I do not recall any time lately that we have given as much consideration to a Member on our side of the aisle as we did to you. You have got about 98 percent of what you wanted, and now because you did not get 2 percent, you are not going to support the rule. That is your prerogative and your right to do that.

I just must say that I am disappointed.

Mr. DICKINSON. Then I will change my mind; I will vote for the rule.

Mr. DERRICK. Thank you. My father always said, "When he says yes, to quit," so I am going to quit.

Mr. Speaker, I yield 2 minutes to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. I thank the gentleman.

Mr. Speaker, I wish to propound a question to the representative of the Rules Committee. It is my understanding that the gentleman on the committee has authorized the amendment which was earlier not permitted to now be offered under the rule. The amendment is offered by the gentle-

man from Georgia [Mr. DARDEN] and myself dealing with the attempt to delete funding for the C-17 cargo airplane.

Mr. DERRICK. If the gentleman will yield, that is correct. The Rules Committee is not perfect. We do make mistakes sometimes and I just think we quite made a mistake on that.

Mr. OWENS of Utah. But you have corrected that, as I understand the gentleman?

Mr. DERRICK. That is correct.

Mr. OWENS of Utah. If I may, I wanted to express appreciation to the Rules Committee for permitting us to offer that amendment; it is a very important amendment. I will not debate the merits of the amendment except to say that by way of preparation for that amendment, and if my prejudice steals into this, Mr. Speaker, I apologize, but there is a report prepared by the GAO which should be studied by Members in depth. The report is represented by some as being supportive of the C-17. But if studied in depth by the Members, I think they will find that it does not, in effect, recommend the C-17 being funded. The GAO report on the C-17 is very heavily qualified and full of inconsistencies and inadequacies and I think should be studied carefully by Members.

There are three other reports which ought to be studied as well. The Congressional Budget Office has also prepared a report which indicates that the cost of building more C-5 aircraft instead of building the C-17 would be in essence 3 percent cheaper. That report needs to be studied carefully by Members.

There are two other reports which I think should be called to the attention of this Chamber. The Institute for Policy Analysis has come down very strongly on the side of continued reliance on the C-5 instead of new money for the C-17 in this controversy. And there is the report which I think has great import to the other side of the aisle. The Heritage Foundation has said that it is preferable, economically and otherwise, to oppose funding the C-17 and instead support the C-5.

□ 1740

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, I recognize and I concede that this is a complex matter. The stakes run high, passions run high. This is a difficult and convoluted parliamentary situation, but this bizarre arrangement was concocted to expedite the consideration of this matter and to complete it within this time next week.

That is exactly why, Mr. Speaker, I object to the process. We are talking about the expenditures of $300 billion. One-third of the total annual budget is what we are talking about.

In addition to that, there is no more fundamental requirement of the Constitution of the United States than to provide for the common defense. That is what this is all about, our free world responsibilities to preserve, protect, and defend, the free people of this planet.

It deserves thorough consideration, and if it took a month of this Congress' time, it would not be too much.

I simply do not understand why it is that we have to ramrod some kind of a convoluted, bizarre arrangement, in which thorough consideration of these complex matters cannot be afforded.

I think, Mr. Speaker, this rule should be rejected.

Mr. QUILLEN. Mr. Speaker, I think we all realize that this procedure has backfired. I would plead with the committee chairmen that the next time they come to the Rules Committee, that such a rule is not requested and that no open invitation be made for such confusion. I am sure that we have learned our lesson. The Rules Committee has done the very best it could. I think we have fashioned something good out of chaos.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BADHAM].

Mr. BADHAM. Mr. Speaker, I am terribly disappointed that Members have sought to use the rule, which is the process for bringing this bill to the floor, to discuss an amendment that will be given time, will be given ample time. In fact, when we talk about the C-17, I recall the debate on this floor 3 years ago when the Air Force, when the gentleman from Lockheed, I mean the corporate gentleman from Lockheed, and when others from Boeing and Douglas and Lockheed agreed that we would only build C-5's until we had another plane ready to go into production, and that plane was the C-17, and Casper Weinberger said 50 and no more.

Lockheed has kept to that agreement, but others seem to want to debate that during the time we are on the rule today.

I can tell you, Mr. Speaker, that the GAO report is correct. We are going to save lives. We are going to save people. We are going to save dollars and we are going to get better airlift that will get us up to the requirements.

If you want to debate it now, let us debate it now; but the deal was made. An agreement was struck, 50 C-5's, then the C-17.

Mr. Speaker, I just simply want to say in addition to that, we will debate this again on Monday. We debate it in the subcommittee. We debate it in the full committee and the C-5 lost. Why? Because people of honor said 50 and no more.

Mr. LOTT. Mr. Speaker, back when I was a teenager, there was a drummer named Cozy Cole who had a couple of hit records in a row entitled, "Topsy: Part I," and Topsy: Part II."Well, old Cozy would be pleased to know that the beat goes on. Today we are being asked to consider, "Topsy-Turvey: Part IV"—the fourth rule for the defense authorization bill.

While these so-called structured rules are purportedly designed to bring more order and clarity to the amendment process, I am afraid they only succeed in making things more complicated and confusing. And I speak as a member of the Rules Committee who supposedly has an inside track on what we're doing here. But, I must frankly confess that we didn't even have a list of the amendments to be made in order by the report accompanying this rule when we voted to report it. So I can't say with any certainty at this point which amendments have been included and which have been excluded. I am led to believe that some 133 are made in order by this rule, and some 28 amendments did not make the cut. But that's just hearsay.

You know, it used to be that Members only had to come before the Rules Committee if they needed a waiver in order to offer a particular amendment. Everyone else who had germane amendments didn't have to worry about making an appearance since they know they would be in order. Under the open rules we reported 80 percent of the time back in the 95th Congress, and 64 percent of the time in the 99th Congress.

But, that's no longer the case. So far in this 100th Congress, the "We the People" Bicentennial Congress, we have only reported two open rules, or 17 percent of the total. So, the question asked of Members emerging from the Rules Committee today is not simply, "Did you get your waiver?" The question asked today under these restrictive rules is, "Have you been baptized or excised?" And I think some 28 amendments were excised under this rule, most of which were perfectly germane so far as I know. George Orwell would be proud of this "new rule" policy. In our little amendment farm, some amendments are more equal than others.

I am again going to ask my colleagues to vote against this rule and register their protest over these increasing encroachments on our rights and responsibilities as legislators to legislate. Keep in mind that each time you vote for one of these restrictive rules—and that's been 83 percent of the time in this Congress—you increase the precedents in favor of such rules and the chances that somewhere down the road you too will be prevented from offering a perfectly germane amendment. Now is the time to take your stand, and not after we have enshrined these restrictive rules as standard operating procedures in the House. Vote "no" on this rule!

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and made the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 254, nays 149, not voting 30, as follows:

[Roll No. 95]

YEAS—254

Ackerman	Foglietta	Morella
Akaka	Foley	Morrison (CT)
Alexander	Ford (MI)	Morrison (WA)
Anderson	Frank	Mrazek
Andrews	Frenzel	Murtha
Anthony	Frost	Myers
Applegate	Garcia	Nagle
Armey	Gaydos	Natcher
Aspin	Gejdenson	Neal
Atkins	Gibbons	Nelson
AuCoin	Glickman	Nichols
Badham	Gonzalez	Nowak
Barnard	Gordon	Oberstar
Bateman	Grant	Obey
Bennett	Gray (IL)	Olin
Berman	Gray (PA)	Ortiz
Biaggi	Green	Owens (NY)
Bilbray	Guarini	Owens (UT)
Boggs	Hall (TX)	Panetta
Boland	Hamilton	Patterson
Bonior (MI)	Hammerschmidt	Pease
Bonker	Harris	Penny
Borski	Hatcher	Pepper
Bosco	Hawkins	Perkins
Boucher	Hayes (IL)	Pickett
Boxer	Hayes (LA)	Pickle
Brennan	Hefner	Price (IL)
Brooks	Hertel	Price (NC)
Brown (CA)	Hochbrueckner	Pursell
Bruce	Howard	Quillen
Bryant	Hoyer	Rahall
Buechner	Hubbard	Rangel
Bustamante	Huckaby	Ray
Callahan	Hutto	Richardson
Campbell	Jacobs	Robinson
Cardin	Jenkins	Roe
Carper	Johnson (SD)	Rose
Carr	Jontz	Rostenkowski
Chapman	Kanjorski	Roukema
Chappell	Kaptur	Rowland (GA)
Clarke	Kastenmeier	Roybal
Coelho	Kennedy	Russo
Coleman (TX)	Kennelly	Sabo
Collins	Kildee	Savage
Cooper	Kleczka	Sawyer
Coyne	Kolter	Scheuer
Crockett	LaFalce	Schroeder
Daniel	Lancaster	Schumer
Darden	Lantos	Sharp
Davis (IL)	Leath (TX)	Sikorski
Davis (MI)	Lehman (CA)	Sisisky
de la Garza	Leland	Skaggs
DeFazio	Levin (MI)	Skelton
Dellums	Levine (CA)	Slattery
Derrick	Lewis (GA)	Slaughter (NY)
Dickinson	Lipinski	Smith (IA)
Dicks	Lloyd	Smith (NJ)
Dixon	Lowry (WA)	Smith (TX)
Donnelly	Luken, Thomas	Snowe
Dorgan (ND)	MacKay	Solarz
Dowdy	Manton	Spratt
Downey	Markey	St Germain
Durbin	Martin (NY)	Staggers
Dwyer	Martinez	Stallings
Dyson	Matsui	Stark
Early	Mavroules	Stenholm
Eckart	Mazzoli	Stokes
Edwards (CA)	McCloskey	Stratton
English	McCurdy	Studds
Erdreich	McHugh	Sweeney
Espy	McMillen (MD)	Swift
Evans	Mfume	Synar
Fascell	Mica	Tallon
Fazio	Miller (CA)	Taylor
Feighan	Mineta	Thomas (GA)
Fish	Moakley	Torres
Flake	Mollohan	Torricelli
Flippo	Montgomery	Towns
Florio	Moody	Traficant
Traxler	Watkins	Wise
Udall	Waxman	Wolpe
Vento	Weiss	Wyden
Visclosky	Wheat	Yates
Volkmer	Whitten	Yatron
Walgren	Wilson	

NAYS—149

Archer	Hefley	Petri
Baker	Henry	Porter
Ballenger	Herger	Ravenel
Bartlett	Hiler	Regula
Barton	Holloway	Rhodes
Beilenson	Hopkins	Ridge
Bentley	Horton	Rinaldo
Bereuter	Houghton	Ritter
Bilirakis	Hunter	Roberts
Bliley	Hyde	Rogers
Boehlert	Inhofe	Roth
Boulter	Ireland	Rowland (CT)
Broomfield	Johnson (CT)	Saiki
Brown (CO)	Kasich	Saxton
Bunning	Kolbe	Schaefer
Burton	Konnyu	Schuette
Byron	Kyl	Schulze
Chandler	Lagomarsino	Sensenbrenner
Cheney	Latta	Shaw
Clinger	Leach (IA)	Shumway
Coats	Lent	Shuster
Coble	Lewis (CA)	Skeen
Coleman (MO)	Lewis (FL)	Slaughter (VA)
Coughlin	Lightfoot	Smith (NE)
Courter	Livingston	Smith, Denny (OR)
Craig	Lott	Smith, Robert (NH)
Crane	Lowery (CA)	Smith, Robert (OR)
Dannemeyer	Lujan	Solomon
Daub	Lukens, Donald	Spence
DeLay	Lungren	Stangeland
DeWine	Mack	Stump
DioGuardi	Madigan	Sundquist
Dornan (CA)	Marlenee	Swindall
Dreier	Martin (IL)	Tauke
Duncan	McCandless	Thomas (CA)
Edwards (OK)	McCollum	Upton
Emerson	McDade	Vander Jagt
Fawell	McEwen	Vucanovich
Fields	McGrath	Walker
Gallegly	McMillan (NC)	Weber
Gallo	Meyers	Weldon
Gekas	Michel	Whittaker
Gilman	Miller (OH)	Wolf
Gingrich	Miller (WA)	Wortley
Goodling	Molinari	Wylie
Gradison	Moorhead	Young (AK)
Grandy	Nielson	Young (FL)
Gregg	Oxley	
Gunderson	Packard	
Hansen	Parris	
Hastert	Pashayan	

NOT VOTING—30

Annunzio	Ford (TN)	McKinney
Bates	Gephardt	Murphy
Bevill	Hall (OH)	Oakar
Boner (TN)	Hughes	Rodino
Clay	Jeffords	Roemer
Combest	Jones (NC)	Schneider
Conte	Jones (TN)	Smith (FL)
Conyers	Kemp	Tauzin
Dingell	Kostmayer	Valentine
Dymally	Lehman (FL)	Williams

□ 1800

The Clerk announced the following pair:

On this vote:

Mr. Jones of Tennessee for, with Miss Schneider against.

Mr. BATEMAN changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BADHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 160, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. COMBEST. Mr. Speaker, because of an injury that required a brief hospitalization, I was unable to attend the session of the House on Thursday, May 7.

If I had been present:

On rollcall No. 91, I would have voted "nay."

On rollcall No. 92, I would have voted "yea."

On rollcall No. 93, I would have voted "nay."

On rollcall No. 94, I would have voted "nay."

On rollcall No. 95, I would have voted "nay."

PERMISSION TO POSTPONE CONSIDERATION ON TOMORROW, FRIDAY, MAY 8, 1987, OF AMENDMENT TO H.R. 1748, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1988, NOTWITHSTANDING THE RULE

Mr. BADHAM. Mr. Speaker, I ask unanimous consent that when the Defense authorization bill is taken up tomorrow, by agreement of the chairman of the committee and the author of the amendment, that amendment No. 3 in section 3, the Bates amendment on the Super Stallion helicopter, not be taken up tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. GEJDENSON. Mr. Speaker, reserving the right to object, I would hope that the gentleman from Connecticut [Mr. MORRISON] might be advised of this request before I withdraw my reservation.

Mr. BADHAM. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from California.

Mr. BADHAM. Mr. Speaker, I will tell the gentleman that I have cleared this with our leadership, with the leadership on the other side, with the gentlemen from Connecticut, Mr. MORRISON and Mr. ROWLAND, and everybody is in agreement.

Mr. GEJDENSON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1425

Mr. KOLTER. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 1425.

The SPEAKER pro tempore. Is there objection of the request of the gentleman from Pennsylvania?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1987

(Mr. DERRICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DERRICK. Mr. Speaker, on behalf of Chairman WILLIAM H. GRAY III, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the updated current level of spending, credit, and revenues for fiscal year 1987. The most recent current level report of this session of Congress was filed on April 22, 1987. Since that report, no action has been completed by Congress which would change budget authority and outlay estimates for fiscal year 1987.

The term "current level" refers to the estimated amount of budget authority, outlays, credit authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

Current level reports are intended to provide Members information to compare enacted spending and revenues with the aggregate ceilings on budget authority, outlays, and revenues established in a budget resolution; and also to compare enacted legislation with the allocations of new discretionary budget authority, entitlement authority, and new credit authority made to a committee pursuant to subsection 302(a) of the Budget Act, as amended. This report compares the spending, credit, and revenue levels in current level with those assumed in the budget resolution for fiscal year 1987—Senate Concurrent Resolution 120—adopted on June 26, 1986.

Current level reports provide information that is necessary for enforcing section 311 of the Budget Act, as amended. Subsection 311(a) prohibits the consideration of a spending or revenue measure if the adoption of that measure would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause revenues to be less than the appropriate level of revenues set in the budget resolution.

Subsection 311(b) provides an exception to the 311(a) point of order for measures which would breach the ceilings on total spending set in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of discretionary spending authority made pursuant to section 302(a) of the Budget Act. Such an exception was first provided by the budget resolution for fiscal year 1985—House Concurrent Resolution 280, 98th Congress. The exception was made permanent by the amendments to the Budget Act included in the Balanced Budget and Emergency Deficit Control Act of 1985—Public Law 99-177, Gramm-Rudman-Hollings. This exception is intended to protect a committee that has stayed within its allocation of discretionary budget authority and new entitlement authority from points of order if the total spending ceilings have been breached for reasons outside of its control. The fiscal year 1987 302(a) allocations to House committees made pursuant to the conference report on Senate Concurrent Resolution 120 were printed in House Report 99-666, July 9, 1986.

Section 311(c) of the Budget Act, provides that for purposes of enforcing section 311 in the House of Representatives the levels of new budget authority, entitlement authority, outlays, and revenues shall be determined on the basis of estimates made by the Committee on the Budget. Current level reports represent partial fulfillment of this enforcement responsibility of the Budget Committee by providing both estimates of enacted aggregate spending and revenues; and, for purposes of determining the applicability of the section 311(b) exception, estimates of the relationship between the budgetary effect of enacted legislation within a committee's jurisdiction and the allocation of spending authority made to that committee.

Because current level reports are intended both to inform the Members of the House and to be used in determining appropriate enforcement of the Budget Act, this report includes two sets of aggregate expenditure and revenue levels. The first set of estimates is included for the purpose of enforcing section 311 of the Budget Act. These estimates are based on economic and technical assumptions in place at the time of the adoption of the budget resolution, Senate Concurrent Resolution 120, on June 26, 1986. This is intended to protect committees which acted on the basis of the assumptions of the budget resolution from changes in economic and technical factors over which they have no control. Unless the Congress adopts a subsequent budget resolution which alters the assumptions about legislative actions, committees should be able to expect that measures that conform with the budget resolution will not be subject to points of order for violation of the Budget Act. To do otherwise and base enforcement on constantly changing economic and technical estimates would seriously disrupt the legislative process, penalize committees which are unable to complete work on legislation within a short period after adoption of a budget resolution, and undermine respect for budget enforcement procedures.

The second set of estimates is included solely for information purposes. It is based on the latest economic and technical data and gives Members the best available estimates of the actual spending and revenue situation for fiscal year 1987. They are intended to provide a realistic picture of the current budget situation.

In addition to section 311, the Budget Act contains another point of order which requires Budget Committee estimates for enforcement. Section 302(f) of the Budget Act, as amended, prohibits the consideration of a measure providing new budget authority, entitlement authority, or new credit authority if the adoption of that measure would cause a committee to exceed its allocation of new spending or credit authority made pursuant to subsection 302(b) of the Budget Act. The 302(b) allocation is a subdivision of the new spending, entitlement and credit allocated to a committee pursuant to section 302(a), among either the subcommittees of that committee or among programs over which the committee has jurisdiction. This provision was added to the Budget Act by the amendments included in the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 302(g) provides that the enforcement of section 302 shall be based on estimates of spending and credit authority made by the Committee on the Budget. The Budget Committee intends to fulfill this responsibility by providing, as necessary, a separate section 302 status report to the Speaker.

For information purposes only, current level reports will continue to include a comparison of the budget and credit authority divided among the Appropriations subcommittees by that committee's 302(b) division with the actual enacted spending and credit legislation within each subcommittee's jurisdiction.

As chairman of the Budget Process Task Force, and on behalf of Chairman GRAY, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, May 6, 1987.

Hon. JAMES C. WRIGHT, Jr.,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On January 30, 1987, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending.

I am herewith transmitting the status report under S. Con. Res. 120, the Concurrent Resolution on the Budget for Fiscal Year 1987.

In the House of Representatives, the procedural situation with regard to the spending ceilings (total budget authority and total outlays) is affected by Section 311(b) of the Congressional Budget Act of 1974, as amended by P.L. 99-177. Enforcement against possible breaches of the spending ceilings under 311(a) of the Budget Act would not apply when a measure would not cause a committee to exceed its "appropriate allocation" of "new discretionary budget authority" or "new entitlement authority" made pursuant to Section 302(a) of the Budget Act. It should be noted that under this procedure the committee's outlay allocation is not considered.

The intent of section 311(b) of the Budget Act is to protect a committee that has stayed within its spending authority allocations—discretionary budget authority or new entitlement authority—from points of order if the total spending ceilings have been breached for reasons outside of its control. The 302(a) allocation to House committees made pursuant to the conference report on S. Con. Res. 120 were printed in H. Rept. 99-666 (July 9, 1986).

The enclosed tables compare enacted legislation to each committee's 302(a) allocation of discretionary budget authority, new entitlement authority, new direct loan obligations and new primary loan guarantee commitments. The estimates of spending and revenues for purposes of the application of points of order under the Budget Act are based upon the economic and technical assumptions underlying the most recently agreed to budget resolution.

Sincerely,

WILLIAM H. GRAY III,
Chairman.

Enclosures.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1987 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 120

REFLECTING COMPLETED ACTION AS OF MAY 5, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	1,093,350	995,000	852,400
Current level	1,084,972	990,381	860,139
Amount under ceilings	8,378	4,619	
Amount over ceilings			
Amount under floor			
Amount over floor			7,739

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceed $8,378 million in budget authority for fiscal year 1987, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in S. Con Res. 120 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $4,619 million in outlays for fiscal year 1987, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in S. Con. Res. 120 to be exceeded.

REVENUES

Any measure that would result in a revenue loss which is not included in the current level estimate and exceeds $7,739 million for fiscal yeaer 1987, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in S. Con. Res. 120.

COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE PURSUANT TO SEC. 302

[In millions of dollars]

	Current level budget authority
House authorizing committee: [1]	
Agriculture	(+960)
Armed Services	(...)
Banking, Finance, and Urban Affairs	(+110)
District of Columbia	(...)
Education and Labor	(+10)
Energy and Commerce	(+692)
Foreign Affairs	(+1)
Government Operations	(...)
House Administration	(...)
Interior and Insular Affairs	(+175)
Judiciary	(−53)
Merchant Marine and Fisheries	(+93)
Post Office and Civil Service	(+106)
Public Works and Transportation	(−5)
Science and Technology	(+2)
Small Business	(+438)
Veterans' Affairs	(...)
Ways and Means	(+530)

[1] Committees are over (+) or under (−) their 302(a) allocation.

COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION SUBDIVISIONS OF THE HOUSE APPROPRIATIONS COMMITTEE PURSUANT TO SEC. 302

[In millions of dollars]

House Appropriations Subcommittee subdivisions	Current level budget authority	Direct loans	Primary loan guarantees
Commerce, State, Justice	(−548)	(...)	(−24)
Defense	(−5,468)	(...)	(...)
District of Columbia	(−1)	(...)	(...)
Energy and Water	(−541)	(+2)	(...)
Foreign Operations	(+405)	(−187)	(−26)
HUD/Independent Agencies	(−1,427)	(−21)	(+12,434)
Interior	(−248)	(...)	(...)
Labor, HHS, Education	(+135)	(+142)	(+15)
Legislative Branch	(−23)	(...)	(...)
Military Construction	(−66)	(...)	(...)
Rural development and agriculture	(+114)	(−396)	(+12)
Transportation	(−38)	(−24)	(...)
Treasury, Postal Service	(−3)	(...)	(...)
Total	(−7,709)	(−484)	(+12,411)

Note.—Subcommittees are over (+) or under (−) their 302(b) subdivisions of discretionary action.

ALLOCATION OF NEW ENTITLEMENT AUTHORITY (NEA) PURSUANT TO SEC. 302

[In millions of dollars]

Committee	Allocation	Enacted
Armed Services	0	+1,469
Education and Labor	+11	−45
Energy and Commerce	+108	+145
Foreign Affairs	0	+1
Interior and Insular Affairs	0	+205
Judiciary	0	+9
Post Office and Civil Service	−100	+1
Veterans' Affairs	+172	+122
Ways and Means	−315	−2,891

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 6, 1987.

Hon. WILLIAM H. GRAY, III,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays, estimated revenues, and direct and guaranteed loan levels in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1987 budget (S. Con. Res. 120). This report for fiscal year 1987 is tabulated as of close of business May 5, 1987. A summary of this tabulation is as follows:

[In millions of dollars]

	Current level	Budget resolution S. Con. Res. 120	Current level +/− resolution
Budget authority	1,084,972	1,093,350	−8,378
Outlays	990,381	995,000	−4,619
Revenues	860,139	852,400	7,739
Direct loan obligations	33,782	34,550	−768
Guaranteed loan commitments	114,964	100,750	14,214

No changes have occurred since the last report.

At the request of the Committee staff, we have enclosed a table showing the major differences between the current level for 1987 and CBO's revised baseline.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

PARLIAMENTARIAN STATUS REPORT 100TH CONG. 1ST SESS. HOUSE SUPPORTING DETAIL, FISCAL YEAR 1987 AS OF CLOSE OF BUSINESS MAY 5, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			860,137
Permanent appropriations and trust funds	736,715	637,442	
Other appropriations	533,965	549,329	
Offsetting receipts	−196,917	−196,917	
Total enacted in previous sessions	1,073,763	989,854	860,137
II. Enacted this session:			
Water Quality Act of 1987 (Public Law 100–4)	−4	−4	
Emergency supplemental for the homeless (Public Law 100–6)	−7	−1	
Surface Transportation and Relocation Act (Public Law 100–17)	−10,466	−90	2
Federal employees retirement system technical corrections (Public Law 100–20)	1	1	
Total enacted this session	10,456	−94	2
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Claims, defense	11	11	
Payments to air carriers, DOT	2	2	
Retired pay—Coast Guard	6		
Family social services	61		
Guaranteed student loans	140		
Special milk program	8	3	
Advances to unemployment trust fund [1]	(9)	(9)	
Black lung disability trust fund	314	314	
Veterans readjustment benefits	9	9	
Civilian agency pay raises	202	282	
Total entitlements	753	621	
Total current level as of May 5, 1987	1,084,972	990,381	860,139
1987 budget resolution (S. Con. Res. 120)	1,093,350	995,000	852,400
Amount remaining:			
Over budget resolution			7,739
Under budget resolution	8,378	4,619	

[1] Interfund transactions do not add to budget totals.

Note.—Numbers may not add due to rounding.

FISCAL YEAR 1987 CURRENT LEVEL COMPARED WITH CBO REVISED BASELINE—MAJOR REESTIMATES

[In billions of dollars]

	Outlays
CBO revised baseline, Feb. 2, 1987	1,009.8
Current level as of May 6, 1987	990.4
Total difference	19.4
Due to revised economic assumptions:	
Outer Continental Shelf	2.4
Medicare	.4
Unemployment trust fund	.3
Other income security (subfunction 609)	−.2
Medicaid	−.3
Social Security	−.8
Net interest	−12.3
Due to technical reestimates:	
Commodity Credit Corporation	5.9
Federal Deposit Insurance Corporation	5.0
Federal Savings and Loan Insurance Corporation	2.7
National defense (function 050)	2.6
Net interest	2.3
Medicare	2.6
Medicaid	1.4
Other income security (subfunction 609)	0.9
Custom user fees (budget reclassification)	1.0
Unemployment trust fund	.9
Rural development insurance fund	.8
Employer share, employee retirement	.7
Civil service retirement and disability	.7
Tennessee Valley Authority	.6
Rural housing insurance fund	.6
Agricultural credit insurance fund	.5
Oil overcharge (budget reclassification)	.4
Economic support fund	.3
Rural Electrification Administration	.4
Federal Housing Administration fund	.5
Employees health benefits fund	.3
Outer Continental Shelf	.2
Veterans education benefits fund	−.3
Repayments of loans to the District of Columbia	−.3
Social Security	−.5
Postal Service	−1.8
Other reestimates	1.5

FISCAL YEAR 1987 CURRENT REVENUE LEVEL COMPARED WITH CBO FEBRUARY BASELINE

[In billions of dollars]

	1987
CBO revised baseline, Feb. 2, 1987	834.1
Current revenue level as of May 6, 1987	860.1
Total difference	−26.0
Due to revised economic assumptions	−28.7
Due to technical reestimates	2.7
Due to changes in legislation	(1)

[1] Less than $10,000,000.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE STEWART B. McKINNEY FROM THE STATE OF CONNECTICUT

Mr. GEJDENSON. Mr. Speaker, I offer a privileged resolution [H. Res. 161] and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 161

Resolved, That the House has heard with profound sorrow of the death of the Honorable Stewart B. McKinney, a Representative from the State of Connecticut.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. GEJDENSON] is recognized for 1 hour.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a body that often breaks down into partisan battle. It is a body that oftentimes we move at such a rapid pace that we do not adequately spend time with our friends. That was not the case with STEWART McKINNEY.

For most of us in the Connecticut delegation, a small delegtion, STEWART was a friend, a friend that we worked closely with on most issues, but more than that, a friend personally. There was a bond between all of us and STEWART that does not often occur in the speedy life that we live, and it is with great sorrow and concern for his family that we are here this evening to say that STEWART is someone we loved, someone we respected, and someone that we will all surely miss.

This is a friendship that we will all treasure with its memories; and while there is great pain, I think for all of us here tonight, his memory will give us strength, his accomplishments for his people in Connecticut and across the Nation, that even in his hours of illness, he stood out there on the nightlong watch for the homeless, that his care and concern for others was greater often than his care even for himself.

We will always remember and admire his accomplishments here in this Chamber.

Mr. Speaker, I yield to the gentleman from Texas [Mr. WRIGHT], the Speaker of the House.

Mr. WRIGHT. I join with my colleague from Connecticut and with other Members of the House in our thoughts which go to the memory of STEWART B. McKINNEY.

He was in every sense a dedicated, earnest, committed American. STEWART McKINNEY was not partisan in his nature. He was not harsh in his attitude toward anyone. He was deeply devoted to this country.

I worked with STEWART McKINNEY in the development of legislation several years ago aimed at trying to render this Nation of ours less dependent upon foreign sources for our energy. I have never known a more dedicated Member. Never in my experience of more than 30 years have I had the opportunity to work with anybody who was more fundamentally and sincerely committed to the earnest goal of serving the country.

He seemed to embody those characteristics of forbearance, of understanding, according to other people, the assumption of sincerity that he would want them to accord to him.

□ 1810

He was not motivated in that struggle or any other battles that he has waged for the homeless, for others in our society, by parochial concerns. He did not seem to be motivated at all by political considerations.

Rather, the motivation of STEWART McKINNEY and his service here in the House was that of an American who wanted to leave the country a little better than it was.

We have watched him as the debilitating disease that afflicted him wasted his energies and his strength away these last months and yet we have seen him behave with great dignity and with great respect for his fellow man, his colleagues and for this Chamber. And I know that all of us do join in the deep sense of loss which we feel on the death of STEWART B. McKINNEY.

Mr. GEJDENSON. Mr. Speaker, I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY. Mr. Speaker, this is a very sad night for this body, for this Nation, and particularly for the State of Connecticut. STEWART McKINNEY served this Nation long and well. He served his State long and well. We are going to miss him a great deal.

I join with everybody in this body to extend my sympathy and my prayers to his beloved wife, Lucy, and to his five children.

I know how very much STEWART loved them and how much they are going to miss him. I can only hope that Lucy and his children get some small comfort out of the fact that we are going to miss him very much and he is going to be remembered in this body fondly and forever.

I have known STEW a long, long time. STEW and my husband served in the house of representatives in Connecticut together. They had been good friends for many, many years.

This last illness that STEW had was not his first. STEW had a bad heart condition; he had a serious operation. But that never kept STEW down.

As soon as it was time for him to go back and do his duty, do what he was elected to do, to represent his constituents, he was right back, in fact, some of us thought too soon. But you could not keep STEW McKINNEY down.

STEW had a marvelous way of cutting through things, telling what he felt and what he valued, exactly as it was. STEW, a graduate of Yale University, a marvelously intellectual person, had that ability to look at people in the streets of Bridgeport, the country

of Fairfield, and talk to them one-on-one, and understand exactly how they felt about their country, about their State.

We have been very, very fortunate to have had STEW MCKINNEY in this body, and I have to tell you something, all of you, STEW could have had the nomination for the U.S. Senate from the State of Connecticut, he could have had the Republican nomination, many times, to run for Governor of the State of Connecticut. STEW loved the U.S. Congress so much that he did not want to serve any place else but right here.

Now we who really were very proud and feel so strongly about saying how lucky we were to have STEW as our friend, STEWART MCKINNEY, we are going to miss you very, very much.

Mr. GEJDENSON. Mr. Speaker, I yield to Congresswoman JOHNSON from the Sixth District.

Mrs. JOHNSON of Connecticut. I thank the gentleman.

Mr. Speaker, I rise in recognition of the passing of our friend and colleague, STEW MCKINNEY.

It was only a few short weeks that he was at this podium in this well advocating passage of legislation to help the homeless. He was always a strong voice here for people who needed government. He believed that government had a responsibility to help the people who needed help. And he would be here at this podium—and we have all seen him—passionate, strong, articulate, determined. And if he believed he was morally right, he was here; if he was the only vote for his position even.

He took stands that were politically disasterous for a Republican in Connecticut; he took stands that were politically disasterous for a Congressman of any party here on the floor.

If he believed it, he stood up for it. And I know that that legacy has meant a lot to us. It will serve his children better than money he could have bequeathed them and Lucy, with us, is proud of the contributions that STEWART made here year after year.

He knew that urban America, that his beloved city of Bridgeport, and other tough cities of America and Connecticut represented the human rights challenge that America faces, represented the economic challenge that we face, the housing challenge which embodied the discrimination, bitterness, disappointment, and that indeed, government and people could change all that if we only cared enough, were strong enough, passionate enough and dedicated enough.

We will miss him. He leaves us with a memory, but with a responsibility.

I thank my colleagues for being with us.

Mr. GEJDENSON. I thank the gentlewoman.

Mr. Speaker, I yield to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Speaker, it is hard to speak at such a sad moment. STEWART MCKINNEY was a good friend to so many of us and a colleague that we so respected whether we agreed or disagreed on a particular issue. He was partisan in the right sense of the word; he was partisan on behalf of what he cared about and what he believed in. He was no partisan over labels, whether they be party labels or others.

I first met him when I was lobbying him before I came to this body and he was always fun to advocate with and to talk with, from outside the body.

He was wonderful to be a colleague of here.

His compassion, his commitment, his fairness, and all that.

We served together on the Housing Subcommittee of the Committee on Banking, Finance and Urban Affairs, a place in which he invested so much of himself, fighting for what I think we all believe in, that the people of this Nation deserve to be housed, every one of them. He believed that. He was willing to do what it took to try to make that a reality and to fight whatever forces were arrayed against that.

He often said one of his proudest achievements was the Connecticut Coastal Wildlife Refuge, which was created over the last few years due most importantly to his leadership and his commitment.

He said there are few things you can do in political life that last very long. But here we have preserved on the congested coast of Connecticut some land that will be forever wild, forever preserved in its natural state for all that offers us environmentally in our human and recreational activities. He was so proud of that, he made it happen. We were all so proud to be there with him.

Lines of districts did not decide what STEWART would work on. He worked on that, it affected all of Connecticut. He was proud of his work on the Chrysler rescue package; working for the city of New York when it had a debt crisis. He did the same thing in New Haven for a company that was in trouble, helping me to find a way to assist that company. He would help wherever he could make that kind of a difference. He was a proud son of Yale University and always supported it and worked for its betterment. Yale has lost, along with us, a great friend.

I join all my colleagues in extending to Lucy, his dear wife and a wonderful person, and his children my feeling of sadness and compassion for their situation, and hope that they will have the strength to carry on.

STEWART would want them to do so in the proud way that he served here.

Mr. GEJDENSON. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Connecticut [Mr. ROWLAND].

Mr. ROWLAND of Connecticut. Mr. Speaker, a lot will be said about STEWART MCKINNEY over the years, about all the great accomplishments that he has gone through both in the State legislature and certainly here in the House. But I look at STEWART MCKINNEY as a teacher. I say that as one of the newer Members of the delegation and one of the newer Members of the Congress.

STEWART, I think, was a teacher to all of us. He taught us about integrity, he taught us about independence. He taught us about compassion and most importantly he taught us about friendship.

We all have such busy lives and sometimes we do not have time for each other, and we do not have time for our familes.

When I was first elected 2 years ago there was one person, the day after the election, who called me, not just to congratulate me, as many people did. STEWART MCKINNEY called me up and he said:

> Listen, it is not easy coming into the Congress as a freshman. I had it easy when I came in because Lowell Weicker was elected Senator and I walked in and sat down at his desk and took over the job. It is not going to be easy when you get here. It is not going to be easy to put a staff together.
>
> It is not going to be easy to understand the process. It is not going to be easy to understand where your office is and all the other technical aspects.

□ 1820

STEW then, at that time, not only offered his friendship and support, but literally turned his entire office and staff over to me. He is the type of person who was not concerned about political motivations.

As the rest of my colleagues have said, he took very brave and bold political stands, but he also, I think if you look back over the last 18 years that many of you have known him, has touched all of you in some special way.

STEW always taught me a few lessons about how to deal with people. He was loved in his district and loved in the State by Republicans and Democrats and Independents. It did not really matter much.

Another thing that STEW taught me was that titles are not important. As a matter of fact, I do not think anybody ever called him "Congressman MCKINNEY." He quickly, quickly corrected people, whether they were staff or whether they were friends or lobbyists or whoever they were and said, "No, please call me STEW."

In Connecticut, in his district, he is known as STEW, not Congressman MCKINNEY. I think that says a lot for

the way he deals with people, the one-to-one basis, the friendship that he extends to so many of us and has extended to so many of us over the years.

He will be missed. He will be missed by all of us in the delegation. He will be missed by the thousands and thousands of people who have been served and helped in all the years of public service.

Our thoughts and our prayers are with Lucy and all of his fine, fine children.

Mr. GEJDENSON. I yield to the gentleman from Illinois [Mr. MICHEL], our minority leader.

Mr. MICHEL. Mr. Speaker, may I first express my appreciation to the distinguished Speaker for announcing that after these proceedings are concluded, that the House will adjourn out of respect to our dear friend, STEW MCKINNEY, who passed away this afternoon.

We are going to suffer in this House a great loss, both professionally and from a friendship point of view.

Those good things that have been said about his stewardship from the Connecticut delegation speaks to how well he was thought of in his home State, in his district and, of course, here in this House of Representatives, where I have had the privilege of getting to know someone whom I might have otherwise never have known but for the fact that we serve in this body. STEW MCKINNEY was one of those very beautiful persons to get to know.

From a professional point of view, serving on the Committee on Banking, Finance and Urban Affairs, Committee on the District of Columbia, several of those chores not exactly the most desirable on which to serve from time to time, but I have observed STEW on the floor of this House managing a piece of legislation from this very table and doing just a superlative, exemplary job, one that we could all look to and say, "Now, there is a fellow who really knows his business and his subject matter well."

He did his homework. When he was called upon to manage a bill, he did his homework and did a very professional job.

In a more personal way, STEW and I, and JOHN ROWLAND just made mention to the fact that he preferred to be called STEW, we lived quite close together, as a matter of fact, in the neighborhood here on Capitol Hill. We used to take our laundry to the laundry together on occasion and kibitz on the neighborhood.

STEW was a builder and he enjoyed construction business and building things in the neighborhood. He took an active role.

There have just been so many occasions when I would just have to turn to STEW—I am reminded particularly when he had his operation for the bypass and the times that he was required to maybe recline in the cloakroom—I would have to admonish him, "STEW, you are just barely back on your feet, you had better not overstep the rules that the doctors prescribed for you. You have to take it easy."

To think that it is quite likely, as apparently the doctors have indicated to us, that those numbers of blood transfusions that our dear friend, STEW, was required to take during the course of those serious operations have led, undoubtedly, to his death this afternoon.

I guess there is also another lesson in that for those of us who have to deal, and will have to deal probably on a continuing and accelerated basis, with that very critical subject matter.

I have lost a very dear friend in this House. I know Members on the other side fully recognize how there really was no center aisle as far as STEW MCKINNEY was concerned.

I just want to extend my profound sympathy to Lucy and those five children for the tremendous loss that they have suffered.

There is one other area that I remember STEW and I used to kibitz about because we both served in the enlisted ranks during our period in the service. STEW was an Air Force sergeant during the Korean war. My service happened to be during World War II, but it does again, addressed itself to the kind of individual that STEW MCKINNEY was, dedicated to his country, great public service and we are certainly going to miss him around here.

Mr. GEJDENSON. Mr. Speaker, I have been advised by the Sergeant at Arms that while there is no time yet for services for our friend, STEWART MCKINNEY, and our colleague, that if you call the Sergeant at Arms' Office and leave your names, you will all be notified of the appropriate time and services that will occur.

Mr. Chairman, I yield to the gentleman from Oregon [Mr. AUCOIN.]

Mr. AUCOIN. Mr. Speaker, I am not very good at saying things like this on occasions of this kind, but I respected and loved STEW MCKINNEY so much, I just want to add a few thoughts to the many eloquent words that his friends and colleagues have already stated.

STEW MCKINNEY was the first friend I met on the House Committee on Banking, Finance and Urban Affairs, when I came here 13 years ago. It was interesting to me, I think prophetic, that that friendship was across the aisle. I was down on the lower tier, as all freshmen Democrats are on all committees; STEW was on the upper tier across the aisle on the Republican side, and I think it was some issue that I had raised that he felt I took a bath on it; I think I lost dramatically, and noticing the loneliness of that position, STEW came over to me and befriended me and told me at that time, whether or not that particular amendment was—it is long since forgotten—was meritorious or not, it is something that I cannot recall, but he told me, "You know, being lonely in defeat is not without its virtue there, young man, and you should not forget that."

As I watched STEW MCKINNEY fight the lonely fights that he had fought in subsequent years, based on principle always, I realized how absolutely genuine his remarks were when he made them to me.

The friendship that we built and developed over the years is a friendship that I cannot forget. I think his loss is not only my loss, and a loss to his delegation, but it is really a loss to this institution.

As I think of words to describe STEW MCKINNEY, the first word that occurs to me is heart. This guy had a heart. He was a man who was given many things, and he really believed and acted on the principle that if you are blessed with many gifts that you give back a great deal to society.

His whole life, I think, is a demonstration of that belief.

□ 1830

The other word that occurs to me as I think about STEW MCKINNEY—and I was shocked to hear about his death today—is "bigness." I think all the thoughtful Members of the House, whether on that side of the aisle or this side of the aisle, will agree with me as we reflect on some of the issues and fights we have had over the last few years, that the fights tend to take on dimensions and overtones that bring out the smallness in us. STEW MCKINNEY was not that way. He always reached for something bigger. He always tried to reach that higher level of statecraft, that larger question, that larger plane, and he wanted the debates to be fought out on that basis. The example of the public life and the private life he has given to each and every one of us is a tremendous example. We do have our fights. We are going to have more of them, but they should not be on small and petty fringes; they should be on the larger questions, the kinds of questions and the kinds of dimensions that STEW MCKINNEY always reached for.

I miss this man. I miss him already. I am going to miss him for the remaining days I serve here, and I know I speak for many Members of this House in expressing that view.

So I join in sending condolences to his family whom I have not met and to the many constituents whom he served so well.

Mr. Speaker, I congratulate the gentleman from Connecticut for taking this time and letting this gentleman from Oregon express the gratitude and the sense of celebration I had in

even knowing STEW MCKINNEY, much less working with him.

Mrs. ROUKEMA. Mr. Speaker, will the gentleman yield,

Mr. GEJDENSON. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman for yielding.

I stand here speaking as a friend and colleague of STEW MCKINNEY and one who served with him on the Banking Committee.

I guess what comes to my mind on this occasion is that STEW MCKINNEY was a breath of fresh air in this House. Whether you agreed with him or you disagreed with him, you always knew where STEW MCKINNEY stood, and I think we will all agree in our heart of hearts that that is a rare quality in the public arena today. You always knew where he stood because he had personal honesty and intellectual honesty.

I refer to the fact that I have served for 6 years now, going on 7 years, with STEW on the Banking Committee, and I have got to tell you that it is an education serving on that committee with STEW. STEW had complete command of his subject matter, whether he was dealing with the HUD bureaucracy—his favorite committee, of course, was Housing—or whether it was the big money-center banks or Paul Volcker at the Fed, STEW knew the issue. He did not address himself to pomposity. He reduced every issue to its essence, did away with the verbiage, spoke plain English, and got right to the point, which is a rare quality, one that I would hope to aspire to.

Finally, I would have to say, in deference to his family, that they must know that we have lost a great friend here, but more than that, the American people have lost a great fighter for justice, a great fighter for humanity, and we have lost a superior intellect in this House.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding.

I learned of STEW MCKINNEY's death this afternoon from a police officer who works the corner door of the Cannon Building that I enter and exit from each day, and he did not know that I knew STEW or that I had any association with him.

Unlike many who have spoken here today, I have not served on a committee with STEW, we are not a member of the same political party, and I had no social occasion to be with him. My knowledge of STEW MCKINNEY centered around the fact that he and I shared the same part of the parking garage in the Cannon Building, and our only association was as we would come and go each day, sometimes at the same time, and we would exchange conversations about various topics that were of mutual interest to us.

We talked about automobiles a lot. He liked convertibles; I liked convertibles. He liked old cars; I liked new cars. So we talked about automobiles. I know how to fix a car. He does too. I think he was in the automobile business at one time. I am a country boy from Arkansas, and you know how to fix cars when you are from the country. So we did exchange conversations about automobiles.

But somehow the subject of automobiles carried with it the undertones of principle, and while we never discussed issues as such, he and I agreed on many things, and we would always conclude our conversation with some relevant comment that either collectively supported or collectively opposed some issue of the day. And I want to say that my observation about STEW is that he was a person of deep commitment and a person who had the courage of his commitments. I deeply respect anyone who has the courage of his commitments or of her commitments, as the case may be. No matter what those commitments may be, whether I agree with them or disagree with them, I respect that quality in a person.

I respected STEW MCKINNEY, I loved him, and I will miss him. My sympathies go out to the members of his family who I know will miss him greatly during the days and years ahead.

Mr. Speaker, I thank the gentleman for yielding.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Speaker, I thank the gentleman for his consideration in yielding to me at this time so I may take this opportunity to say just a few perhaps inadequate words. Many of the words that have been said here by my colleagues were words spoken in a very eloquent way so that I wish I had said many of them.

I, of course, like you, was very deeply saddened to learn of the death of our friend and our colleague, STEWART MCKINNEY. I have worked with STEW for many years, and I know that we will all miss his dedication and his commitment to this Nation which we so greatly cherish.

Congress has lost a respected and a very popular colleague, as this spontaneous outpouring certainly will attest to. The Nation has lost a devoted public servant, who always made his duty to America the foundation of his career.

STEWART and I served on not one but two committees together. I probably spent more time with STEWART MCKINNEY in the processes of the Congress than any other Member. I came here in 1972. My district, as many of you will recall, is right across the river, and I was as signed, happily, to the District of Columbia Committee. I worked with STEWART side by side and shoulder to shoulder in 1973 on the home rule bill. He was a real craftsman, as has been said. He was a great friend of the District of Columbia and the Nation's Capital.

STEWART was in his political philosophy what I call modestly left of center, if you will. I consider myself modestly right of center. We did not always agree, but there is one thing that STEWART would always give you, and that is honesty and fairness. He was without exception invariably fair with everybody with whom he worked.

I have served and now serve and have had the privilege of serving for the last 6 years as the second-ranking member of the District of Columbia Committee, and presumably I will take his place as the ranking member of that committee. His shoes are going to be some extremely large shoes to fill.

His service in this Congress and his handling of his recent illness, which we all knew was not good, I think, establishes without any question that this was one very gutsy guy with a great deal of courage.

Mr. Speaker, we will always miss him, and we cherish his memory.

Mr. WOLPE. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Michigan.

Mr. WOLPE. Mr. Speaker, I thank the gentleman for providing each of us an opportunity to say a few words both of condolence and to express our sympathy to STEWART's family, and also to indicate something of what STEWART MCKINNEY meant to each of us in this body. I feel as though I have lost not only a very good political ally but a very good friend.

□ 1840

It has been said in many different ways, I think that if there is any single characteristic of STEW MCKINNEY that had impact upon me it was his love of life. He was an extraordinarily passionate individual who was deeply involved in whatever issues were before him and before this body.

He felt deeply, he was deeply committed to remedy the social inequities within our society, and he was enormously courageous in taking on both the challenges that we are facing in this country of ours and he was equally courageous in addressing the challenges that he was facing just through his deterioration of health over so many years.

I do not think any of us knew STEW MCKINNEY when he was not ill, and yet he always tried to avoid dealing with that subject in his relationships with his colleagues. He was always optimistic, cheerful and he had a tremendous sense of humor that always

provided each of us with inspiration and made us all feel good because of our contact with him.

I became involved with STEW MCKINNEY initially through our collective efforts that he initiated, actually, before I entered the Congress, having to do with the protection of the Alaskan oil resources for this country. Then we worked together on a whole variety of initiatives under the auspices of the Northeast and West Congressional Coalition. In a sense, his involvement in the coalition efforts was very indicative of another dimension of STEW MCKINNEY which was the extent to which he kept the focus upon the issues and away from partisanship.

He was interested in solving problems. It did not matter whether Democrats or Republicans were going to be part of that solution, he simply wanted to get the problems solved, and he was able to work across the aisle, and across ideological lines in an effort to get that problem solved.

We have all lost a very important colleague of this body. The people of Connecticut were enormously fortunate to have STEW MCKINNEY as their advocate, and this country was very fortunate to have STEW MCKINNEY offer a model of the best in public service.

I shall miss him as I know will all of my colleagues.

Mr. GEJDENSON. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. I thank the gentleman for yielding and I thank him for his patience.

I am not sure the gentleman expected this spontaneous outpouring on a day when most of us thought we would be elsewhere at this time, but there are just an awful lot of Members of this body that want to pay their respects to STEWART and to STEWART'S family.

I myself considered him a close friend. We came to Congress when the 92d convened in 1971. We were both assigned to the Banking Committee and served together on that committee.

I remember STEWART particularly calling himself an "urbanist." He believed in big cities, he loved big cities and he loved the people that lived in big cities, and he especially loved those that had a little trouble getting along in big cities. He tried to make their lives easier the best way that he could.

I often asked him how he could stand it for over 16 years on the Banking Committee, and he said "You do not understand; it is the Housing Subcommittee that keeps me there because that is the most important thing I am doing in the Congress."

STEWART represented an unusual district. He had some of the richest people in the country and some of those who were down on their luck as well. I wondered how he could represent them, but he did not worry about it. He just went about representing them, and both of those classes seemed to like him well enough so that he did not have any trouble getting himself reelected.

The third thing I remember about him is probably why, and it is that each of us is different. Often, when we have to be different from our region or our party or our friends, we are a little self-conscious about it. STEWART was never that way. When it came time to be different he simply accepted it in the confidence that whatever he was doing was the best for himself or the people that he represented.

He was an extraordinary Member of this body. A friend that we will all miss, but more importantly, that a lot of people in this country who never knew he existed will miss him because of the things that he tried to do for them unbeknownst to them.

We will go on, and we will do our work, but at least for this one Member it will be quite a different Congress without STEWART MCKINNEY.

Mr. GEJDENSON. Mr. Speaker, I yield to the gentleman from Texas [Mr. LELAND].

Mr. LELAND. I thank the gentleman from Connecticut for giving me this privilege of being able to speak about a person who I held in the highest esteem.

Mr. Speaker, STEWART MCKINNEY to me was the testimony personified to those of us who, in this body, tried to represent the best interests of the people of this country.

STEWART MCKINNEY can be memorialized best by me by just making a notation this evening about the night that he came to sleep on a grate to demonstrate to the American people that indeed there is a problem of the homeless. It was a rather controversial event to say the least. A lot of people thought that it was not dignified that Members of Congress should go and do just that.

I think that this memorializes the very compassion, the dedication, the commitment that has been alluded to this evening by all of STEWART'S friends and colleagues. For, you see, he was very frail and ill at the time, and it was said at that night the windchill factor was about 20 degrees below zero, and yet STEWART MCKINNEY was there.

I remember, too, that when he arrived at the grate at the site where we were to sleep, the press asked him, "Why was he there," He said, "I wanted to make sure that the American people knew that this was not a Democratic issue; that the Republicans are here represented tonight also."

Mr. GEJDENSON. Mr. Speaker, I yield to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. I thank the gentleman from Connecticut for yielding.

Mr. Speaker, I join with my colleagues this evening in expressing our sorrow at the passing of our colleague, STEW MCKINNEY.

I had the privilege of serving with STEW, both for my first 2 years in this body on the Banking Committee and also in one of those informal groups that spring from this body. I think what I remember most about STEW, both in the committee and in that group, was the passion that STEW brought to everything that he said and everything that he believed in.

How many times has that word been used here this evening; the "passion" that STEW felt? He was compassionate. He felt so passionately about the things that he believed in, whether it was the homeless; whether it was housing issues for all Americans. Whether it was more mundane things such as banking issues or problems of the District of Columbia.

Oh, yes, talking about his district, about Bridgeport and the people that he represented. About Yale, where he went to school. I remember so well, as he talked about the people he represented. It was so obvious that he believed, he really believed in the people that he represented, that he came to this Congress to represent.

He will be missed greatly in this body. He will certainly be missed greatly by me. He will be missed by all of us. Though we will miss him, we are all much richer for having had him in our midst.

So, as we join in sending our condolences to his wife, Lucy, and to his family, we say we bid a fond farewell to him. But we also thank them and the Good Lord for having made it possible for him to be among us these days and to have given so much stewardship to this country and to all the rest of us.

Mr. GEJDENSON. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I thank the gentleman from Connecticut, the Dean of the delegation, for yielding to me.

Mr. Speaker, I have known STEWART the six terms I have served in Congress. He has been in my district. I have been in his district, and I watched him carefully working on the Banking Committee and working on other problems. I think that the comments about the tremendous talent, the compassion and the service that he provided to the district that he represented and the people of this country really stands as an example for all of us that aspire to do well in our work.

I do not think it came easy to him. I saw the hour after hour after hour that he spent on the Banking Committee on his beloved Housing Subcommittee on which I was privileged to serve with him. The time he spent, the questions he asked in terms of that commitment. It was not just a commitment of an intellectual exercise but it was hours of testimony and hearings that stood behind him that provided the type of preparation and understanding of issues that made all the difference in terms of crafting public policy that lasts and public policy that works.

□ 1850

I can see STEWART MCKINNEY sitting on the top row of that committee. I can see him so often asking these long questions, all in one sentence and then providing the answer to the question in that same sentence, and even then sometimes the witnesses did not get those answers correct.

I remember him, and I think all of us do, with joy, with inspiration, and certainly with compassion, setting an example in these last years of illness, showing us how to act I think as Members of this body in a bipartisan fashion and showing us in other ways how to live when one faces adversity, a model of service, a model of commitment.

Tonight our hearts, our feelings and concern go out to his family, to Lucy and the family.

I think to all of us while he is not with us, he will always be with me in spirit and I think with many of the Members who served with him.

Thanks, STEWART.

Mr. GEJDENSON. Mr. Speaker, I yield to the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding and appreciate his taking this time so that we might eulogize our good friend, STEWART MCKINNEY.

I felt a deep sense of sadness and sorrow as I learned of his passing earlier in the afternoon.

STEWART MCKINNEY has been a deeply committed Member of Congress since his election in 1970 and as a member of the House Banking Committee on which I served as the ranking Republican.

STEWART has been a champion of housing for low-income people and for protecting the handicapped persons who have been deinstitutionalized.

He most recently, and this has been alluded to several times, but I would emphasize it by repetition, demonstrated his commitment by visiting numerous shelters throughout the District during the evening of the homeless sleepout, probably to the detriment of his own health, certainly a real act of compassion.

STEWART was crucial in the creation of the Neighborhood Reinvestment Corp.

In addition, as the ranking Republican on the Economic Stabilization Subcommittee, STEWART was a very, very strong player in helping get the legislation passed for the city of New York, and more specifically for the Chrysler Corp. I would have to say that he was probably instrumental in my support of the Chrysler loan guarantee, an accomplishment which later saved thousands of jobs and benefited the whole Nation.

He was an intelligent, articulate spokesman for his cause. He made a tremendous contribution to the betterment of this Nation. He was extremely knowledgeable on housing legislation, as I said.

He will be greatly missed. My wife, Marjorie, joins me in wishing deepest sympathy to his wife, Lucy, and their five childern. I know that his family will be in our prayers in the days ahead.

Mr. GEJDENSON. Mr. Speaker, I yield to the gentlewoman from South Carolina [Mrs. PATTERSON].

Mrs. PATTERSON. Mr. Speaker, I thank the gentleman from Connecticut for yielding.

I am a new Member. I have only been here since January, but I think to know that STEWART MCKINNEY's death brings me to this podium speaks highly of him. Knowing there are so many Members of this body that freshmen do not get to know, it should mean a lot to those who have spoken before who have known him that in my short months here he meant a great deal to me. I had been serving on the Banking Committee and whenever STEWART MCKINNEY spoke, I listened. He had time to talk with me and share with me and I feel that I got to know him well in these short months.

I just wanted to let his family know and other Members of this body to know that I wish there had been longer times, more years, that I could have gotten to know him, because these few months have meant a great deal to me.

Mr. GEJDENSON. Mr. Speaker, I yield to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Speaker, I thank the dean for yielding.

A number of very apt descriptions have been given of STEW this afternoon. I would just like to comment briefly on one aspect of STEW's leadership, that being of the moderate wing of the Republican Party, a wing that is not overly in vogue today.

It is sometimes said of moderates in a very critical fashion that because they stand on two sides of issues, they are vulnerable to being hit from both directions. It is also said sometimes that moderates lack conviction.

Well, no one fits these descriptions less well than STEWART MCKINNEY. No one had more conviction than he had, whether the issue be arms control, civil rights, environment, or education, making Government work in this town or other towns, particularly in the urban centers, no one stood and articulated with more commitment, personal as well as philosophical.

As for standing in the middle, as pragmatists sometimes do, and getting hit, it was never really STEW's problem, partly because he was so busy with so many new ideas that if anyone bothered to try to flail at him, he would have gone in a new direction before anyone had a chance.

STEW, of all Members of this body, simply had energy that was boundless. His effervescence was irrepressible. His idea quotient would not stop. He was a leader, a man of his times, and I think will be as much as anyone I can think of much missed in this body.

Mr. GEJDENSON. Mr. Speaker, I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Mr. Speaker, I thank the gentleman, and I do want to thank him from the bottom of my heart for giving us in the Congress an opportunity to vent our deep sense of loss at the passing of STEW MCKINNEY, giving us an opportunity to say to his darling wife of 37 years, to his five children, to his three grandchildren, to the people of the Fourth Congressional District of Connecticut, and particularly the people of his beloved Bridgeport, and in a sense to Yale University, to say to all of them, thank you for allowing us to have shared a bit of the life of this man, STEW MCKINNEY.

STEW, as we all know, was a man of uncommon intellect, energy and compassion for the disadvantaged. It has been my privilege to have been here during those years, to parallel his years in the Congress, and I know on the basis of my close association with him on three committees, that I know whereof I speak.

As a member of the Housing Committee and the Banking Committee and the ranking minority member on the Housing Committee, we all know that whenever low- and moderate-income people needed a voice and a mind and an argument for their case, STEW MCKINNEY was there.

The fact that he joined us on the grates as we moved toward the passage of the measure for the homeless, the fact that we have now reported out of the Housing Committee what I hope will be the first housing measure to be passed to become law in the last 6 years is a tribute to STEW MCKINNEY.

And what can I say about his service on the District Committee? He has been the preeminent champion of full self-determination for the nearly

three-quarters of a million citizens who still endure the tryanny of taxation without representation in our Nation's Capital.

When we needed a voice in this Congress for home rule legislation in 1973, STEW MCKINNEY was that voice. When we needed a voice for the effort for full voting representation in the U.S. House and Senate, he was there.

I served with him as well on the Select Committee on Assassinations, investigating the Assassinations of John F. Kennedy and Martin Luther King, Jr., and that same intellect, that same energy, that same compassion came forward at that time as well.

Yale University ought to be proud of him because he was the preeminent liberally educated person. He spoke on numerous issues, not alone those concerned with the least of these, God's little ones, in this country, and did it with precision and with confidence that I think has been unmatched in this Congress.

I had the privilege of attending Yale Divinity School and STEW's stewardship here reminded me of that tenet of our Judeo-Christian heritage. When I see him, I see Isaiah saying, "The spirit of the Lord God is upon me because he hath anointed me to declare good news to the poor, to bind up the broken-hearted and to set at liberty them that are bound indeed."

□ 1900

Finally let me say to the family and to all of us who will miss him that I know that because of his stewardship that he will hear the Creator say to him, "Enter thou the joys of heaven because when I was hungry, you fed me, and when I was thirsty, you gave me to drink, and when I was sick and in prison, you came to see about me."

And if anybody asks, "When saw he thee or hungered or thirst or sick or in prison," the Members of this House as long as we live will be able to say, "Because he spoke and he did it on the floor of the House of Representatives."

Home from the hill is the hunter, and the sailor home from the sea, and if it may be said of anybody, it can be said of STEW MCKINNEY that he should rest from his employ. The battle is fought, the victory is won. He will enter God's joy.

Mr. GEJDENSON. I yield to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I appreciate the gentleman's yielding.

I was one of those who was not aware that we were going to take this time this evening, but as soon as I determined that this was the case, wanted to come back here and join with my colleagues in expressing not only our sympathy to the family, but I think our feelings of good will for this very kind and gentle man.

I have been trying to come to those proper words and perhaps in the bipartisan fashion that STEW lived and served, it is appropriate that the words which keep coming back to me are the words 19 years ago used in the eulogy of another public official from the northeastern part of this country, where his brother, Senator KENNEDY, stood up and said that "We asked that you remember him as a good and decent man who saw wrong and tried to right it, saw war and tried to stop it, who saw suffering and tried to heal it."

Those words are as appropriate in 1987 for our friend and colleague, STEW MCKINNEY, as they are today.

Yet, I think that it is important as well that we all remember that despite the sensitivity of STEW MCKINNEY, he also was a Republican always. Never did he question his party affiliation, and never did he waver. He believed in what he defined a Republican to be, which was a conservative with compassion. And while we remember and we talk about this afternoon his compassion, I will remember just as vividly with a small smile those "92 Group" budget debates where we would sit in the rooms, not this year but last year and the year before, and STEW MCKINNEY would finally get up and say, "I'll cut my program, you cut your program, we've got to quit being parochial, we've got to understand that we will bankrupt this country if we don't do something about the deficits which are in front of us."

Speaking of the 92 Group, they had no better friend than STEW MCKINNEY. We had the chance once a week to take over his office. On Tuesday afternoons he was always the gracious host and shared the clutter and the clang and the junk and the chairs to use his office to get together and talk about how we might move forward as a party on behalf of the country and the ideals that we believe in.

So to a dear friend we say goodbye, but we also I think thank you, and we say not only to his family but I think equally important to his staff, those people who have rallied around, have lived and served and believed and shared the hopes and dreams of STEW MCKINNEY, that you too are suffering at this hour, and we want you to know that we share in your sympathy and your admiration.

I hope each and every one of the family and staff will somehow find comfort in knowing that today we mourn his death, but for years to come we will celebrate his life and what he did for his constituents, what he did for his colleagues, but most important, what he did for his country.

Mr. GEJDENSON. I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. I thank the gentleman for yielding.

Mr. Speaker, I too, would like to join in extending my deep sympathy to STEWART MCKINNEY's family.

When I first came here I met STEWART, and frankly I have to say that he did not always carry the Republican torch the way many of us in California had seen the Republican torch to be carried, and by that I am saying that I certainly am one who was more conservative than STEWART.

STEWART and I had a tremendous rapport. We had a very healthy exchange on a wide range of issues. I had the privilege of serving with him on that Housing Subcommittee on which he was the ranking member, and we went through certainly many very, very interesting debates. I attended more than a few breakfasts in his office to look at that very, very complex budget around which the Department of Housing and Urban Development centered, and it was a fascinating thing.

For me, though STEWART was one who did show a great deal of independence, and he also had a great deal of compassion, and as I looked at some of the things that STEWART had done over the past few years, I will never forget something that I often quote in speeches when I am out on the stump, when I am dealing with people that relate to the banking industry, because we all know from the debate that we had here just a couple of evenings ago that there certainly is a great deal of question surrounding the financial services industry.

I always quoted STEWART, said, "You know, our ranking member of the Housing Subcommittee and a guy who always reminded everyone in committee how many years he had served as a member of the Banking Committee has said, when we look at the problem of trying to turn the corner on the delivery of financial services. 'What we've got to do is take representatives from the savings and loan industry, the commercial banking industry, the investment bankers, the insurance industry, the brokerage industry, the real estate industry, lock them all in a room, give them nothing more than bread and water, and when they come out with a consensus, we'll mark up a piece of legislation.' "

I heard STEWART tell that story many times in committee, and I have had the privilege of quoting that many times around the country in speeches, and he is absolutely right, because we have been seeing so many challenges over the years in that area, and while it has been frustrating for me as I am now on my seventh year dealing with that issue, STEWART served many years longer, and he was facing that on a daily basis.

His independence was shown to me not only with all the great arguments that he had provided from the well of

the House, but as I regularly looked at the man who had the largest fleet of convertibles of any human being I have ever known. Any of us walking back and forth from the votes would see STEWART—unfortunately because his health was failing, chauffeured back and forth in one of his vintage convertibles, and he loved collecting them.

He told me about one of his trips to California and he said, "Gosh, DAVID, I broke down while I was out there and even rented the new Mustang convertible which has just come out."

I said, "STEWART, if you had just told me that it was a Mustang, I would have known that it was a convertible," because it seemed that that was all he ever drove.

I really will miss STEWART. He was a great friend to me, provided me with a great deal of inspiration, and as my friend from Connecticut, JOHN ROWLAND, said earlier, he was a teacher to a great many of us. I said that I philosophically did not always agree with him, but because there was that lack of agreement on a number of issues, and because we shared the same cloakroom, it only intensified the level of debate.

□ 1910

My deepest sympathies to Lucy and all the members of his family, and I know it will be extraordinarily difficult for us to have another STEWART MCKINNEY in this House.

Mr. GEJDENSON. I yield to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. I thank the gentleman in the well for yielding me this time.

I come to this Chamber this evening saddened by the news of the passing of one of the finest men I have ever been privileged to know in my lifetime.

As has been said by someone here earlier this evening, in a body of this sort we do not always have an opportunity to get to know one another.

Many of us, due to the various assignments, we oftentimes do not really get to work together. I had the pleasure a few years ago of getting to know STEW when we both served on the House Select Committee on Assassinations.

I had the privilege of chairing that committee, and STEW was one of its members. Over that 2-year period that we worked together investigating the facts and circumstances surrounding the assassinations of Dr. Martin Luther King, Jr., and the late President John F. Kennedy, we got to know one another very well, because over that 2-year period, for a long period of time we were in hearings every day together. It was at that time that I first came to realize and respect his intellect, his keen insight, and his perceptiveness.

STEWART was probably one of the most articulate Members of this body. During that period of time, I saw in him a real commitment and dedication. It was important to him that we dedicate ourselves to trying to find the answers to those two assassinations on behalf of the American people. It was something that even just a few weeks ago he spoke to me about on the floor.

One of his greatest concerns was that someday we would release all of the findings that had been placed under executive lock and key for a number of years, and STEW felt very strongly that we should release everything, so that the American people would know all of the information that was uncovered during the course of those investigations. This he felt very deeply about.

In addition to it, I have on so many occasions seen STEW go on the floor of the House on behalf of many, many causes. In his capacity as a Member of the Committee on District of Columbia, I have seen him stand in the well many times fighting on behalf of the residents of the District of Columbia. I have seen him fight on behalf of minorities and minority causes; and he did so unabashedly, unashamedly.

He felt that was something that a principled individual had to do, and he was indeed a very principled man, and so tonight we can see from the testimony given in this body the highest esteem and prestige that Members of this body held for this man.

STEW MCKINNEY will continue to live in this body. He stood for something that makes this body remain a place for all of us to look to his type of talent, ability and commitment as a symbol for all of us to look up and work toward.

Mr. Speaker, I thank the gentleman; and I express on behalf of my family our deepest condolences to his wife and family.

Mr. GEJDENSON. Mr. Speaker, I yield to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I just wanted to thank the gentleman from Connecticut, [Mr. GEJDENSON] for gathering us this evening; and as the senior Member of our delegation now, I thank him for his work tonight, and also thank all of the Members from both sides of the aisle who poured out tonight to be with us on the occasion of STEWART'S death.

I also want to comment on one thing that did not come out. Not anticipating that we would talk so long, I did not bring it out myself, and I think it deserves to be brought out; and that is that STEWART expressly asked that we know that he died of AIDS, a sort of final courageous act that says, we must all face the challenge of learning, of knowledge, of finding out, so that we will not lose champions like STEWART, strong voices so needed by humanity to the ignorance and inadequancy of our human community.

I think we will carry forward that message.

Mr. GEJDENSON. Mr. Speaker, I yield to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I thank the gentleman from Connecticut, my distinguished friend for yielding me this time tonight, and for allowing us to pay our respects to the memory of STEWART MCKINNEY.

STEWART MCKINNEY was the type of person who made us enjoy being a Member of the House of Representatives. He was committed. He was concerned. He was friendly.

He was involved, and he really cared about what went on, not only in this body but also in this country.

He was a man of absolute and utmost compassion and concern. We all remember the legislation for the homeless which is the most recent involvement that he had on the floor of this House this past year.

Yesterday I had the occasion to drop into the hopper this cosponsorship, perhaps one of his last bills that he cosponsored; and that was a bill for the creation of a penal under the auspices of the National Academy of Sciences to deal in a nonpolitical fashion with the issue of AIDS.

STEWART understood the problem of AIDS, understood that it was an issue easy to have diverted into a political kind of an approach rather than the scientific approach which it required, and so I am proud that I was able to have him as a cosponsor of that legislation, as we all were proud to have him be our leader and our guide in this body.

It was an honor and a privilege to serve with him.

I want to express my condolences to his widow and his entire family. We will all miss him.

Mr. GEJDENSON. Mr. Speaker, before closing, I wish to state that Connecticut is a State with a great tradition. Down this hall as we leave this Chamber is a statue of our first Governor, Governor Trumbull. First appointed by the British, Trumbull served to be one of the leading revolutionaries, financing a good piece of the war, and fighting for the people of this country.

From that day forward, we have had great Governors like Governor Baldwin and Governor Bowles, all tremendous public servants.

As the history of our State will be written, STEWART MCKINNEY would stand tall with all of them. He is someone who came here and never forgot his people. He fought for them from every corner of his district, and for those of us from Connecticut to his entire family, our deepest condolences

and our shared grief for a friend that we hold so dear amongst all of those that we know.

STEWART MCKINNEY will always hold a very special place.

Mr. ST GERMAIN. Mr. Speaker, during his 16 years on the House Banking Committe, STEW MCKINNEY was a shining light and a true man of humility. The Connecticut Yankee, the product of Yale education and a pedigree background, yet he was always fighting for the low- and middle-income people of this Nation. Whether it meant supporting the consumer's right to timely access to his or her deposited funds, or providing housing for all Americans, STEW was at the forefront of the effort, no matter what the opposition.

I cannot remember how many times STEW would lament that he was not a lawyer, but only a lowly English major. His English background gave him a way with words that proved invaluable when dissecting the sanitized statements of many of our witnesses. He made the issues understandable to both his colleagues and the public at large.

I remember his lambasting the "high rollers" in the thrift industry for their excessive and risky loans. He was a constant champion of a safe and sound banking system. He always spoke up for the consumer and I am sure he was pleased to learn that the House passed the checkhold bill this week.

I cannot tell you how sorely STEW will be missed by his colleagues in the House, and especially this committee chairman. I feel privileged to have been able to have spent nine terms alongside my colleague from New England, STEW MCKINNEY.

Mr. TRAFICANT. Mr. Speaker, it is with deep sorrow that I rise to mourn the passing of our colleague, Congressman STEWART B. MCKINNEY of Connecticut.

Although I didn't know Mr. MCKINNEY very well, from my experiences with him, I came to see his as a fine, dedicated Member who cared deeply for the welfare of his constituents and his country.

Most of all, I will remember his as an honest and honorable man.

Mrs. BOXER. Mr. Speaker, STEWART MCKINNEY'S death brings the tragedy of AIDS home to the Congress, and it is hitting us hard.

STEW MCKINNEY was a kind and beautiful person—a very independent thinker whose compassion for people was always evident.

Even as he was dying of AIDS, STEW participated with Members of Congress in a vigil with the homeless of Washington, DC, to call attention to their plight. For 5 years I have been speaking to my colleagues about the AIDS issue, trying to convince them of the necessity to commit substantial Federal funds to the AIDS research, education, and prevention effort. Now they are painfully aware of the reason why this is so important—because AIDS can translate into premature deaths of productive and loving people.

STEW MCKINNEY will be sorely missed. I know it was his wish that we do more to fight AIDS, and I hope we will use his death as a motivation to declare war on this terrible disease.

Mr. DIXON. Mr. Speaker, I am deeply saddened that the House has lost one of its most respected and hard-working Members. STEWART MCKINNEY has effectively served Connecticut and the Nation during his 16 years in the House of Representatives, giving thoughtful and careful deliberation to the many issues facing our country.

STEW was a forceful, articulate advocate for community development, self-rule for the District of Columbia, and sound national economic policy. I am particularly appreciative of STEW'S support for development assistance to southern Africa, the world's poorest economic region.

My deepest condolences are extended to his wife, Lucie, their children, and families. All of us share their deep sense of loss.

Mr. JACOBS. Mr. Speaker, the thing I like about STEWART MCKINNEY is that he thought what he judged to be right and said what he thought.

He helped the helpless and was refreshingly unsanctimonious about it.

His passing leaves us not only lonely but, on the things that really count, forever poorer.

Mr. RANGEL. Mr. Speaker, I was deeply saddened to learn of the death of the Honorable STEWART B. MCKINNEY of Connecticut. STEWART and I were both elected to the House of Representatives in 1970, and during his tenure in Congress, he rose to positions of prominence on the House Committees on Banking, Finance, and Urban Affairs, and the District of Columbia.

At the start of the 100th Congress, STEWART became a member of the House Select Committee on Narcotics Abuse and Control, which I am privileged to chair. During the short time he served on the committee, I came to value his thoughtful contributions to our work. He attended committee functions regularly and was an active questioner of witnesses who appeared before us. He was particularly concerned about low levels of reimbursement for drug abuse treatment services under medical insurance policies. He recognized that the high cost of drug abuse treatment could put a financial strain on the budgets of all but the most affluent of our constituents and he wanted to make the cost of drug abuse treatment affordable to people who needed it. I regret that I will no longer have the benefit of his counsel on the Narcotics Committee.

My heartfelt sympathy goes out to all the members of the McKinney family at this difficult period in their lives.

Mr. MAZZOLI. Mr. Speaker, I know that I share with all Members of the House the profound sadness and sense of personal loss on the death of our friend and colleague, the Honorable STEWART B. MCKINNEY of Connecticut.

STEW and I came to the House at the same time—in the 92d Congress—and we served together on the District of Columbia Committee almost the entire length of his tenure in the House.

I valued his friendship and admired his strength of character, his integrity, and the determination he displayed in quietly discharging his official duties despite facing severe health setbacks.

Over the years, STEWART MCKINNEY cast many courageous votes—one especially tough vote was his in favor of immigration reform legislation I began working on 6 years ago. But, if STEW felt the need to support a program, he would fight with a passion for those programs—like Community Development Block Grants, Urban Development Action Grants, and housing for the homeless—which have helped the disadvantaged and downtrodden citizens of our Nation's cities.

Our Nation has lost a respected public servant whose career and distinguished service to the people of his district and the country bring great honor to this House and all who may be privileged to serve here.

I extend my condolences and deepest sympathies to the McKinney family at this difficult time.

GENERAL LEAVE

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution presently under consideration.

The SPEAKER pro tempore (Mr. PICKLE). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. I thank my colleagues. I think it is appropriate, although not planned, as I quickly calculate that we had an equal number from both parties, again a testament to STEWART MCKINNEY, a man from one political party who represented and fought for the things we all believed in.

The SPEAKER pro tempore (Mr. PICKLE). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT

Mr. MORRISON of Connecticut. Mr. Speaker, I move that the House be now adjourned.

The motion was agreed to; accordingly (at 7 o'clock and 19 minutes p.m.) pursuant to House Resolution 161, and under its previous order, the House adjourned until tomorrow, Friday, May 8, 1987, at 10 a.m., in memory of the late Honorable STEWART B. MCKINNEY.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1351. A letter from the Executive Associate Director, Office of Management and Budget, transmitting a report that the appropriation to the Department of Agriculture listed therein has been reapportioned on a basis that indicates the necessity for a supplemental estimate of appropriation,

pursuant to 31 U.S.C. 1515(b)(2); to the Committee on Appropriations.

1352. A letter from the Acting Secretary of the Army, transmitting a copy of the Department's determination that it is in the public interest to use other than competitive procedures for the procurement of the supplies described therein, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Services.

1353. A letter from the Secretary of Health and Human Services, transmitting the second triennial report on drug abuse and drug research on the health consequences and extent of drug abuse, including recent findings on the health effects of marijuana, cocaine, and the addictive properties of tobacco, pursuant to 42 U.S.C. 290aa-4 (PHSA, sec. 505(b) (97 Stat. 178)); to the Committee on Energy and Commerce.

1354. A letter from the Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting notification of a proposed manufacturing license agreement for the production in Australia of AN/PPX-3B Interrogators for use by the armed forces of Australia and New Zealand (Transmittal No. MC-24-87), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

1355. A letter from the Secretary of Defense, transmitting the Department's views on recent congressional proposals concerning our bilateral relationship and security interests with the Republic of Turkey; to the Committee on Foreign Affairs.

1356. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the Government; to the Committee on Government Operations.

1357. A letter from the Director, Office of Management and Budget, transmitting a copy of the report on the implementation by the Federal agencies and State and local governments of the Single Audit Act of 1984, for the period ending March 31, 1987, pursuant to 31 U.S.C. 7507; to the Committee on Government Operations.

1358. A letter from the Executive Director, Pennsylvania Avenue Development Corporation, transmitting the Corporation's report for calendar year 1986 under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1359. A letter from the Attorney General, Department of Justice, transmitting a report describing the status of the study to determine the employment eligibility of aliens, conducted in consultation with the Secretaries of Labor and Health and Human Services, Pursuant to Public Law 99-603; to the Committee on the Judiciary.

1360. A letter from the Secretary of Transportation, transmitting the 1987 annual report on highway safety improvement programs which discusses the progress and effectiveness of the hazard elimination and rail-highway crossing programs administered by the Fedeal Highway Administration, pursuant to 23 U.S.C. 152(g); Public Law 93-87, section 203(e); to the Committee on Public Works and Transportation.

1361. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report covering certain properties to be transferred to the Republic of Panama in accordance with the Panama Canal Treaty of 1977 and related agreements, pursuant to 22 U.S.C. 3784(b); jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

1362. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to provide for the collection of fees to reimburse the United States Travel and Tourism Administration, and for other purposes; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules. House Resolution 160. A resolution providing for the consideration of H.R. 1748, a bill to authorize appropriations for fiscal years 1988 and 1989 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1988 and 1989, and for other purposes. (Rept. 100-84). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1444. A bill to amend titles XI, XVIII, and XIX of the Social Security Act to protect beneficiaries under the health care programs of that Act from unfit health care practitioners, and otherwise to improve the antifraud provisions relating to those programs. (Rept. 100-85, Pt. 1). Ordered to be printed.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 1659. A bill to amend title 38, United States Code, to increase the per diem rates for payments by the Veterans' Administration to States for domiciliary care and nursing home care provided to veterans in State homes, and for other purposes; with amendments (Rept. 100-86). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN (for himself, Mr. OWENS of New York, Mr. GRAY of Illinois, Mr. RAHALL, Mr. SOLARZ, Mr. SMITH of Florida, Mr. SCHEUER, Mrs. BOXER, Mr. FORD of Tennessee, Mr. FAUNTROY, Mr. MORRISON of Connecticut, Mr. LEVIN of Michigan, Mr. ECKART, and Mr. MARTINEZ):

H.R. 2308. A bill to protect consumers by prohibiting the sale in commerce of services when the limited availability of the services is not disclosed; to the Committee on Energy and Commerce.

By Mr. DE LUGO:

H.R. 2309. A bill to amend the Christopher Columbus Quincentenary Jubilee Act; to the Committee on Post Office and Civil Service.

By Mr. MINETA (for himself, Mr. HOWARD, Mr. HAMMERSCHMIDT, and Mr. GINGRICH):

H.R. 2310. A bill to amend the Airport and Airway Improvement Act of 1982 for the purpose of extending the authorization of appropriations for airport and airway improvements, and for other purposes; jointly, to the Committees on Public Works and Transportation and Science, Space, and Technology.

By Mr. DUNCAN:

H.R. 2311. A bill to amend the Internal Revenue Code of 1986 to provide that unearned income of a child attributable to damages received on account of personal injuries or sickness of the child shall not be taxed at the marginal rate of such child's parents; to the Committee on Ways and Means.

By Mr. FRANK (for himself, Mr. UDALL, Mr. MATSUI, Mr. STAGGERS, Mr. FROST, Mr. ACKERMAN, Mr. BOUCHER, Mr. DANIEL, Mr. SMITH of Florida, Mr. FAZIO, Mr. MORRISON of Connecticut, Mr. LEHMAN of California, Mr. BIAGGI, Mr. GLICKMAN, Mrs. SCHROEDER, Mr. MARKEY, Mr. BUSTAMANTE, Mr. FAUNTROY, Mr. MOAKLEY, Mr. HUGHES, Mr. LOWRY of Washington, and Mr. SOLARZ):

H.R. 2312. A bill to restore, on an interim basis, certain recently amended procedures for determining the maximum attorney's fees which may be charged for services performed before the Secretary of Health and Human Services under the Social Security Act and to require a report by the Secretary of Health and Human Services regarding possible improvements in such procedures; to the Committee on Ways and Means.

By Mr. GRADISON:

H.R. 2313. A bill to suspend until December 31, 1990, the duty on Teicoplanin; to the Committee on Ways and Means.

H.R. 2314. A bill to suspend until December 31, 1990, the duty on Ornithine; to the Committee on Ways and Means.

By Mr. GREEN:

H.R. 2315. A bill to amend the National Science Foundation Act of 1950 to provide for the continuing evaluation and improvement of curricula in the fields of mathematics, science, and technology, and for the continuing evaluation of developments in educational applications of new technologies; to the Committee on Science, Space, and Technology.

H.R. 2316. A bill to amend the Internal Revenue Code of 1986 to allow tenants of residential rental property a deduction for certain real property taxes; to the Committee on Ways and Means.

H.R. 2317. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to recognize as an exception to applicable antialienation and preemption provisions State court judgments, decrees, or orders recognizing or creating in the employer or assigning to the employer a right to an employee's accrued retirement benefit as an equitable remedy under State law for criminal fraud or theft; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. HAMMERSCHMIDT (for himself, Mr. GINGRICH, Mr. SHUSTER, Mr. STANGELAND, Mr. CLINGER, Mr. SUNIA, Mr. MOLINARI, Mr. SUNDQUIST, Mr. BOEHLERT, Mr. TOWNS, Mr. LIGHTFOOT, Mr. WISE, Mr. CHAPMAN, and Mr. ROBERTS):

H.R. 2318. A bill to amend the Federal Aviation Act of 1958 to extend the small community air service program; to the Committee on Public Works and Transportation.

By Mrs. LLOYD (for herself, Mr. JONES of Tennessee, Mr. COOPER, Mr.

GORDON, Mr. BONER of Tennessee, Mr. SUNDQUIST, Mr. BOUCHER, and Mr. DUNCAN):

H.R. 2319. A bill to establish a contingency plan to enable the Government to fulfill its contractual commitments to accept title to, and responsibility for, spent nuclear fuel; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. MILLER of California (for himself, Mr. ATKINS, Mr. BEILENSON, Mr. BERMAN, Mrs. BOXER, Mr. DEFAZIO, Mr. GEJDENSON, Mr. GREEN, Mr. JEFFORDS, Mr. KILDEE, Mr. KLECZKA, Mr. KOLTER, Mr. MCMILLEN of Maryland, Mr. MRAZEK, Mr. OWENS of New York, Ms. OAKAR, Mr. PENNY, Mr. PETRI, Mr. SOLARZ, and Mr. UDALL):

H.R. 2320. A bill to direct the Secretary of the Interior to improve management of ground water in the reclamation States; to the Committee on Interior and Insular Affairs.

By Mr. PANETTA:

H.R. 2321. A bill to amend section 810 of the Housing and Community Development Act of 1974, section 202 of the Housing Act of 1959, and section 8 of the United States Housing Act of 1937, to establish a special program for housing for the chronically mentally ill; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2322. A bill to amend titles XVI, XVIII, and XIX of the Social Security Act with respect to services and benefits for chronically mentally ill individuals; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DAUB (for himself, Mr. DORGAN of North Dakota, Mr. GRANDY, and Mr. BEREUTER):

H.R. 2323. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain short-term loans; to the Committee on Ways and Means.

By Mr. ROSE (for himself, Mr. BOUCHER, Mr. HATCHER, Mr. JOHNSON of South Dakota, Mr. JONES of North Carolina, and Mr. LANCASTER):

H.R. 2324. A bill to amend the Farm Credit Act of 1971 to provide Farm Credit System stockholder/borrowers with a multipoint program of relief and reform, and to assure the long-term health and stability of Farm Credit Banks and associations through local control; to the Committee on Agriculture.

By Mr. SMITH of Texas:

H.R. 2325. A bill to authorize the acceptance of a donation of land for addition to Big Bend National Park, in the State of Texas; to the Committee on Interior and Insular Affairs.

By Ms. SNOWE:

H.R. 2326. A bill to remedy the injury to the U.S. shoe industry caused by increased imports; to the Committee on Ways and Means.

By Mr. SOLOMON (for himself, Mr. MONTGOMERY, Mr. HAMMERSCHMIDT, Mr. EDWARDS of California, Mr. WYLIE, Mr. APPLEGATE, Mr. STUMP, Mr. MICA, Mr. MCEWEN, Mr. DOWDY of Mississippi, Mr. SMITH of New Jersey, Mr. EVANS, Mr. BURTON of Indiana, Ms. KAPTUR, Mr. BILIRAKIS, Mr. PENNY, Mr. RIDGE, Mr. STAGGERS, Mr. ROWLAND of Connecticut, Mr. ROWLAND of Georgia, Mr. DORNAN of California, Mr. BRYANT, Mr. SMITH of New Hampshire, Mr. GRAY of Illinois, Mr. DAVIS of Illinois, Mr. KANJORSKI, Mr. STENHOLM, Mr. HARRIS, Mr. KENNEDY, Mrs. PATTERSON, Mr. JOHNSON of South Dakota, Mr. JONTZ, Mr. LEWIS of Florida, Mr. MCCURDY, Mr. ANNUNZIO, Mr. HORTON, Mr. CHAPPELL, Mr. MCDADE, Mr. MARTIN of New York, Mr. FAUNTROY, Mr. DANIEL, Mr. YATRON, Mr. HEFNER, Mr. OBEY, Mr. SISISKY, Mr. LEATH of Texas, Mr. PERKINS, Mr. THOMAS of Georgia, Mr. HOWARD, Mr. RICHARDSON, Mr. COLEMAN of Texas, Mrs. LLOYD, Miss SCHNEIDER, Mr. NICHOLS, Mr. DEFAZIO, Mr. CLARKE, Mr. DERRICK, Mr. SMITH of Florida, Mr. STANGELAND, Mr. ST GERMAIN, Mr. PARRIS, Mr. MCCOLLUM, Mr. ENGLISH, Mr. FLIPPO, Mr. JONES of North Carolina, Mrs. SMITH of Nebraska, Mr. MILLER of Ohio, Mr. KOLTER, Mr. RAHALL, Mr. KLECZKA, Mr. DURBIN, Mrs. MORELLA, Mr. MANTON, Mr. OBERSTAR, Mr. LAGOMARSINO, Mr. TORRES, Mrs. SAIKI, Mr. BOEHLERT, Ms. SLAUGHTER of New York, Mr. MCCLOSKEY, Mr. MARLENEE, Mr. LANCASTER, Mr. ORTIZ, Mr. PORTER, Mr. SIKORSKI, Mr. SWEENEY, Mr. HOCHBRUECKNER, Mr. HOLLOWAY, Mr. DE LA GARZA, Mr. PETRI, Mr. TRAFICANT, Mr. DORGAN of North Dakota, Mr. WOLPE, Mr. WOLF, Mr. SWINDALL, Mr. WILSON, Mr. FUSTER, Mr. LENT, Mr. OXLEY, Mr. ROGERS, Mrs. BOXER, Mrs. BENTLEY, Mr. ACKERMAN, Mr. WILLIAMS, Mr. MOLINARI, Mr. MCGRATH, Mr. MCHUGH, Ms. SNOWE, Mr. SABO, Mr. WHITTAKER, Mr. LATTA, Mr. REGULA, Mr. SUNDQUIST, Mr. MARTINEZ, Mr. HUGHES, Mr. TOWNS, Mr. EMERSON, Mr. SLATTERY, Mr. GALLEGLY, Mr. HUTTO, Mr. STRATTON, Mr. PEPPER, Mr. FISH, Mr. TORRICELLI, and Mr. GALLO):

H.R. 2327. A bill to amend title 38, United States Code, to ensure eligibility of certain individuals for beneficiary travel benefits when traveling to Veterans' Administration medical facilities; to the Committee on Veterans' Affairs.

By Mr. STENHOLM (for himself, Mr. STANGELAND, Mr. VALENTINE, Mr. BARTLETT, Mr. DICKINSON, Mr. DELAY, Mr. ARCHER, Mr. ARMEY, Mr. BADHAM, Mr. BARNARD, Mr. BARTON of Texas, Mr. BEREUTER, Mr. BILIRAKIS, Mr. BLAZ, Mr. BLILEY, Mr. BOULTER, Mr. BROOMFIELD, Mr. BROWN of Colorado, Mrs. BYRON, Mr. CALLAHAN, Mr. COBLE, Mr. COMBEST, Mr. CRAIG, Mr. CRANE, Mr. DANIEL, Mr. DANNEMEYER, Mr. DORNAN of California, Mr. DREIER of California, Mr. EDWARDS of Oklahoma, Mr. EMERSON, Mr. FAWELL, Mr. FRENZEL, Mr. GINGRICH, Mr. HALL of Texas, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HEFNER, Mr. HENRY, Mr. HOPKINS, Mr. HUNTER, Mr. HUTTO, Mr. IRELAND, Mr. JONES of North Carolina, Mr. KOLBE, Mr. LEATH of Texas, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. LUNGREN, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCMILLAN of North Carolina, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. NIELSON of Utah, Mr. OXLEY, Mr. PACKARD, Mr. PARRIS, Mr. PORTER, Mr. RAY, Mr. ROBERTS, Mr. SCHAEFER, Mr. SHAW, Mr. SHUMWAY, Mr. SKEEN, Mr. SLAUGHTER of Virginia, Mr. DENNY SMITH, Mr. SMITH of New Hampshire, Mr. ROBERT F. SMITH, Mrs. SMITH of Nebraska, Mr. SPENCE, Mr. STUMP, Mr. SUNDQUIST, Mr. SWEENEY, Mr. SWINDALL, Mr. TAUKE, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. WALKER, Mr. WEBER, Mr. WHITTAKER, and Mr. WOLF):

H.R. 2328. A bill to amend the Davis-Bacon Act and the Copeland Act to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, clarify the definition of prevailing wage, and for other purposes; to the Committee on Education and Labor.

By Mr. TAUZIN:

H.R. 2329. A bill to provide for the settlement of the land claims of the Chitimacha Tribe of Louisiana, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WALGREN:

H.R. 2330. A bill to authorize appropriations to the National Science Foundation for the fiscal year 1988, and for other purposes; to the Committee on Science, Space and Technology.

H.R. 2331. A bill to suspend until January 1, 1990 the duty on certain carbodiimides; to the Committee on Ways and Means.

By Mr. DE LA GARZA (for himself and Mr. MADIGAN):

H.J. Res. 270. Joint resolution to recognize the 125th anniversary to the U.S. Department of Agriculture; to the Committee on Agriculture.

By Mr. BEILENSON (for himself, Mr. ATKINS, Mrs. BOXER, Mr. CROCKETT, Mr. DEFAZIO, Mr. DE LUGO, Mr. ESPY, Mr. JACOBS, Mrs. JOHNSON of Connecticut, Ms. KAPTUR, Mr. LIPINSKI, Mr. MFUME, Mr. MRAZEK, Mr. OBERSTAR, Mr. OWENS of New York, Mr. SMITH of Florida, Mr. SOLARZ, Mr. WHITTAKER, and Mr. WILSON):

H.J. Res. 271. Joint resolution authorizing and directing the President to call upon radio and television broadcasters, to educate, in cooperation with public health organizations, the public about the dangers of cigarette smoking; to the Committee on Energy and Commerce.

By Mr. ROEMER (for himself, Mr. ANTHONY, Mr. BEVILL, Mr. BONER of Tennessee, Mr. BLAZ, Mr. BORSKI, Mr. BOUCHER, Mrs. BOXER, Mr. CONYERS, Mr. DORNAN of California, Mr. ESPY, Mr. FAUNTROY, Mr. FAZIO, Mr. GARCIA, Mr. GRAY of Illinois, Mr. GRAY of Pennsylvania, Mr. HEFNER, Mr. HOYER, Mr. HUTTO, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LIPINSKI, Mr. MRAZEK, Mr. NEAL, Mr. SMITH of Florida, Mr. STUMP, Mr. VISCLOSKY, and Mr. WOLF):

H.J. Res. 272. Joint resolution designating the week of April 24, 1988, through April 30, 1988, as "National Eating Disorders Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. SCHUMER (for himself and Mr. VENTO):

H.J. Res. 273. Joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, and Presidential elections; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H. Con. Res. 118. Concurrent resolution expressing the sense of the Congress with respect to relations between Vietnam and the United States; to the Committee on Foreign Affairs.

By Mr. GEJDENSON:
H. Res. 161. Resolution expressing the condolences of the House on the death of Representative MCKINNEY of Connecticut; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII.

64. The SPEAKER presented a memorial of the General Assembly of the State of California, relative to air traffic control facilities at Whiteman Airport; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GRADISON:
H.R. 2332. A bill for the relief of Wieslaw Kujda; to the Committee on the Judiciary.
By Mr. PORTER:
H.R. 2333. A bill for the relief of Rocene Dumlao; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. BUSTAMANTE and Mr. MFUME.
H.R. 65: Mr. ENGLISH, Mr. WILSON, Mr. SAVAGE, Mr. MOAKLEY, Mr. TALLON, Mr. BUSTAMANTE, Mr. DWYER of New Jersey, Mr. KOLTER, Mr. MARTINEZ, Mr. SCHEUER, and Mr. WOLPE.
H.R. 176: Mr. EDWARDS of California.
H.R. 382: Mr. LIPINSKI, Mr. DEFAZIO, Mr. HATCHER, and Mr. WOLPE.
H.R. 385: Mr. VANDER JAGT.
H.R. 388: Mr. HOLLOWAY, Mr. MADIGAN, Mr. BEVILL, and Mr. SCHUETTE.
H.R. 442: Mr. BEREUTER.
H.R. 570: Mr. DUNCAN.
H.R. 618: Mr. SCHUMER.
H.R. 645: Mr. MOLLOHAN.
H.R. 758: Mr. MACK.
H.R. 762: Mr. ATKINS and Mr. FOGLIETTA.
H.R. 778: Mr. MCCOLLUM and Mr. BOULTER.
H.R. 916: Mr. HANSEN, Mr. BENNETT, Mr. LIVINGSTON, Mr. DENNY SMITH, Mr. MCEWEN, Mr. BILIRAKIS, Mr. WILSON, Mr. HUCKABY, and Mr. MCCOLLUM.
H.R. 924: Mr. EDWARDS of California.
H.R. 954: Mr. TALLON.
H.R. 1002: Mr. CLAY.
H.R. 1076: Mr. HOWARD.
H.R. 1176: Ms. KAPTUR, Mr. JEFFORDS, Mr. ROE, Mr. SOLOMON, Mr. LEWIS of Georgia, Mr. ATKINS, Mrs. BENTLEY, Mr. LAGOMARSINO, Mr. GARCIA, Mr. FASCELL, Mr. DEFAZIO, Mr. FAZIO, Mrs. BOXER, Mr. TOWNS, Mr. MCCOLLUM, and Mr. DAVIS of Michigan.
H.R. 1177: Ms. KAPTUR, Mr. JEFFORDS, Mr. ROE, Mr. LAGOMARSINO, Mr. DEFAZIO, Mr. FASCELL, and Mrs. BOXER.
H.R. 1186: Mr. RUSSO, Mr. GEKAS, and Mr. MCEWEN.
H.R. 1373: Mr. HILER and Mr. MINETA.
H.R. 1425: Mr. DYMALLY.
H.R. 1517: Mr. FAWELL, Mr. LIPINSKI, Mr. MCCOLLUM, Mr. BALLENGER, and Mr. MOLINARI.
H.R. 1546: Mr. SAWYER, Mr. HAYES of Illinois, and Mr. FISH.
H.R. 1604: Mr. EVANS and Mr. RIDGE.
H.R. 1659: Mr. EDWARDS of California, Mr. WYLIE, Mr. APPLEGATE, Mr. STUMP, Mr. MICA, Mr. MCEWEN, Mr. DOWDY of Mississippi, Mr. SMITH of New Jersey, Mr. EVANS, Mr. BURTON of Indiana, Ms. KAPTUR, Mr. BILIRAKIS, Mr. ROWLAND of Georgia; Mr. RIDGE, Mr. BRYANT, Mr. ROWLAND of Connecticut, Mr. FLORIO, Mr. DORNAN of California, Mr. KANJORSKI, Mr. SMITH of New Hampshire, Mr. ROBINSON, Mr. STENHOLM, Mr. HARRIS, Mr. KENNEDY, Mrs. PATTERSON, Mr. JOHNSON of South Dakota, Mr. JONTZ, Mr. DONNELLY, Mr. MCCLOSKEY, Mr. FRANK, Mr. FAZIO, Mr. DWYER of New Jersey, Mr. FAUNTROY, Mr. KOLTER, and Mr. SCHUETTE.
H.R. 1699: Mr. LOWERY of California, Mr. BOSCO, Mr. BATES, Mr. LUNGREN, Mr. LAGOMARSINO, Mr. MARTINEZ, Mr. DELLUMS, Mr. HAWKINS, Mr. BADHAM, Mr. DANNEMEYER, Mr. HUNTER, Mr. LEWIS of California, Mr. WAXMAN, Mr. DORNAN of California, Mr. BERMAN, Mr. DIXON, and Mr. ROYBAL.
H.R. 1716: Mr. GONZALEZ, Mr. CAMPBELL, Mr. BIAGGI, Mr. LANTOS, Mr. CROCKETT, Mr. HAWKINS, Mr. ECKART, and Mr. MFUME.
H.R. 1717: Mr. HOCHBRUECKNER, Mr. BLAZ, Mr. GORDON, Mr. FUSTER, Mr. KLECZKA, Mr. HAYES of Illinois, Mr. WORTLEY, Mr. GUARINI, Mr. KASTENMEIER, Mr. DONNELLY, Mr. ST GERMAIN, Mrs. BENTLEY, Mr. FAUNTROY, Mr. MRAZEK, Mr. WILSON, Mr. GARCIA, Mr. GEJDENSON, Mr. HORTON, Mr. LEHMAN of Florida, Mr. GONZALEZ, Mr. NEAL, Mr. GUNDERSON, Mr. HALL of Texas, Mr. CHAPMAN, Mr. LEVIN of Michigan, Mr. PORTER, Mr. MURPHY, Mr. SENSENBRENNER, Mr. HENRY, Mr. TOWNS, Mr. VENTO, Mr. BEVILL, Mr. KILDEE, Mr. PRICE of Illinois, Mr. BIAGGI, Mr. SUNIA, Mr. MINETA, Mr. LOTT, Mr. TRAXLER, Mr. SOLARZ, Mr. SMITH of Florida, Mr. ROE, Mr. LANCASTER, Mr. PEPPER, Mr. GRANT, Mr. MCCOLLUM, Mr. MAVROULES, Mr. FISH, Mr. OWENS of New York, Mr. DOWDY of Mississippi, Mr. NELSON of Florida, Mr. PASHAYAN, Mr. ECKART, Mr. IRELAND, Mr. PURSELL, Mr. SIKORSKI, Mr. FASCELL, Ms. KAPTUR, Mr. PICKLE, Mr. LEWIS of Florida, Mr. FRANK, Mr. ROSE, Mr. CARDIN, Mr. SHAW, Mr. LIVINGSTON, Mr. ATKINS, Mr. MARTINEZ, Mr. PRICE of North Carolina, Mr. BADHAM, Mr. AKAKA, Mr. DERRICK, Mr. SPENCE, Mr. SCHUETTE, and Ms. SLAUGHTER of New York.
H.R. 1734: Mr. TOWNS, and Mr. FOGLIETTA.
H.R. 1819: Mr. MARTINEZ.
H.R. 1820: Mr. MARTINEZ.
H.R. 1821: Mr. MARTINEZ.
H.R. 1934: Mr. CALLAHAN, Mr. COLEMAN of Missouri, Mr. COOPER, Mr. TORRES, Mr. MADIGAN, Mr. AKAKA, Mr. LIPINSKI, Mr. HAYES of Illinois, Mr. DAUB, Mr. SUNDQUIST, Mr. SOLARZ, Mr. WISE, Mr. WEISS, Mr. HOCHBRUECKNER, Mr. LEVINE of California, Mr. SYNAR, Mr. SCHUETTE, Mr. BUSTAMANTE, Mr. MARTINEZ, Mr. VENTO, Mr. OWENS of New York, Mr. DYSON, Mr. HUGHES, Mr. SCHEUER, Mr. DEFAZIO, Mr. WOLPE, and Mr. BUECHNER.
H.R. 2036: Ms. OAKAR, Mr. ATKINS, Mr. FOGLIETTA, and Mr. WOLPE.
H.R. 2062: Mrs. COLLINS.
H.R. 2070: Mr. CLINGER, Mr. BONIOR of Michigan, and Mr. MCKINNEY.
H.R. 2132: Mr. BURTON of Indiana, Mr. LIVINGSTON, Mr. DORNAN of California, and Mr. BLILEY.
H.R. 2144: Mr. MARTINEZ, Mr. DARDEN, Mr. DANNEMEYER, Mr. TORRICELLI, Mr. WILSON, Mr. DORNAN of California, Mr. MCGRATH, Mr. DAVIS of Illinois, Mr. LUNGREN, and Mr. BARTON of Texas.
H.R. 2202: Mr. BATEMAN, Mr. LENT, and Mr. ECKART.
H.R. 2249: Mr. BURTON of Indiana, Mr. FASCELL, Ms. KAPTUR, Mr. MOAKLEY, Mr. KOLTER, Mr. SABO, Mr. BORSKI, Mrs. BENTLEY, Mr. TOWNS, and Mr. RODINO.
H.R. 2260: Mr. MADIGAN and Mr. NEAL.
H.J. Res. 25: Mr. GEJDENSON.
H.J. Res. 58: Mr. COURTER and Mr. CONTE.
H.J. Res. 178: Mr. MORRISON of Washington, Mr. STALLINGS, and Mr. VOLKMER.
H.J. Res. 206: Mr. FISH, Mr. MCGRATH, Mr. FROST, Mr. HAYES of Louisiana, Mr. KANJORSKI, Mr. MCMILLEN of Maryland, and Mr. MRAZEK.
H.J. Res. 221: Mr. TOWNS, Mr. CAMPBELL, Mrs. MARTIN of Illinois, and Mr. CLINGER.
H. Con. Res. 19: Mr. BILBRAY.
H. Con. Res. 35: Mr. SCHUETTE.
H. Con. Res. 43: Mr. STARK, Mr. KOSTMAYER, Mr. ROE, Mr. GRAY of Illinois, Mr. LIPINSKI, Mr. HOWARD, Mr. BERMAN, Mr. SABO, Mr. UDALL, Mr. FRANK, Mr. BOULTER, Mr. SMITH of Florida, Mr. ACKERMAN, Mr. MRAZEK, Mr. TOWNS, Mr. WILSON, Mr. KLECZKA, Ms. KAPTUR, Mr. OBERSTAR, Mr. DE LA GARZA, Mr. SCHEUER, Mr. ESPY, Mr. GRAY of Pennsylvania, Mr. FAZIO, Mr. TORRES, Mr. WOLPE, Mr. HAYES of Illinois, and Mr. EDWARDS of California.
H. Con. Res. 99: Mr. BEREUTER.
H. Con. Res. 109: Mr. MARTINEZ, Mr. TORRICELLI, Mr. DORNAN of California, Mr. MCGRATH, Mr. DAVIS of Illinois, Mr. LUNGREN, and Mr. BARTON of Texas.
H. Con. Res. 113: Mr. LEACH of Iowa, Mr. CROCKETT, Mr. LAGOMARSINO, Mr. LOWRY of Washington, and Mr. FUSTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1425: Mr. KOLTER.

PETITIONS, ETC.

Under clause 1 of rule XXII.

38. The SPEAKER presented a petition of the United Ceba USAFFE Veterans Council Ginatilan Post, Ginatilan, Cebu, Philippines 6426, relative to a monumental landmark; which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

U.S. AUTO INDUSTRY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. GORDON. Mr. Speaker, on Tuesday, May 5, the Congressional Automotive Caucus hosted a luncheon featuring Marvin T. Runyon, president and chief executive officer of Nissan Motor Manufacturing, U.S.A., as its guest speaker.

Mr. Runyon's speech provided a rare opportunity for members of the Congressional Automotive Caucus to gain some candid insights and assessments of the challenges facing the U.S. auto industry from one of its most respected colleagues.

Beginning his career over 40 years ago on a Ford chassis assembly line in Dallas, Mr. Runyon retired in 1980 as Ford's vice president for body and assembly operations. In that same year, he assumed his present position at Nissan and has overseen the development of the most sophisticated and automated car manufacturing facility in the world. In 1984, Fortune magazine listed Nissan as one of the best managed factories in America.

Mr. Speaker, I wish to share with my colleagues Mr. Runyon's remarks:

REMARKS TO THE CONGRESSIONAL AUTOMOTIVE CAUCUS

I appreciate this opportunity to visit with you today in this informal setting. I've testified before Congress several times, and I've always come away a little frustrated by the limits on dialogue. I hope we can expand the dialogue this afternoon.

I'll talk today about several issues I expect are on your minds—auto imports, trends in the auto industry including foreign investment, and what's happening in the auto parts industry. I expect what I have to say will be a little different from what you usually hear. Afterwards, I hope we can talk candidly about whatever is on your minds.

AUTO IMPORTS

I'd like to start with the trade deficit and auto imports. It's certainly true that automotive imports are a big part of the deficit. The important question, of course, is how do we deal with the deficit—and I believe there's only one way . . . we must produce our way out of it—by becoming more competitive, by curbing our appetite for imports, and by getting serious about exports.

Other ways of dealing with the trade deficit—like the VRA on autos and the Gephardt amendment—would have the same effect as squeezing a balloon. If you squeeze out imports from Japan or imports of autos, the deficit will just bulge out somewhere else. It might benefit the auto industry for awhile, but it won't affect the deficit.

A perfect example of a bulge in the balloon, by the way, is the Korean Hyundai, the car that set all kinds of first-year sales records. The Hyundai was no miracle—it was the inevitable result of the VRA, which pushed the Japanese upscale to compete with higher priced U.S. cars and left a vacuum at the low end of the market that sucked the Koreans in. Anyone who takes credit for the VRA has to take credit for the success of the Hyundai too.

When I hear Detroit bemoaning the trade deficit and pointing to how big a part of it autos are, I can't help but think that they are responsible for that part of it . . . and I can't help but ask myself what they are doing about it.

No one twists the arms of consumers to buy imported autos. No one forces Detroit to import cars from Japan, Korea, and Mexico and sell them under their own nameplates. And no one forces Detroit to raise their prices when import prices go up. If Detroit built more competitive products instead of importing them, and took advantage of the dollar's fall to hold prices rather than raise them, consumers would buy fewer imports. That would help the deficit.

Exporting autos would help the trade deficit too. I don't understand why no one expects our auto companies to be exporters. They are such a big part of the problem . . . they should be a bigger part of the solution. They virtually ignore the second largest auto market in the world—Japan. Nothing stands in the way of their competing in Japan. Detroit's complaints about Japanese standards are a smoke screen so thin they should be embarrassed to hide behind it. Did they cut prices in Japan when the dollar fell? GM did . . . but Ford and Chrysler did little or nothing.

Instead of taking responsible action, they try to shift responsibility to Government. They come to Washington with bad advice. Ford says pressure the Japanese to cut the VRA back by 600,000 units. Chrysler says enact the Gephardt amendment. That won't help the deficit or make our industry competitive. The only force that breeds competitiveness is competition—the discipline of the market. It's clear they don't like that discipline.

What I find amazing is how two companies that earned more than $14 billion in profits in the last three years (and one that set a record $1.5 billion profit for the first quarter of this year), all the while raising prices, can possibly demand that you protect them from competition. If they were really concerned about the trade deficit, and if they were really serious about getting competitive, they'd be doing things a little differently.

WHERE WE'RE HEADING

Let me step back for a moment to talk about the implications of "getting competitive" and the implications of several clear, and essential, trends in the auto industry. We've seen a lot of change in the auto industry in recent years and our companies have made some progress. But we're going to have to see a lot more change if the industry is ever to become truly competitive—and survive.

The bottom line is that there will be substantially fewer jobs in the U.S. automotive industry in the future. People try to blame this on imports and what some call "transplants," but it just isn't that simple. Two more fundamental factors are at work: the abandonment of vertical integration and the drive for productivity.

The U.S. auto industry is too vertically integrated. GM is at 70 percent; Ford is at 50 percent; and Chrysler is at 35 percent. By comparison, most Japanese companies are at 20 to 25 percent.

Vertical integration is an outdated way of making cars. It requires the manufacturer to design the product, including its parts, almost totally. Then the manufacturer goes to his suppliers, inside or outside of the company, and gives them the designs. The suppliers then have to adapt their systems to the design. But they can't just rely on the designs they receive; they have to have their own design departments check them thoroughly. That's a costly and inefficient system.

In Japan, things work differently. A manufacturer designs the vehicle and then calls in suppliers and gives them the freedom to design parts to fit the basic design. It lets the people who are expert in one thing do their job, and those who know how to do something else do that job. It's a much better system.

As this reality is accepted, U.S. auto manufacturers will source more and more parts outside their companies. This will lead to two important trends. One is a decline in jobs in the auto companies themselves. The other is tremendous opportunities for auto supplier firms. Many new supplier jobs and a lot of new supplier companies will be created.

Those new supplier jobs may not be in the United States, though. And some of the new supplier companies that are in the United States may be foreign-owned. As auto companies look for suppliers, they will look for companies that can give them three things: The highest quality . . . the best price . . . and the most reliable delivery. National origin and ownership won't be considered. If our auto companies are ever going to be competitive, they won't have the luxury of considering non-economic criteria as they make their sourcing decisions. No auto company can afford to operate that way. As long as foreign manufacturers deliver products of lower cost and higher quality than U.S. suppliers, the business will go overseas.

The second factor at work is the drive to increase productivity; that is, to increase output with constant or fewer inputs. I came across an example of this just last week. The president of a stamping company told me how he is building three press lines in Kentucky to replace six press lines in Pennsylvania. It will take 300 fewer people to run the new press Lines . . . and the new lines will produce many more parts than the old one.

This kind of thing must happen for our industry to become competitive. And as it happens, companies will have to cut back their numbers of employees in order to survive.

What our auto companies have already gone through and will continue to go through reflects the fact that they failed over many years to recognize this reality. For many years, our industry increased productivity year after year, and labor contracts provided for automatic, annual wage increases for productivity improvements year after year. That's fine—but one part of

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the equation was missing: people weren't let go. Labor contracts made work rules more restrictive and protective and resulting higher costs were just passed on to consumers. The system worked as long as our market tolerated an oligopoly. When the market changed in the late 1970s, the game was over and adjustment could no longer be avoided. But old habits die hard, and painfully.

Unfortunately for us all, when you lose competitiveness, you end up going through what economists call adjustment. Plants shut down, people lose their jobs, and communities hurt. And people come to you to stop the pain. You can—or at least you can try—but you can do it only at the cost of slowing the restoration of competitiveness.

The only answer is that we must facilitate change, not stand in its way. We must better educate and train our employees, make our society more mobile and responsible, and equitably share the burdens of adjustment. We must make companies and workers understand that they cannot rely upon Government to preserve the present or recapture the past. They must look primarily to themselves—to what they need to do to become competitive—to solve their problems.

FOREIGN INVESTMENT IN THE AUTO INDUSTRY

Let me try to relate what I've been saying about getting competitive to the issue of foreign investment in the auto industry. It's very relevant. Suddenly, a lot of questions are being raised about it. "Overcapacity" is the watchword.

I think overcapacity is a misused concept. It really doesn't matter how many of something you can build if there's no market for them. If I had the capacity to build 100 or a million buggy whips, it wouldn't mean anything, except that I would be soon out of business.

What counts is competitive capacity—the capacity to produce what consumers want. If we had overcapacity of that sort, you would see car prices falling, imports declining, and new investment falling off. That's what overcapacity means, and we don't have it. In fact, we're undercapacity. We've got increasing car prices, rising imports, and billions of dollars in new investments, by domestic and foreign companies. And we're not ever going to get competitive in the auto industry and the auto parts industry in this country without that investment, both foreign and domestic.

You may be thinking that you'd be delighted to see foreign investment in the United States auto industry if only the U.S. content of the vehicles built by Japanese subsidiaries were higher. Let me tell you where we are and where we're going in this area. We started at 38 percent overall U.S. content four years ago. We're now at 58 percent. You want to know about parts, I expect. We're at 37 percent U.S. parts and we're moving to 45 percent in the coming months. The fall of the dollar gets the credit for that. I expect we'll be at 60 percent U.S. parts content within two years. I think that means we'll match or exceed the U.S. content of the Big Three by then.

THE AUTO PARTS ISSUE

Let me tell you what we've found about the competitiveness of the U.S. auto parts industry. There are basically three groups of parts companies. There are companies that are striving for and achieving excellence. We've found 104 of them; some are constituents of yours. We're looking hard for more. These companies are competitive, and they are going to survive and prosper.

There's a second group of companies we feel have potential to be competitive, but we—and in some cases they—don't know whether they're going to make it. Then there's a third group that's not going to make it unless government intervenes on their behalf. In some cases, their management has done poorly at looking ahead and planning for the future. In other cases, management and workers have been unwilling to make the necessary changes in how they operate to enable them to compete. These companies are going to be casualties of the painful adjustment process I talked about.

I've heard a lot of talk about some U.S. suppliers complaining that they can't get in the door to bid on the business of companies like mine. I can't speak for any company but my own—but I say it's bunk. I'm tired of listening to it. Perhaps you are too. Maybe together we can do something about it.

I've brought some business cards with me today. I hope you'll take one and keep it handy. The next time an auto parts company comes in and tells you they can't do business with my company, pick up the telephone and call me. I'll personally find out what the story is, and we'll see if we can't straighten it out.

Only one thing. Don't call on behalf of suppliers who tell you they sell to the Big Three and can't figure out why they can't sell to us. Those credentials alone won't cut it with us. Companies wanting to supply us have got to meet our specifications and quality demands.

I'd like to conclude by recommending a new book for you to read. It's entitled "Changing Alliances," and its a report of a Harvard research project about what's happening in the auto industry today. The authors believe that American manufacturers face three options.

One is to ignore or resist change. Detroit tried this for a time . . . and it's still not clear that they've completely abandoned this strategy.

The second is to insist that our foreign competitors change the way they do business. We've engaged in this crudely from time to time in "Japan bashing" and in more sophisticated ways through negotiations such as Moss. There are real limits to what this approach can accomplish.

The third option is for us to change. It's the most difficult. It's also the only one that offers American manufacturing a future. Companies and workers that adapt and adjust to change will flourish. Those that can't . . . or won't . . . will not.

I suspect I've said a few things you may have some questions about and I'd be happy to try to answer them.

H.R. 2251

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. PETRI. Mr. Speaker, last week, I introduced H.R. 2251 to correct an absurd IRS interpretation of the treatment of preproductive expenses under the Tax Reform Act of 1986.

Prior to passage of the Tax Reform Act, livestock producers could deduct the expenses for raising animals as they were incurred. The Tax Reform Act of 1986 limits these deductions to those animals held less than 2 years before becoming productive. The new procedures for capitalizing expenses for livestock held longer than 2 years require a lot of burdensome recordkeeping for the producer.

As the IRS moved to implement the new law, the question arose as to when to start the 2-year timeclock. The IRS decided to start it running from the date of conception, not from birth. I can't imagine that was the intent of Congress, nor can I imagine that the IRS would want to carry over the same principle into other areas, such as the effective date for claiming personal exemptions for human babies.

This ruling does not affect producers of most types of livestock because they are generally brought into production—or sold for slaughter—well within the 2-year timeframe. However, dairy cattle and horses are the exceptions. Most dairy farmers, for example, raise their own heifers for milking stock. Dairy cows are generally brought into production within 2 years from the date of birth, not the date of the conception which is 9 months earlier.

My bill would correct this absurdity by requiring the IRS to start the timeclock at the date of birth, not the date of conception. In this way, dairy farmers and horse breeders will not have to be burdened with excessive recordkeeping requirements, and the IRS will be spared from dangerous extensions of its new principle.

I urge my colleagues to join me in cosponsoring this bill.

NEGOTIATIONS ON A CHEMICAL WEAPONS BAN

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. MURTHA. Mr. Speaker, I received the following letter from the Honorable George P. Shultz, Secretary of State:

DEAR JACK: I am writing in response to your letter of April 22 in which you requested my judgment as to the status of the negotiations on a chemical weapons ban and the impact on the negotiations should the Congress eliminate funding for the US CW modernization program this year.

Over the past year we have seen a steady evolution in the Soviet CW stance. In both the CW negotiations at the Geneva Conference on Disarmament and in the intensified U.S./Soviet bilateral discussions on treaty-related issues agreed upon by the President and General Secretary Gorbachev at their November 1985 meeting, the Soviets have moved toward U.S. positions. Since the November 1985 Summit, we have had five rounds of bilateral discussions on a CW ban, and we anticipate a sixth round early this summer. These talks have been constructive.

Once the Soviets saw that the U.S. was serious about acquiring an adequate deterrent capability, the Soviet position began to take on an air of realism. For example, this March they finally acknowledged—after more than ten years of negotiations—that the Soviet Union is a chemical weapons state. Just before my visit to Moscow earlier this month, Gorbachev announced in

Prague that the U.S.S.R. is constructing a facility for destroying chemical weapons. In Moscow, Foreign Minister Shevardnadze agreed to a U.S. proposal for an exchange of visits by U.S. and Soviet experts to our respective CW destruction facilities. On more technical points, the new Soviet posture has facilitated progress in a number of areas, such as the early declaration of CW production facilities and the verification of the elimination of these facilities. The Soviets have also agreed to declaration of the location of their stocks soon after a convention would enter into force.

While the past year of multilateral negotiations and bilateral talks on a CW ban has been characterized by measurable progress in a number of areas, substantial work remains. On challenge inspection, the Soviets have not agreed to mandatory inspection in cases involving suspected undeclared stocks and production facilities. On exchange of data, the Soviets have neither agreed to such an advance exchange nor followed our example of unilateral disclosure of information about CW capabilities. We hope they will come to the negotiating table this summer with revised instructions on these unresolved issues.

Our judgment is that the elimination of funding for the U.S. chemical modernization program could cause a significant setback in the negotiating process. It was only after we made clear that we would no longer tolerate a situation wherein our CW stockpile continued to deteriorate as the negotiations dragged on, that the Soviet position began to change. We believe that our binary modernization decision has provided a useful incentive to the Soviets to negotiate somewhat more productively. Finally, I would just note how feeble is the Soviet assertion that binary production would complicate the negotiations. We have made clear all along that if a verifiable CW convention is achieved, all our CW—including binaries—would ultimately be eliminated. They understand this perfectly.

Sincerely yours,

GEORGE P. SCHULTZ.

Mr. Speaker, this letter from Secretary Schultz communicates some apprehension that I share; if we vote for the Fascell and/or Porter amendments, we torpedo the current negotiations and lose our chance of getting rid of chemical weapons.

The previous two Congresses moved the talks off dead center with their votes for a deterrent in fiscal year 1986 and fiscal year 1987. We should continue the process and vote against the Fascell and Porter amendments.

MOUNT ZION HIGH SCHOOL SWINGSATIONS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. DURBIN. Mr. Speaker, I would like to share with my colleagues a sample of excellence from our Nation's youth. Putting aside my local bias, it may be hard to find a group of more talented singers, dancers and musicians than the Mount Zion High School Swingsations. These young entertainers have delighted audiences through the Midwest and have brought home trophies and awards from as far away as Hollywood, CA.

In a benefit concert recently, the Swingsations enchanted a local audience in Taylorville, IL. Their attention to perfection in vocal excellence and showmanship once again was a hallmark of their performance. They are now headed toward their final show of the 1986–87 season on May 22 when the Swingsations will present their Spring Concert at the Mount Zion High School Gym.

I want to take this opportunity to salute the talented seniors who will be leaving the Swingsations this year. They can be proud of a stunning record of performances including winning the Grand Championship title 2 years in a row at the National Show Stoppers Invitational in Chicago; the 1985 Grand Championship Award in the Young Americans National Show Choir Competition in Hollywood; and the 1986 Grand Champion Trophy plus Outstanding Swing Choir—Show Category and Vocal Category—at the Bishop Lueres Competition in Fort Wayne, IN.

The remaining Swingsations are fortunate to study and learn under Director Roberta Vest and Choreographer Dwight Jordan. Director Vest has taught at Mount Zion schools for 14 years after graduating from Millikin University in Decatur, IL. At Mount Zion schools, Ms. Vest has developed a number of choirs and originated the Swingsations in 1977. Ms. Vest has been a clinician and guest director at numerous colleges and universities and in 1982 was nominated for the Mary Kooynmian Award as "Illinois Gifted Teacher of the Year."

Choreographer Jordan is also a graduate of Millikin University where he received his degree in music education. He is currently co-director of Showchoir Camps of America which has camps in three States where students from throughout the United States receive training in singing and dancing. Mr. Jordan also is stage director and choreographer for the nationally-syndicated "Miss National Teen-Ager Pageant."

Mr. Speaker, It is an honor for me to have this opportunity to draw attention to the Mount Zion Swingsations. Mount Zion residents and indeed Illinois can be very proud of these young and talented singers, dancers and musicians. Under the leadership of Roberta Vest and Dwight Jordan, they have reached for perfection and on May 22, 1987, local Mount Zion residents will be able to once again acclaim what many have already acknowledged, that these young performers have indeed reached perfection.

SUPPORT TAX AMNESTY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. BIAGGI. Mr. Speaker, an article recently appeared in the Higher Education and National Affairs newsletter supporting a Federal tax amnesty. James P. Angelini, assistant professor of accounting at the University of Rhode Island declared that the Federal Government should institute a tax amnesty program to restore to the tax rolls citizens who have evaded paying income taxes.

I have authorized legislation, H.R. 301, to provide a one-time, 6-month national tax amnesty program. The program would provide immunity from all civil and criminal penalties, as well as 50 percent of the interest penalty, in exchange for a full repayment of all unpaid taxes and the remaining interest penalty. I urge my colleagues to read the following article, and more importantly, to give the idea of a tax amnesty program their full consideration.

As Professor Angelini so astutely states, "people feel that tax evasion is a victimless crime. Tax evasion is a disease, one that seems to be tolerated by its victims, the honest taxpayers of this country."

PROFESSOR SUPPORTS FEDERAL TAX AMNESTY

The federal government should institute a tax amnesty program to restore to the tax rolls citizens who have evaded paying income taxes, says James P. Angelini, assistant professor of accounting at the University of Rhode Island. Such a program could collect between $12 billion and $38 billion in unpaid taxes, he says.

"The United States has one of the highest [tax] compliance rates of any country in the world," Angelini said. "However, this advantage has been steadily diminishing over the past 40 years. The rate of noncompliance with our tax laws seems to be growing and estimates of the magnitude of the problem vary considerably."

Some economists estimate that as much as $500 billion in income each year is not reported to the Internal Revenue Service (IRS). IRS officials say the figure is lower—ranging from $100 billion to $150 billion each year, Angelini said.

Tax amnesty is a voluntary disclosure program that waives criminal prosecution and penalties for tax evasion if the taxpayer comes forward and pays the uncollected taxes.

Such programs have been successful in the state, Angelini said. Eighteen states have started tax amnesty programs in the past three years. New York raised $334 million during a three-month program; California and Illinois each have collected about $150 million. "A federal amnesty program will help the country address the serious problem of tax evasion and remind citizens of their moral obligation to pay taxes," Angelini said." People feel that tax evasion is a victimless crime. Tax evasion is a disease, one that seems to be tolerated by its victims, the honest taxpayers of this country.

GREEK INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. ANNUNZIO. Mr. Speaker, on March 25, 1821, 166 years ago, the people of Greece declared their independence, and with a series of uprisings against their Turkish oppressors, began their long and difficult struggle to become a free nation.

Although the Ottoman Turks had dominated Greek lands since the 1300's, a Greek national revival developed during the 1700's which led to an end to Turkish rule. Inspired by the American experience, the Greeks' desire for

independence was strengthened by the country's greater prosperity and education. In 1814, Greek merchants formed a secret organization, the Philike Hetairia, the Society of Friends, and a conspiracy was carefully planned which evolved into a general uprising of all Greek inhabitants of the European section of the Turkish Sultan's Empire.

Seven years later, in 1821, a full-scale revolution broke out, achieving notable successes, as Greek nationalist fighters swept down from the mountains and defeated the Turks in Peloponnesus, in Rumely in central Greece, and on many islands in the Aegean Sea. The Greeks heroically held out against repeated Turkish attacks to regain these regions.

Against overwhelming odds, the Greeks courageously fought for 8 continuous years, and on October 20, 1827, at the battle of Navarino, the Turkish fleet was soundly defeated and destroyed by the combined elements of British, French, and Russian navies.

This victory gave the Greeks additional incentives in their fight against Turkish oppression, and after many years of conflict and struggle, on September 14, 1829, the Turks were forced to recognize Greek sovereignty and independence at a conference in Adrianople.

Mr. Speaker, the civilization which flourished in Athens in the millenium before the birth of Christ gave rise to the democratic principles which we cherish in the free world today, and Greek philosophy, art, literature, and science have had a lasting impact on Western civilization. Greece's golden age truly left a rich legacy which has helped to shape our own traditions, and Greek immigrants who have come to American shores have contributed mightily to our national life. The ties of friendship that have linked our two nations over the decades have grown stronger and we have stood together as allies in war and peace.

It is a pleasure, therefore, to extend greetings to Americans of Greek descention the 11th Congressional District of Illinois which I am honored to represent, and Greek-Americans throughout this Nation, on the occasion of Greek independence—an inspiring event in the history of freedom, and to recall a century and a half of genuine and lasting friendship between the people of America and the people of Greece.

CRIMINAL MISCONDUCT DOES NOT PROVIDE AN EXCEPTION TO ERISA'S ANTI-ALIENATION PROVISION

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. GREEN. Mr. Speaker, today I introduced legislation that would amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to recognize as an exception to applicable anti-alienation and preemption provisions State court judgments, decrees, or orders recognizing or creating in the employer or assigning to the employer a right to an employee's accrued retirement benefit as an equitable remedy under State law for criminal fraud or theft.

I feel that this legislation is needed in light of a recent court case concerning an employee's pension. Briefly, an employee of Bache & Co. elected to participate in the company's pension plan and obtained a vested interest therein of approximately $170,000. In early 1984, a Florida bank obtained judgments totaling nearly $211,000 against the employee which he sought to satisfy by giving the bank a revocable assignment and transfer of his interest in the pension plan. The Florida bank, as assignee, then sued the trustee of the Bache pension plan in the southern district of New York for disbursement of the employee's funds. The trustee responded with an interpleader counterclaim against the employee, the Florida bank and Bache. The employee requested disbursement to the bank, the bank asserted its rights as assignee, and Bache asserted that it was entitled to the funds based on certain misconduct of the employee. The misconduct consisted of the employee's fraud on Bache customers by engaging in unauthorized transactions resulting in conversion and the obtaining of improper commissions.

In January 1985, the employee pleaded nolo contendere to a Florida indictment charging him with grand theft and securities fraud in connection with these activities. Bache allegedly had paid over $3 million to its customers as a result of the wrongdoing and asserted that it was subrogated to the rights of its customers for return of the converted funds. Bache also sought leave to assert an amended cross-claim against the bank to impose a constructive trust on the employee's pension funds because the funds included commissions paid on the fraudulent transactions. The district court denied Bache's motion and granted summary judgment to the Florida bank.

I believe that Congress did not intend the anti-alienation provision of ERISA to prevent employers from tracing stolen funds contributed to a pension plan. The legislation that I introduced today would clarify this belief. Below, I have submitted the text of my bill for review by my colleagues:

H.R. 2317

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FROM ANTI-ALIENATION PROVISIONS.

(a) AMENDMENT OF ERISA.—Section 206(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056(d)) is amended by adding at the end the following:

"(4) Paragraph (1) shall not apply to the creation or recognition of the existence of the right of the employer to, or the assignment to the employer of the right to, all or part of the accrued benefit of an employee, in a judgment, decree, or order of a State court of competent jurisdiction, as an equitable remedy under State law for an act of fraud or theft which was committed by the employee, which resulted in a loss to the employer, and which has served as the basis for a criminal conviction of the employee by a State court. The preceding sentence shall apply only to the extent of the losses determined by the State court to have been suffered by the employer as a result of such act of fraud or theft."

(b) AMENDMENT OF INTERNAL REVENUE CODE.—Paragraph (13) of section 401(a) of the Internal Revenue Code of 1986 (relating to assignment and alienation) is amended by adding at the end for the following:

"(C) SPECIAL RULES RELATING TO STATE COURT JUDGMENTS, DECREES, OR ORDERS REMEDYING ACTS OF CRIMINAL FRAUD OR THEFT AGAINST EMPLOYERS.—Subparagraph (A) shall not apply to the creation or recognition of the existence of the right of the employer to, or the assignment to the employer of the right to, all or part of the accrued benefit of an employee, in a judgment, decree, or order of a State court of criminal jurisdiction, as an equitable remedy under State law for an act of fraud or theft which was committed by an employee, which resulted in a loss to the employer, and which has served as the basis for a criminal conviction of the employee by a State court. The preceding sentence shall apply only to the extent of the losses determined by the State court to have been suffered by the employer as a result of such act of fraud or theft.".

SEC. 2. CONFORMING AMENDMENT TO PRE-EMPTION PROVISION.

Section 514(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)) is amended by adding at the end the following:

"(9) Subsection (a) shall not apply to a State court judgment, decree, or order to the extent it provides for a remedy permitted by section 206(d)(4).".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to State court judgments, decrees, and orders issued on or after the date of the enactment of this Act.

401(k) PLANS FOR TAX EXEMPT ORGANIZATIONS

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. PETRI. Mr. Speaker, yesterday, I introduced a bill, H.R. 2304, which would permit tax-exempt organizations to establish 401(k) retirement plans. Under the provisions of the Tax Reform Act of 1986, tax-exempt organizations can no longer have new 401(k) plans if they had not already established such plans by July 1986.

Traditionally, tax-exempt organizations have used these plans in lieu of high salaries to attract high caliber employees. It seems to me that we should not prohibit tax-exempt organizations from establishing such plans. In fact, I believe we ought to be making every effort to encourage people to think of their retirement when seeking employment. Why should the use of 401(k) plans be limited to for-profit organizations?

I urge my colleagues to join me in cosponsoring this legislation.

REV. FATHER BENJAMIN WALKER, PASTOR OF ST. JOSEPH CHURCH

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. MURTHA. Mr. Speaker, I would like to take this opportunity to say a few words about an outstanding citizen from my district, Father Benjamin Walker, of Johnstown, PA.

The Knights of Columbus All Saints Assembly, of which Father Walker is the associate friar, has contacted me in regard to his numerous contributions to not only Johnstown, but our Nation as well. During the Vietnam war, he served as a Navy chaplain and was assigned to the Marine Corps in Vietnam. After serving in many different areas, he became a chaplain in the U.S. Navy Chaplain Corps, with the rank of lieutenant jg. In 1970, Father Walker, holding the rank of lieutenant commander, received an honorable discharge. He returned to the United States with several honors, including the Presidential Unit Citation, Navy Unit Citation, Combat Action Ribbon, National Defense Service Medal, Vietnamese Service Medal, and Vietnamese Campaign Medal.

Upon his return, Father Walker continued to actively serve his country and community. Through the years, he has been an inspiration to the people of Conemaugh Borough in Johnstown, PA. His service to the people of this area includes home and neighbor improvement programs, as well as community involvement projects.

On June 14, 1987, Father Benjamin Walker will be honored by 435 members of the All Saints Assembly, and I would like to offer him my congratulations and sincere appreciation. He is respected for his patriotism and dedication to humanity. I wish him all the best for the coming years.

SPEAKER HENRY THOMAS RAINEY

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. DURBIN. Mr. Speaker, I represent the 20th District of Illinois. I have the honor of following in some very respected footsteps. Not only did Abraham Lincoln represent Illinois' 20th District; it was also once the congressional district of Henry Thomas Rainey, former Speaker of this prestigious body.

Henry T. Rainey was born on a farm at the edge of Carrollton, IL, in 1860. He was an articulate speaker, a good athlete, and an outstanding student. After studying at the Union College of Law in Chicago, Rainey returned to Carrollton to practice his profession. He was elected to Congress in 1902, and served 18 years until he was defeated in the Harding landslide of 1920.

Returning to Congress 2 years later, he worked his way back up the ladder of seniority until ascending to the Speaker's chair in March 1933. Mr. Rainey presided effectively over two of the most turbulent sessions of modern times. In his last session, he pushed through 22 bills favored by the Roosevelt administration, without a single amendment. He was an active defender of the American farmer and the working class, and was a formidable architect of several New Deal initiatives.

Henry Rainey, marked by his large stature, shock of white hair and bow tie, was true to the noble traditions of his great office. He loyally served his party, but it was his devotion to fairness and fidelity to his country which won him the highest esteem.

Mr. Speaker, on May 20, Democrats from Greene County in my home district in Illinois will gather in Carrollton for a dinner in his honor. I am confident that the values of compassion, justice, and service to one's country that were adopted by Henry T. Rainey will be present in the spirit of this gathering.

Speaker Rainey embodied an era of both desperation and hope. The New Deal policies he helped push through Congress were a demonstration of Government at its best: Intervening in rough times to help those unable to overcome the Great Depression.

In these tough economic times, we should learn from the example of optimism and vision displayed by Speaker Rainey. Our present problems are not permanent bonds, not if we exhibit the kind of courage and integrity of leaders like this historic public servant. The residents of Greene County and the entire 20th District in Illinois are proud to celebrate the legacy of Speaker Rainey.

THE OWOSSO TOWNSHIP RESCUE AMBULANCE SERVICE

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. SCHUETTE. Mr. Speaker, for 10 years the Owosso Township Rescue Ambulance Service has provided outstanding service to the people of Owosso, MI. Today, I would like to recognize the volunteers who have dedicated a part of their lives to this noble cause.

On June 27 of this year, the ambulance service and city of Owosso will celebrate the 10th anniversary of this service. In 1985, the Owosso Township Rescue Ambulance Service was named Ambulance Service of the Year by a national board. Since its beginning 10 years ago, the service has continued to provide high quality assistance to those in need. In a largely rural area, these services are of utmost importance in times of emergency and the citizens of Owosso must feel a sense of assurance to know their rescue service is one worthy of national attention.

Currently the rescue service is staffed by approximately 60 volunteers. These dedicated individuals have demonstrated outstanding talent and care for the people they have assisted, and on June 27 the people of Owosso will celebrate that dedication and talent and express their gratitude for a job well done.

Mr. Speaker, I hope you and our colleagues will join me in commending these fine individuals and share in expressing gratitude for their commitment to serving their public above and beyond the normal call of duty.

RECLAMATION STATES GROUND WATER ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. MILLER of California. Mr. Speaker, I am introducing today—along with 19 colleagues—the Reclamation States Ground Water Protection and Management Act of 1987.

The purpose of this bill is to encourage the reclamation States to better protect and manage their ground water resources.

Ground water is a critical natural resource—one heavily depended upon by the residents of the Western United States as well as the Nation. It accounts for 35 percent of all water withdrawn for municipal water supplies. Ground water is the source of drinking water for 50 percent of the U.S. population and 97 percent of rural residents.

Ground water is also a threatened natural resource. In many Western States, ground water is being withdrawn at rates faster than it can be replenished, resulting in serious overdraft problems. In other cases, ground water supplies have been contaminated or polluted, thereby limiting or even eliminating possible future uses.

It is clear—indeed it is imperative—that better and more effective programs are needed to protect and manage our ground water resources.

The bill I am introducing encourages reclamation States to develop and implement ground water management and protection programs. However, the Federal Government will have a role. The Federal Government, through the Department of the Interior, will identify which States have ground water problems requiring resolution or action. It will develop, through a public and open process, minimum criteria that State ground water programs must meet as a condition of that State receiving Bureau of Reclamation funds for water projects.

States which choose not to develop plans and which have serious problems with ground water will not receive funds for construction of reclamation projects. Further, the Secretary of the Interior will be precluded from entering into water delivery contracts in such States.

The bill involves a "carrot-and-stick" approach to ensuring that sound ground water programs are put into place where needed. This is the best way to make sure that Federal water project construction dollars are not continually poured into States to correct ground water problems—problems that should not or would not have occurred if ground water programs had been in place.

This is not the first time this sort of approach has been used. In fact, the Interior Department did threaten to stop funding the central Arizona project [CAP] because the ground water problems in the State were severe, and little was being done to remedy the problem—except, of course, to build the CAP project.

Arizona responded quickly and very ably to the challenge from the Department of the Interior. It now has a progressive and far-reaching ground water program. I view these actions by Arizona as a model for other reclamation States with ground water problems.

The Reclamation States Ground Water Protection and Management Act is a reasonable approach to an urgent problem. As taxpayer dollars for water projects become increasingly scarce and as the decisions about which projects to build or not build become more difficult, one thing is abundantly clear. Taxpayers' dollars should not be spent to build new projects to correct ground water problems which would never have developed in the first place if adequate protection programs had been in place.

Yet, this is just what we have been doing. Over the years, a number of very costly and highly subsidized projects have been built primarily to replace or to supplement ground water supplies that have been depleted, overdrawn, polluted or otherwise made unusable. For example, at least three units of the Central Valley project in California fall into this category. The total estimated cost of these three large projects—the Auburn-Folsom unit, the San Luis unit, and the Mid-Valley unit—is in the neighborhood of $5.7 billion. A careful and thorough review of the Bureau's Construction Program will reveal additional billions of dollars allocated for projects designed in large part to correct or remedy ground water problems.

This large infusion of money into structural solutions to ground water overdraft problems has not led to solutions at all. Ground water overdrafts continue to be major and serious problems throughout the West. Ground water pollution and contamination are growing threats. We need solutions other than more dams. We need effective programs to manage and protect our water supplies. This bill will provide the mechanism and the assurance we need that our ground water is protected and that we aren't wasting taxpayer dollars on unnecessary water projects.

Mr. Speaker, I plan to schedule hearings on this bill before my Subcommittee on Water and Power Resources in the very near future. This is critically important legislation, but I recognize that it will not be without controversy. I, therefore, want to get the legislative process under way as soon as possible with the expectation that the bill can be enacted this year.

RECLAMATION STATES GROUND WATER PROTECTION AND MANAGEMENT ACT OF 1987

SECTION-BY-SECTION ANALYSIS

Section 1. The short title

Section 2. Congressional findings and purpose

Congress finds that ground water pollution, overdraft and contamination are problems of national significance and that some Reclamation states have not effectively protected and managed their ground water resources. This has resulted in unnecessary Federal expenditures for water projects. Ground water should be managed by the States, and Reclamation states should be encouraged to implement effective ground water protection and management programs.

The purpose of the Act is to encourage Reclamation states to develop ground water protection and management programs consistent with criteria specified by the Secretary of the Interior.

Section 3. Definitions

"Reclamation state" is defined to include the seventeen Reclamation states.

Section 4. Ground water protection and management criteria

The Secretary is required to publish (within one year) criteria for assessing the adequacy of State programs to protect and manage ground water resources. These criteria shall include such elements as: programs for mapping and classifying aquifers; authorities for controlling all significant sources of toxic and other contamination; programs to control ground water withdrawals; surface use restrictions to protect water quality and quantity; programs to manage water resources through integrated and conjunctive use of ground and surface waters; and, programs to enforce effectively Federal, State, and local ground water protection and management laws.

Section 5. Identification, assessment, and prohibition

The Secretary is directed to identify those Reclamation states with significant or potentially significant ground water overdraft, contamination or pollution problems with the results made public at the same time as the criteria are published. The Secretary is then required to assess the adequacy of the ground water protection and management programs of those States identified as having ground water problems. The assessment is to be based on the criteria in section 4. States which have been identified as having significant ground water problems and inadequate programs shall be notified and given a reasonable opportunity to respond.

Within three years, a prohibition is imposed on the expenditure or obligation of Federal funds for the construction of a Reclamation project and on the execution of any Reclamation contract in any State identified by the Secretary unless that State has an approved ground water protection and management program.

Section 6. Approval of State programs

The Secretary shall review and approve ground water protection and management plans submitted by Reclamation states if such plans are substantially in compliance with the criteria set forth in section 4. State programs approved under this section shall be periodically reviewed by the States and revised as appropriate. Revisions must be approved by the Secretary unless it is determined that such changes are not consistent with the purpose of this Act.

The Secretary shall conduct periodic reviews of approved State plans to ensure continued compliance with and adequacy of the plan.

NATIONAL BARRIER AWARENESS DAY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. WELDON. Mr. Speaker, I rise to remind my colleagues that President Reagan has proclaimed today, May 7, as National Barrier Awareness Day. Celebrations are scheduled to take place in Washington, DC, the National Host City, and in 39 States across the country. These events will serve to remind us of the architectural, attitudinal, and communicative barriers encountered by individuals with disabilities in their homes, schools, workplace, and communities.

Mr. Speaker, in my home district, the Taylor Hospital is sponsoring a program to educate the media of barrier awareness by inviting public figures to perform some of their daily activities on this day from a wheelchair. While I regret that I could not participate in this worthwhile endeavor because of my responsibilities here in Washington, I did want to take this time to congratulate the Taylor Hospital and Edna Escher for their efforts, and to let then know of my concern and support.

JAPANESE ECONOMIC POLICY AND THE UNITED STATES TRADE DEFICIT

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. GARCIA. Mr. Speaker, as a supporter of the Gephardt amendment and of H.R. 3, I am hopeful that our trading partners will begin to realize that we cannot—alone—erase our trade deficit.

Nonetheless, Prof. Michael Hutchison, of the University of California at Santa Cruz, wrote a very cogent article in yesterday's Wall Street Journal on Japanese domestic economic policy, arguing that it does not have a negative impact on our trade deficit. Professor Hutchison's arguments are certainly worth considering. I am, therefore, submitting his article to the RECORD for my colleagues' perusal:

JAPAN'S POLICIES ARE EXPANSIONARY

(By Michael M. Hutchison)

Going beyond recent protectionist trade measures, the U.S. is now calling for Japan to adopt more expansionary financial policies to help reduce the huge and prolonged U.S. trade imbalance. The claim is that "austere" financial policies in Japan have slowed the growth of U.S. exports. The facts are quite different, however. Japan is following expansionary policies.

The basic argument against Japan is simple: Japan for domestic reasons is presumed to have adopted policies that keep domestic purchases of goods and services (aggregate demand) at a low level. Part of these purchases are imports, including goods and services supplied by U.S. firms. Slow growth of U.S. exports is therefore alleged to be in large part attributable to restrictive Japanese policies. A reversal of these policies toward expansion, monetary expansion in particular, would presumably help ease the U.S. trade problem.

But Japanese aggregate demand growth over the past two years has not been slow, nor have Japanese financial policies been particularly restrictive. Moreover, the U.S. trade deficit was not caused by restrictive Japanese financial policies, and will not be cured by expansionary ones.

HARDLY FITS THE PICTURE

In recent years, domestic demand adjusted for inflation grew at a faster rate in Japan than in either Europe or the U.S. Over 1985 and 1986, it grew an average 4% in Japan. The major European countries and the U.S., in contrast, both averaged only about 3% real demand growth over the same period. Moreover, forecasts by the Organization for Economic Cooperation and Development indicate that this year, Japan's aggregate demand growth of about 3.5% will be on a par with Europe's, and will exceed that of the U.S. by a full percentage point. Japan hardly fits the picture of a stagnating economy whose financial policies discourage imports and have indirectly caused sluggish U.S. growth.

Over the past few years, Japan's fiscal policy has been dominated by a desire to reduce the huge budget deficits that emerged in the mid-1970s, and it's relied primarily on monetary policy in maintaining aggregate demand.

Responding to the recession in the aftermath of the first oil-price shock, Japanese fiscal policy became very expansionary in the mid-1970s. This led to several years of record budget deficits and a debt-to-GNP ratio that grew fivefold. Considering all levels of government, Japan's public-sector budget moved from a surplus in the early 1970s to a series of deficits peaking at the equivalent of 5.5% of GNP in 1978. At that time, Japan adopted a steady and moderately restrictive fiscal stance. Over almost a decade, budget deficits have been gradually reduced to an equivalent of about 1.4% of GNP.

Moreover, it appears that a recent move to fiscal expansion first announced by the Ministry of Finance last September will not seriously undermine the policy of deficit reduction. Most analysts view the pump-priming package and supplementary budget as only mildly stimulative.

Generally restrictive Japanese fiscal policy since the beginning of the decade has been balanced by a monetary policy directed both to maintaining aggregate demand growth and influencing the value of the yen exchange rate against the dollar. After the Group of Five meeting at New York's Plaza Hotel in September 1985, Japan gave in to U.S. pressure and engineered a major tightening of monetary conditions. Interbank rates were raised by more than 200 basis points (to 8% from under 6%) between September and December 1985 with the sole objective of appreciating the value of the yen against the dollar; domestic conditions at the time did not warrant monetary restraint.

Needless to say, the strategy worked: Monetary contraction in Japan during the second half of 1985 helped sustain the rise of the yen against the dollar that had begun in February. But as confidence in the dollar was shaken, the yen's continued rapid advance through the end of 1985 and into 1986 surprised both policy makers and financial-market participants. The recent appreciation of the yen to around 140 per dollar is its strongest value ever.

To counteract the deflationary effects of high interest rates and a strong yen, the Bank of Japan abruptly shifted gears and adopted an aggressive expansionary stance in January 1986 that has continued to this day. The discount rate was lowered in four steps in 1986 to 3% from 5%, and again in February 1987 to 2.5%—a historic low (the previous low of 3.29% held from April 1936 through October 1946). Reflecting these reductions in the discount rate, money-market rates fell to 4% by the end of the year. Average lending rates of Japanese banks for both short- and long-term loans have declined to their lowest levels in the postwar period, and are currently far below those in the U.S. and the other major industrial countries. Moreover, surveys of large enterprises and banks in Japan also indicate considerable ease in credit market conditions, and promises of more rate cuts last week by Prime Minster Nakasone bode even more relaxation.

Reflecting the easy stance of monetary policy, money growth in Japan has been strong. The principal money aggregate (M2+CDs) monitored by the Bank of Japan grew 8.3% in 1986, slightly less than its 9% growth in 1985, but significantly faster than the 1980-84 6.9% average. Narrow money growth (M1) in Japan has accelerated even more—it was 9.1% in 1986, compared with 5% in 1985 and a 5.6% average over the 1980-84 period.

Despite this record of monetary ease, the 10% decline in Japanese wholesale prices in 1986 is often cited as an unambiguous sign of the contractionary effects of Japanese policies. This assertion is incorrect. Wholesale prices in Japan have followed the prices of imported raw materials. The average price of imports coming into Japan has fallen 45% since the beginning of 1985, spurred both by the sharp rise in the value of the yen and by the drop in crude-oil prices. The temporary "pass-through" of lower import prices has undoubtedly been the primary cause of falling Japanese wholesale prices, and not a restrictive Bank of Japan policy.

SPENDING AND SAVING

The evidence clearly suggests that the state of aggregate demand in Japan and Japanese financial policies were not significant causes of the more than $100 billion rise in U.S. trade deficits between 1980 and 1986. America's trade deficit has grown against all of its major trading partners and regions: Canada, Latin America, Europe and Asia. In fact, the proportion of the total multilateral U.S. trade deficit accounted for by its bilateral deficit with Japan is about the same today as it was in 1980. Nor are Japanese policies primarily responsible for the broad-based and rapid decline in the foreign-exchange value of the dollar since February 1985. The dollar has fallen against the currencies of all of the Group of Five industrial countries.

Responsibility for the wide swings in the U.S. trade balance and the exchange value of the dollar rests primarily with U.S. domestic policy and private spending and saving decisions. Even if Japan were to follow yet more expansionary policies, almost all of the major expansionary policies, almost all of the major econometric models suggest that the spillover effects on the U.S. trade deficit would be small and would have only a minimal overall impact on U.S. economic growth. Browbeating Japanese policy makers about perceived shortcomings in their macroeconomic policies only serves to divert attention from the real issues.

THE CHAMPIONSHIP SULLIVAN SINGERS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. DURBIN. Mr. Speaker, I am very proud to share with you the arrival at Sullivan High School of a spectacular national trophy. The National Show Choir Championship Trophy was awarded to the Sullivan Singers of Sullivan IL, after their sterling performance at the Young American National Show Choir Competition in Pasadena, CA.

The championship Sullivan Singers are most deserving of this high honor. These young students were unwilling to settle for anything but perfection. Knowing that the recognition of excellence is reserved for only the very best, they have dedicated hundreds of hours of practice and rehearsals toward this national championship and the knowledge that they have indeed reached excellence.

Director David Fehr and choreographer Dwight Jordan merit special acclaim for their dedication, patience and exceptional leadership. It is clear that these individuals have special musical and dance talents. However, beyond their natural talents, they are teachers and have a special gift in knowing how to bring out the abilities and skills of young students.

As the school year draws to a close, the Sullivan Singers will lose several seniors. These seniors will be deeply missed and I'm sure they will miss the friendship and joy of being a part of a close group. However, they graduate with the admiration of their community and the memories of winning a national championship.

Mr. Rich Taylor, manager of Show Development Entertainment for Walt Disney World, said it best when he said of the Sullivan Singers, "you are truly amazing and awesome." I am very proud of the Sullivan Singers and take great pride in congratulating them on their national championship at the Young American National Show Choir Competition.

BRING BACK THE ANTISMOKING ADS

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. BEILENSON. Mr. Speaker, today I am introducing a resolution which calls upon the Nation's radio and television broadcasters to renew the antismoking campaign of 1967–71 during which Government and private health organizations were provided free air time for public service announcements depicting the health hazards of smoking.

Those ads were enormously successful in educating the public about the dangers of smoking and deterring young people from starting this habit. There is no doubt that thousands of smoking-related deaths were pre-

vented because of this counteradvertising campaign.

In 1967, the Federal Communications Commission ordered radio and television stations to allow time for antismoking advertisements. The decision was based on the "fairness doctrine" which requires that broadcasters give time for conflicting points of view to be made public.

Those antismoking ads were no longer aired once Congress banned cigarette advertisements from radio and television in 1971. Ironically, in the years after Congress instituted the ban on cigarette advertising in the electronic media, and these antismoking ads were thereby also stopped, overall cigarette consumption went up, not down.

Recently there has been a great deal of discussion concerning what, if anything, the Federal Government should do to discourage smoking. Several proposals have been offered in Congress including banning cigarette advertising in the print media, and prohibiting tobacco companies from deducting advertising costs. However, in addition to presenting difficult constitutional questions, it's unlikely that these proposals would do much to actually discourage people from smoking.

The best, most effective way to discourage cigarette smoking is to better inform the public, and especially young people, about the known dangers of smoking. Reintroducing these extremely effective antismoking ads would enable us to avoid the sticky problems raised by the other proposals—and would do much more to actually persuade people to not smoke.

The reasons for devoting modest amounts of TV and radio air time to an effective antismoking campaign could not be stronger. Cigarette smoking causes over 300,000 deaths each year, and is the single most preventable cause of death in the United States. It causes more deaths than heroin, cocaine, alcohol, fires, automobile accidents, homicide, suicide, and AIDS combined. Surgeon General C. Everett Koop estimates that smoking is responsible for 30 percent of all coronary heart disease, 80 to 90 percent of all chronic lung disease, and 30 percent of all cancer deaths. And smoking by pregnant women has been linked to premature birth, fetal injury, and low birth weight.

Indeed, as the Surgeon General asserts:

There is no single more effective action a person can take to reduce the risk of cancer—and of dying from it—than to quit smoking, especially cigarette smoking.

Astonishingly, studies done in 1985 show that one-third of high school seniors still believe that smoking a pack of cigarettes every day poses no serious health risk. And, while smoking in the total population has decreased modestly, 1985 saw an increase in smoking among high school seniors. This is a frightening trend considering that 90 percent of all smokers begin before the age of 20, and that teenage smokers are much more likely to be heavy smokers as adults and are less able to quit.

Many adults also remain unaware of the terrible health effects of smoking. Studies show that 25 percent of women of childbearing age are not aware that smoking during pregnancy increases a woman's chances of having a low-birth-weight baby. And about one-third are not aware of the role smoking during pregnancy plays in increasing the chances of stillbirth.

Clearly this is a trend that can and should be reversed through an effective media-sponsored antismoking campaign.

Mr. Speaker, the Nation's broadcasters, as users of scarce public airwaves, are required by law to serve the needs and interests of the community. They once played an extremely effective role in educating the public about the known and avoidable dangers of cigarette smoking. Bringing back those antismoking ads is an effective, positive, and noncontroversial way to discourage smoking, and it will ensure that ignorance does not continue to play a role in the death and disease caused by cigarette smoking.

I urge my colleagues to join me in supporting this important legislation.

IMPROVED SERVICES FOR THE CHRONICALLY MENTALLY ILL

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. PANETTA. Mr. Speaker, I am pleased to rise today to introduce legislation designed to reinforce America's commitment to improving the quality of life for the chronically mentally ill. The package of two bills which I am offering is designed to facilitate the integration of mentally ill individuals into the community. Another bill introduced with these two in the last Congress requiring States to develop a comprehensive mental health services plan was, as you know, passed and signed into law.

Mr. Speaker, it comes as no surprise to any of us that the growing numbers of neglected, disturbed persons filtering helplessly through our society has reached an unacceptable proportion. We need only walk down any urban street on a cold winter night to witness a graphic demonstration of their desperate and tragic plight. The increasingly familiar sight of huddled masses of humanity absorbing what little warmth can be obtained from steel-grated air vents has awakened the passion and compassion of millions of Americans. Yet the homelessness of the deinstitutionalized chronically mentally ill is just part of a larger problem.

In the early 1960's President Kennedy pioneered a movement to unlock the institutional gates that were segregating the chronically mentally ill from society as a whole. Widespread reports of abuse and neglect in public mental institutions justifiably provoked a sense of outrage and horror among the American public, and the rush to deinstitutionalize the chronically mentally ill swung into full force. As a result, the number of patients today in large public institutions has drastically decreased. Whereas some 560,000 severely disabled patients were served in public residential facilities in 1955, that number declined 80 percent to 116,000 in 1984.

However, the shift toward community living has not been accompanied by universal guarantees of comprehensive, high quality care. Hairraising stories to match any told of the horrors of institutionalization are now coming to light: the released schizophrenic unable to cope with the pressures of daily living commits suicide; the family is condemned to the street by a discontinuation of income support; the mother, delirious from medication, becomes a violent threat to her children; and on, and on, and on.

As a society, we have a responsibility to help these individuals. We cannot appease our consciences merely by emptying out the beds in public institutions. We must recognize that extra assistance will be required to accompany a successful transition to community living, and we must develop a national consensus to facilitate the trend.

What is required is a comprehensive package of services tailored to the varied needs of the chronically mentally ill: case management, supervised living arrangements, outpatient care, rehabilitation, vocational training, and income support, to name but a few. Taken together, a configuration of community-based services can be more cost-effective than 24-hour institutional care.

Yet, more importantly, an effective network of supportive services for the chronically mentally ill will enable them to attain a degree of independence and dignity heretofore beyond their reach. The barriers to independent living are numerous but not insurmountable. We can help tear down these barriers, and lay the foundation for a fullfilling future life. But to do so will require a concerted and coordinated effort. The Federal Government must take the lead in working with States, local governments, and the private sector to promote this movement.

The legislation I am proposing today will pave the way for such an effort. The package addresses two aspects of community living in which the chronically mentally ill will require increased Federal assistance. As I mentioned, the 99th Congress approved a measure, the State Comprehensive Mental Health Services Act, introduced by Senator KENNEDY, that was identical to the measure I introduced here. The act requires States to develop and implement plans for comprehensive community-based care of the mentally ill in order to remain eligible for Alcohol, Drug Abuse, and Mental Health Administration block grants. At this point, let me take a moment to outline the two remaining parts of the package in more detail.

MEDICAID AND SSI CHANGES

Despite the 20-year trend toward deinstitutionalization, there still exists an institutional bias in the Medicaid Program. In 1981, a waiver program was inaugurated which allows States to apply for coverage for community-based services for the mentally ill, but the use of this provision is by no means universal. By contrast, full coverage is provided in public mental institutions for those patients under 18 and over 65 through Medicaid. Any individual, regardless of age, may receive care in a skilled nursing facility [SNF] or intermediate care facility [ICF] so long as that institution is not primarily a mental hospital. Moreover, no requirement for the provision of mental health services is required in these settings. Care in

a psychiatric ward of a general hospital is fully covered.

Clearly, we should use the Medicaid Program as a tool to encourage the use of alternative care settings. Although a one-shot payment to an institution presents the least administrative hassles, the well-being of the patient must be taken into consideration.

The first of these two bills seeks to enact modifications in the Medicaid Program to facilitate community-based care. The legislation would make it a requirement, instead of an option, for States to provide a range of services to their Medicaid population. Once again, case management plays a key role. A written plan would be developed for each patient which would detail the coordination of social, medical and outpatient services, income support, outreach, crisis intervention, family counseling, respite, habilitation and rehabilitation, and vocational training. The bill also requires the establishment of specific standards to be applied to SNF's or ICF's which provide care to the chronically mentally ill Medicaid patient. In addition, demonstration projects would be funded in five States to explore the feasibility of providing mental services on a contractual or capitated basis with a single point of entry.

Hospitals receiving Medicaid reimbursements would be required to establish a plan for the provision of community-based supportive services before discharging all chronically mentally ill patients.

With regard to SSI, some allowances must be made for the chronically mentally ill recipient in recognition of the extenuating circumstances that apply to this disease. For example, because the illness is often episodic, current regulations regarding periods of hospitalization must be adjusted. Under current law, a person who is institutionalized for more than 30 days loses SSI benefits. For chronically mentally ill patients who are often temporarily hospitalized for periods of more than 30 days, this income loss means they are unable to retain their residences. As a result, they find themselves on the street upon discharge. The bill would continue monthly benefit payments at a level sufficient to maintain housing for the chronically mentally ill if their discharge is expected within 6 months.

Delays involved in determining disability for the purposes of SSI payments can often make or break the success of independent living for the mentally ill individual. There is, however, a provision in the SSI regulations which allow for presumptive disability payments prior to final determination of eligibility if the applicant meets all other income level requirements and there is a high probability that he or she will be deemed to be disabled. This bill will make chronic mental illness sufficient cause for presumptive payments if the applicant agrees to participate in a plan of care and is, first, about to be discharged from an institution, second, at risk of institutionalization, or third, homeless.

In addition, as it now stands, chronically mentally ill persons who are able to obtain employment despite their disability automatically lose their SSI and Medicaid benefits. While the new earnings can obviate the need for the monthly SSI payment, the loss of Medicaid eligibility terminates access to the very medical services which enable he or she to work in the first place. Clearly, this regulation can be counterproductive. Therefore, this bill provides Medicaid coverage for former SSI recipients who are at-risk mentally ill persons for up to 3 years of employment. The work disincentive is further reduced by making permanent the liberalization of the earnings test originally instituted in 1980.

Finally, the bill would make an exception to the regulations which bar payments to residents of public institutions for those residing in transitional or halfway houses, or emergency shelters for the homeless.

HOUSING LAW CHANGES

The second bill I am introducing today addresses the severe housing problem facing chronically mentally ill Americans, as manifested in the swelling ranks of disturbed homeless. State mental health authorities would be allowed to take over unused properties owned by the Department of Housing and Urban Development [HUD] for conversion into supervised living facilities for the chronically mentally ill. Five million dollars in the first year and $14 million in each of the next 2 years would be authorized for these purposes.

A set-aside would be established in section 202 housing assistance for the elderly and handicapped of at least 14 percent or $100 million for loans for the development of housing geared specifically to the needs of nonelderly handicapped families. Builders would have to include an assured range of services to meet their special needs.

Finally, a voucher program would be established for supervised housing for the chronically mentally ill. Five million dollars would be authorized for the first year of this program. Costs would be shared on a 50–50 basis between the Federal and State governments, and would be administered through State mental health agencies.

The bulk of the provisions in these two bills do not require new authorizations but merely redirect existing funds. The additional spending that is called for is relatively modest, and could also be expected to result in reduced expenditures in other areas of the budget. But the legislation goes deeper than the issue of funding. It recognizes that old patterns cannot continue, that the problems of the mentally ill affect us all, and that we must change the status quo. To ignore the undeniable need for a reorientation in governmental programs affecting this portion of the population would be shortsighted and heartless. I like to think that we in Congress have the ability to reach out beyond the halls of the Capitol, and to effect real and positive changes in the lives of every American. Indeed, it is our duty.

Mr. Speaker, this initiative will promote that cause; it will reaffirm America's commitment to assisting the less fortunate in our society.

The inherent difficulties in independent living for the chronically mentally ill person are enormous; the Government should not add to the problem.

Over 200 years ago, Thomas Jefferson spoke of the inalienable right of the individual to pursue happiness. Today, for some of us the road to happiness is cluttered with obstacles created by society and Government. We can tear down these barriers, and clear the path to full self-realization for each and every American. In the end, society will reap the rewards. Please join me in supporting this important legislative initiative to improve the lives of the chronically mentally ill.

BOY SCOUTS OF AMERICA HONOR GUY BAKER

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. DUNCAN. Mr. Speaker, on April 28, the Great Smoky Mountain Council of the Boy Scouts of America honored one of my constituents by presenting him with the prestigous Silver Beaver Award. Mr. Guy Baker, of Athens, TN, was the recipient of this highest honor that that Boy Scout council can bestow upon an individual.

Mr. Baker has been involved in the Scouting programs of several States and has accumulated over 25 years of service. Presently he is involved with Troop 118, in Athens, to which he has been associated for some 7 years.

The Silver Beaver Award is presented to those who have shown an unyielding commitment to the Scouting movement and it is with great pleasure that I recognize Guy Baker for having demonstrated that very type of commitment.

THE 80TH ANNIVERSARY OF THE BIRTH OF MARGUERITE MARY MARCELLA SHINE-FREEMAN

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to salute a very special person residing in the First Congressional District on Long Island.

More than a tree grew in Margaret Smith's section of Williamsburg Brooklyn. Marguerite Mary Marcella Shine-Freeman also grew there. And, like the tree, she is a symbol for all as to what is worthwhile in life. Born May 9, 1907, Marguerite has spent 80 years growing into the respected, admired, and much loved person that we honor today. Her Irish parents passed through Ellis Island with a large supply of hope and determination for a better life in the new world. Marguerite has taken that hope and determination and used it to make the new world a better place for all of us.

She was an activist before the word was coined. She was active in the Rosary Society and the Catholic Daughters of Valley Stream where she organized neighborhood women to pray for peace. She was an elected member of the Board of National Council of Catholic Women. In 1952 Marguerite moved from Valley Stream to St. James where she resides today. She brought with her a concern for people. Discovering the Rosary Society defunct, she re-activated it. When her oldest daughter became a Daughter of Wisdom, she founded the St. James chapter of the St. Charles Hospital Auxiliary and with that group

she co-founded the St. Charles Thrift shop whose proceeds have been a great benefit to the hospital. She was a member of the Smithtown Hospital Ethics Committee. She formed a chapter of SANE for the St. James-Smithtown area. Always a concerned citizen, she has worked hard to send responsible people to Washington.

But Marguerite did not just organize and activate. She also marched. She's a good marcher. When World War II began and men marched off to war, Marguerite marched down to the Red Cross to be a volunteer. At war's end she marched to the Veteran's Hospital to give what comfort she could to the returning wounded. Perhaps what she saw there determined her next long march—a march for peace and justice—a march that continues to this day. She has marched in New York, Chicago, and Washington, DC. She has marched for civil rights, for peace, for a nuclear free world and for the Equal Rights Amendment. She has stood vigil to oppose capital punishment. She has marched on Shoreham to oppose the opening of that nuclear power plant. On alternate Friday nights you can find Marguerite marching through the halls of Stony Brook University Hospital quietly fulfilling her duties as an extra-ordinary minister. The sparks from her marching feet will cast a warm glow long after Marguerite's flame has dimmed.

In the late 1950's Marguerite fulfilled a cherished dream. Unable as a young woman to complete high school, she studied for and earned her G.E.D. Marguerite is the mother of four, grandmother of eight, great-grandmother of five, and friend to thousands. She has served her family, her community and her country with love, dedication and much good humor.

On this the 80th anniversary of her birth we wish her peace, love, health and, should the need arise—bright sun for marching in. And, as a personal note, I am pleased to call "Peg" my friend.

PRESERVING THE JOYS OF YIDDISH

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. SOLARZ. Mr. Speaker, I would like to pay tribute to a truly outstanding institution, the Yivo Institute for Jewish Research. Based in New York City, Yivo is dedicated to the study and preservation of the Yiddish language and other aspects of the cultural heritage of East European Jews.

My district has a thriving and vibrant community of Jews of Eastern European descent. When I walk through the neighborhoods of Brighton Beach, Bensonhurst, Boro Park and Williamsburg, among others, the sights and sounds of the "Old Country" are everywhere. The most obvious and enchanting link to the past is the prevalance of Yiddish. On street signs, in newspapers, and in the spoken words of people of all generations, the Yiddish language provides living proof that the unique culture of Eastern European Jewry continues to flourish. With its emphasis on scholarship and research, the Yivo Institute also plays a vital role in the preservation of this remarkable heritage.

Yivo's history parallels that of America's Eastern European Jewish community. In 1925, Yivo was founded in Vilna, Poland—then the center of Jewish intellectual life. For 15 years, the institute built an impressive archive of books, periodicals, and other artifacts which were gathered from Jewish communities throughout the world. When the savage Nazi onslaught obliterated the Jews of Poland, Yivo's activities were brought to an abrupt halt. The Nazis razed Yivo's buildings and destroyed many of its holdings. Some artifacts, however, were preserved to be studied by Nazi "historians" who were researching "the Jewish Question." A small part of the collection was saved by Yivo workers who literally risked their lives by hiding documents in attics and burying them in milk cans. These treasures were discovered by the allies after the war.

Yivo officially relocated to New York in 1940. When the war ended, the institute recovered the remnants of the Vilna holdings and then proceeded painstakingly to amass what is today one of the most remarkable historical archives in the world. Yivo boasts a library of 300,000 volumes and an archive of 22,000,000 items, including over 10,000 musical recordings and 110,000 photographs. Yivo's collection has served as an invaluable resource for many of our country's most celebrated historians and authors including Irving Howe, Lucy Dawidowicz and Neil Simon. The institute also functions as a graduate school where 100 students a year take courses in Yiddish.

In 1939, Yiddish was spoken by over 11 million people. As a result of the Holocaust, the number of Yiddish speakers today is estimated at 4 million and the majority of these people are of older generations. However, the future of the Yiddish language, and other aspects of Eastern European Jewish heritage is bright, not bleak. In the crowded confines of Yivo's east side office, dedicated staff members—including Holocaust survivors and young people in their twenties—are working tirelessly to preserve this culture. And in the daily life of some very special neighborhoods of Brooklyn, the legacy of Eastern Europe's Jewish community lives on.

THE DOMESTIC FOOTWEAR TRADE RELIEF ACT OF 1987

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Ms. SNOWE. Mr. Speaker, today I am introducing legislation to provide relief to the domestic footwear industry. Given the 84-percent import penetration levels this industry now endures, as well as an earlier unanimous material injury finding under section 201 of our trade laws by the International Trade Commission [ITC], this legislation represents overdue and merited assistance.

The bill I am introducing today would set an annual global import level of 75 percent of estimated annual domestic consumption. This legislation would give this trade-beleaguered industry an opportunity to withstand the onrunning floodtide of shoe imports, which have been targeted on the United States marketplace, by Taiwan, South Korea, Brazil, and other countries.

The domestic footwear industry has suffered from 153-percent import growth since 1981, the year in which orderly marketing agreements for this industry were lifted. Since that time, in just 6 years import levels have gone from a level of half of U.S. market sales to an astounding current level of 84 percent.

It remains an absolute disgrace to footwear industry workers in my State to consider the President's decision in September 1985. At that time, the President opted to deny trade relief under section 201 of our U.S. trade laws relief for the domestic footwear industry. This denial was issued despite the industry's efforts to go through the established trade relief process, and despite their having earned a unanimous material injury finding, as well as a strong recommendation for trade relief, from the ITC.

Subsequent to this denial, a trade relief provision was added in November 1985 to H.R. 1562, the Textile and Apparel Trade Enforcement Act. The Congress adopted this legislation, but fell eight votes short in the House of overriding the President's veto of this bill in August 1986.

This spring, a new textile trade bill, H.R. 1154 has been introduced, which represents another worthy legislative effort to bring about a fair trade relief response for both the footwear and textile and apparel industries. H.R. 1154, which I generally support, provides a global quota level for footwear imports at a level of 81 percent anticipated annual domestic consumption. As I believe the footwear industry deserves an even better percentage of the U.S. marketplace, I am introducing this separate legislation for the consideration of the Congress.

At the time of the President's denial of the industry's trade petition in 1985, import levels had climbed to 75 percent of the domestic market. The relief recommended by the International Trade Commission would have allowed approximately 60 percent of the domestic market to imports over a temporary period, reflecting the fact that other competing nations were wasting no time to fashion concerted export strategies zeroed in on the wide open U.S. market.

The first textile/shoe bill, H.R. 1562, reflected a modification of the 60-percent import level recommendation of the ITC. This year's bill, H.R. 1154, does not, and calls for a permanent import level of 81 percent. As I believe the domestic footwear industry, if given a little more room to grow, can bounce back and remain internationally competitive, I am introducing this separate legislation today, calling for a 75-percent level.

Mr. Speaker, I want Members of the House to support the Textile and Apparel Trade Act of 1987, H.R. 1154, and I hope this legislation will continue to receive wide support as the earlier version of this legislation did during the 99th Congress. I offer this separate bill for the consideration of the Congress as a further

and fairer trade relief response for the footwear industry, and as part of the legislative process leading to the enactment of the Textile and Apparel Trade Act of 1987.

IN RECOGNITION OF NATIONAL BARRIER AWARENESS DAY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. SMITH of Florida. Mr. Speaker, today I would like to reflect on the positive efforts made by our society to break down the barriers which inhibit the disabled from conducting their life in the fashion they deserve. It is comforting to see city buses equipped with lifts, parking places reserved for handicapped, ramps where stairs used to be commonplace and close captioned for the hearing impaired television viewer.

These adaptations represent the yielding to architectural, attitudinal and communication barriers that the disabled encounter daily. These steps have been taken to allow the disabled to continue in their daily life without irritating and psychologically disturbing impediments. Still, there is more we can do. By increasing awareness of the omnipresent barriers to the disabled, we will be compelled to improve the situation.

Today, May 7, 1987, is a special day, an opportunity to be aware—National Barrier Awareness Day. A day to think about and consciously observe the impediments which halt handicapped in their path. Florida is giving undivided attention to this important day. I am proud that Broward County, FL, located in my district, will observe National Barrier Awareness Day. In addition, Governor Bob Martinez has signed a petition in honor of this day.

In order to appreciate the emotional, physical, and psychological struggle each day presents for the disabled, the mayor of the city of Hollywood will carry on a routine workday with one added difference, she will confine herself to a wheelchair. Many people will assume a disability in order to experience the difficulties a day entails. These experiences will aid in developing a universal understanding of daily routines taken for granted by the nondisabled.

I would like to recognize the National Barrier Awareness Foundation for its efforts in educating our society about the barriers confronting our disabled. I urge my colleagues to join me in support of National Barrier Awareness Day and in pursuing efforts to break down all the barriers impeding our disabled.

A BILL TO AMEND THE CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION ACT

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. DE LUGO. Mr. Speaker, it is with great pleasure that I introduce today a bill to amend the Christopher Columbus Quincentenary Jubilee Commission Act, and urge my colleagues to support this legislation which we hope can be expedited through both Houses of the Congress.

The proposed amendments are primarily technical in nature. In August 1984, the 98th Congress passed Public Law 98–375, to establish the Commission, which is composed of 30 members appointed by the President in consultation with both Houses of Congress. The year 1992 marks the 500th anniversary of the voyages of discovery by Christopher Columbus. The Commission is charged with the responsibility of preparing a comprehensive program for commemorating the voyages, and one of its goals is to create a strengthened awareness of our common history and heritage as American people by planning, encouraging and coordinating activities to observe the historic events associated with those voyages.

As the Commission began work in 1986, it became evident that technical changes to Public Law 98–375 would be required in order to provide more effective programs and activities in preparation for the quincentenary celebration.

The proposed technical amendments would: raise the limitation on individual and corporate donations to annual caps of $250,000 and $1 million, respectively; permit a broader and more effective use of the Commission's logo; provide a distinction between publically paid staff and staff paid from private donations; eliminate the ceiling placed on the number of detailees to the Commission from other Federal agencies; permit the payment of some Commission-related expenses for such expert advisors; permit an allowance of $7,500 for expenses relating to the hosting of representatives of foreign governments; and extend the life of the Commission to December 31, 1993 in order to allow for the appropriate celebration of the second voyage of Columbus.

This last provision is of particular importance to me, and to my colleague, the Resident Commissioner from the neighboring island of Puerto Rico, and indeed, to the United States. For it was on his second voyage that Columbus landed at two sites now under the American flag, one in Puerto Rico, and the other in Salt River, St. Croix, in my district of the U.S. Virgin Islands.

I was honored when Mr. John Goudie, the chairman of the National Columbus Commission, asked me to introduce this legislation, and pleased to acceed to his request and join with him in making certain that the significance and importance of these two landings by Columbus in Puerto Rico and the U.S. Virgin Islands are duly recognized. They are a link to the past, symbolic bridges that tie the old world to the new, located in islands rooted in both, yet uniquely different.

I commend Mr. Goudie and his staff for the excellent job they are doing in launching this tremendous effort. Though small in number at the moment, Mr. Goudie, his executive director, Mr. John Williams, and his assistant, Mr. Francisco Martinez, have forged ahead and I know that speedy passage of this legislation will enable them to secure the assistance they need to create an appropriate celebration of the anniversary of the Columbus voyages.

Those voyages, so courageous, so bold, set a tone—a standard, if you will—in the new world that was indispensible in engendering the United States of America. We embody the spirit of Columbus, and I look forward to a spirited American-style celebration of the anniversary of his triumphs, with Puerto Rico and the U.S. Virgin Islands, where Columbus actually landed, as proud centerpieces and participants.

TRIBUTE TO JACK BALLARD

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. FISH. Mr. Speaker, I rise on this occasion to announce to this Chamber that a very fine mayor from my home district, Jack Ballard of Washingtonville, Orange County, NY, after 16 years as village mayor has decided not to run for another term. I am sure, however, that Jack will remain very involved in service to his community because his has been a lifetime of vigorous volunteering for his neighbors.

Jack's record of service to his village dates back to October 1954 when he ran and was elected to fill an 1-year unexpired term as village trustee. In March 1955, Jack ran and was elected to his trustee seat, a seat he maintained through successive elections through March 1971. Not the kind of man to spend time idly, Jack ran for mayor that same year and served as mayor of the village of Washingtonville until April 1987.

Another way Jack found to give of his time to others was membership to the Monell Engine Co. A member of the fire company for 35 years, he is still active with the company. Jack led the Monell Engine Co. as their president for 12 years.

This brings us to Jack's career with the Washingtonville School District. Jack was a bus driver and mechanic with the district for 27 years during which time he also ran his farm, which he continues to do.

Jack Ballard does not spend his time idly, nor does he use it sparingly toward good works. I know you will all join me in saluting him on this day.

EMIL MRAK COMMEMORATION

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. FAZIO. Mr. Speaker, it deeply saddens me to announce that Emil M. Mrak, a dear friend, beloved colleague, and gift to the fields of science and education, has recently passed away. Emil, 85, chancellor-emeritus of the University of California, Davis, died Thursday, April 9, at UC Davis Medical Center in Sacramento, of cardiac arrest.

Emil was born in San Francisco in 1901 and raised on a prune ranch in the Santa Clara Valley. He received his bachelor of science, master of science, and Ph.D. degrees from the University of California, Berkeley, and

became an instructor of food technology in 1937. He became chair of the Department of Food Science and Technology at UC Berkeley in 1948 and held full professional rank from then on. He moved to the Davis campus with most of the departmental staff in 1951.

Since his earliest years with the university, he was interested in the preservation of fruits by drying and became increasingly concerned with world food problems, particularly in developing nations. During the World War II years of 1944 and 1945, Emil served as a civilian scientist with the U.S. Army, working on the development of food rations tolerable of extreme climates and the rigors of military handling. In 1969, he received the Outstanding Civilian Service Award from the Department of the Army in recognition of his meritorious public service.

Over the years, Emil received an unprecedented array of prestigious and well-deserved awards. The Institute of Food Technologists [IFT] awarded him the Nicholas Appert Medal in 1957, the Babcock-Hart Award in 1961, and the International Award in 1963; he was the first person to win all three. In 1970, he was elected a fellow of the IFT, and received the Distinguished Food Scientist of the Year Award from the New York section of IFT.

His many honors include the following: Honorary Fellow of the Institute of Food Science and Technology of Great Britain, 1970; the Spencer Award for outstanding achievement in agricultural chemistry from the American Chemical Society, 1973; Atwater Memorial Lecture from the USDA, 1976; and Fellow of the American Academy of Arts and Sciences, 1977.

Emil's achievements extended to unusually impressive lengths. The Secretary of the Department of Health, Education, and Welfare appointed him chair of the Secretary's Commission on Pesticides and Their Relationship to Environmental Health in 1969. He also served as chair of the Secretary's Pesticide Advisory Committee, chair of the Hazardous Materials Advisory Committee, and chair and member of the Science Advisory Board of the Environmental Protection Agency. In 1985, he was named chair of the Scientific Review Panel to review toxic air contaminants in the State of California.

Additionally, he served as a member of several committees of the National Research Council and the Steering Committee for the President's Food and Nutrition Study. He was also a member of the American Biology Council Task Force on the Contributions of Biology to Human Welfare, past president of the International Academy of Environmental Safety, and on the board of trustees of the Nutrition Foundation.

According to the Daily Democrat, Former students and colleagues called him tough, compassionate, forthright, determined, and beloved. And they praised him for leading the UCD campus into prominence as one of the leading agricultural institutions in the world. I would like to join them in their praise for this very dear man, one who found pleasure and happiness in becoming an outstanding member of our community. His great contributions will be long remembered and appreciated. I also express my most sincere regards and affection for his family. My thoughts are with them always.

SERIOUS LACK OF ORGAN DONORS

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. BARTON of Texas. Mr. Speaker, it is a sad time in Jewett, TX. After a long and painful struggle, 6-year-old Myranda Murchinson died on May 2, 1987 of biliary atresia, an irreversible and fatal liver illness. Myranda has been awaiting a liver transplant that never happened.

The weeks which preceeded her death were marked by Myranda's brave struggle for life and the selfless outpouring from the people of the entire Leon County area. The people in that region, and all over the Sixth District, had voluntarily given more than $120,000 to go toward paying the medical bills for Myranda's liver transplant. From all over Texas, people who had never met this brave little girl turned out to contribute toward her medical care. It was an amazing effort which needs to be recognized. It is extremely sad that Myranda's amazing struggle didn't end as we had all hoped and prayed it would.

It is important that we in Congress recognize Myranda's struggle, and not forget the issues her death raises. We should discuss the plight of people in need of an organ transplant, and the serious lack of organ donors. I believe that if people around the United States understood the need for organ donors they would voluntarily become one. An organ donor may literally be giving someone, someday, like Myranda Murchinson and other needy recipients, the "gift of life."

ADDITIONAL SPONSORS TO H.R. 1717

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. JONES of North Carolina. Mr. Speaker, on March 19, of this year, along with 29 of my House colleagues, I introduced H.R. 1717, a bill to reauthorize and strengthen the National Sea Grant College Program.

Upon introduction of that bill, I indicated that the time has come to strengthen this essential program in order to foster both cooperation and competitiveness in marine science, oceanography, and other coastal and Great Lakes issues. More focus and accelerated work needs to be carried out in areas such as marine biotechnology, Great Lakes water levels, policy and technology for the exclusive economic zone, and estuarine and coastal ocean resource studies.

Sea grant has been a successful national experiment during its 20 years of operation. The network, of sea grant universities and institutions is an effective national instrument for environmental protection, scientific progress, technology transfer, economic competitiveness, and social progress. H.R. 1717 is an important legislative initiative to strengthen this program and to enhance the capabilities that have been nurtured over the years, but which have recently suffered alarming budgetary retrenchment.

As I noted above, 29 of my House colleagues joined with me in introducing H.R. 1717. Today, I am pleased to submit a listing of 75 additional sponsors to this important legislation. The total number of cosponsors for H.R. 1717 has now reached 105. I hope that this demonstration of support and commitment by the Congress will not go unheard at 1600 Pennsylvania Avenue.

SPONSORS OF H.R. 1717

Hockbrueckner, Blaz, Gordon, Fuster, Kleczka, Hayes of Illinois, Wortley, Guarini, Kastenmeier, Donnelly, St Germain, Bentley, Fauntroy, Mrazek, Wilson, Garcia, Gejdenson, Horton, Lehman of Florida, Gonzalez.

Neal, Gunderson, Hall of Texas, Chapman, Levin of Michigan, Porter, Murphy, Sensenbrenner, Henry, Towns, Vento, Bevill, Kildee, Price of Illinois, Biaggi, Sunia, Mineta, Lott, Traxler, Solarz.

Smith of Florida, Roe, Lancaster, Pepper, Grant, McCollum, Mavroules, Fish, Owens of New York, Dowdy of Mississippi, Nelson of Florida, Pashayan, Echart, Ireland, Pursell, Sikorski, Fascell, Kaptur, Pickle, Lewis of Florida.

Hertel, Frank, Rose, Cardin, Shaw, Livingston, Atkins, Martinez, Price of North Carolina, Badham, Akaka, Derrick, Spence, Schuette, Slaughter.

SISTER JEAN PATRICE HARRINGTON

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. GRADISON. Mr. Speaker, on the occasion of her retirement, I rise today to honor a truly exceptional individual, Sister Jean Patrice Harrington. Sister Jean Patrice has been one of our Nation's most distinguished educators for the past 30 years. I would like to share with you some of her most noteworthy achievements.

Sister Jean Patrice began her eventful career in 1953 as principal of the St. Rose of Lima School in Denver. In 1956 she joined the Cathedral High School, also of Denver, as a teacher, and 2 years later became principal, a post which she held until 1964. In 1968 and 1969 Sister Jean Patrice served as Director of Institutional Research at the College of Mount St. Joseph in Cincinnati and then served on the Board of Sisters of Charity until her appointment as President of the College in 1977.

Sister Jean Patrice has served with great distinction on numerous committees, and has traveled to Asia, South America, Europe, the Caribbean, and the middle east in support of quality education. As a result, she has become renown for her personal attention to the human aspect of every situation. Sister Jean Patrice has also been honored as the Cincinnati Enquirer's Woman of the Year, awarded the Public Relation Society of Ameri-

ca's Outstanding Citizen Award, the YMCA's Career Woman of Achievement Award, and an honorary Doctor of Humane Letters by Xavier University.

These significant honors, however, do not fully attest to her character. As one who has seen first hand the accomplishments and contributions of this remarkable person, I join in wishing Sister Patrice happiness and further success in her retirement.

FSLIC RECAPITALIZATION

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. SYNAR. Mr. Speaker, on Tuesday I voted to recapitalize the Federal Savings and Loan Insurance Corporation at $15 billion over a 5-year period. This was not the prevailing view. I'll admit that I had a tough time making this decision, but in the end, it seemed that all the facts pointed to this answer.

My first concern on this issue, is a safety and soundness of our system of insuring peoples' savings. As I listened to the debate, it became clear that $5 billion over 2 years would't do the job.

In October of last year, a $15 billion, 5 year recapitalization plan passed the House of Representatives by voice vote. We were aware last year of the scope of the problem, and there was little controversy in the House about taking the steps necessary to address it. Unfortunately, Congress didn't complete consideration of this plan before adjourning.

Earlier this year, the General Accounting Office sent a preliminary report to Congress that FSLIC was $3 billion in the red. This week, the GAO sent an update to the ranking minority member of the Banking Committee: as the audit nears completion, it is anticipated that FSLIC's accumulated deficit for 1986 will be close to $6 billion.

I don't believe that thrifts are in better shape now than they were last October. If a $15 billion, 5-year plan was needed last year, it is certainly needed this year.

Some Oklahomans expressed concern that FSLIC, if given the higher level of funding would have too free a hand in closing Oklahoma S&L's. H.R. 27, the measure reported by the House Banking Committee this year, included provision to address precisely this concern. The bill directs the Federal Home Loan Bank Board to adopt a policy of capital forbearance for savings and loans if their financial problems are the result of local economic conditions or due to loans issued in depressed regions, and if the institution submits an acceptable plan to improve its financial conditions. This policy should help Oklahoma thrifts weather our current economic downturn.

Congress is frequently criticized for choosing the short-term, easy "fix" rather than making politically tough decisions that will lead to real solutions. The $15 billion, 5-year recapitalization plan would have given FSLIC adequate funding and adequate time to do its job and close poorly managed, insolvent S&L's. By adopting the $5 billion, 2-year plan, we are making it more difficult for FSLIC to meet its mandate to protect depositors.

In spite of this, I voted for the bill on final passage. When an agency is facing a crisis, we must take action.

ROEBLING, NJ'S CONTRIBUTION TO THE GOLDEN GATE BRIDGE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. SAXTON. Mr. Speaker, since May 27 will be the 50th anniversary of the opening of the Golden Gate Bridge, I would like to bring to the attention of Congress the invaluable contribution of many New Jerseyans to the building of the bridge.

Steel used in building the bridge was produced in the Roebling Mills in Roebling, NJ. There, the steel was poured into ingots, reduced to billets, then rods, and finally drawn to wire which was stranded and spun into the 36.5-inch cables that suspend the roadway and give the bridge its beauty.

John A. Roebling's Sons Co., signed the contract for the suspension systems after winning the prime bid at $5.9 million in October 1932. Despite being in the middle of the Depression, Roebling had 2,500 employees on its rolls at the Roebling and Trenton plants. For them, the award was a godsend.

The steel manufacturing commenced at Roebling in the summer of 1933. From there, the wire was shipped to the bridge site by boat from Trenton via the Panama Canal.

Roebling engineers and riggers prepared the wire for application, spinning the wire between the 75-story-high towers erected by others.

The Roebling Co. finished its job of spinning in May 1936, 2 months ahead of schedule, thanks to the ingenuity of Roebling engineers. There was 80,000 miles of wire used in the project with 27,572 wires threaded in 61 strands which make up the cable.

Mr. Speaker, many of the Roebling workers still live throughout the Delaware Valley, and they are in their seventies, eighties, and even nineties. Some come from my congressional district, including Southampton, Easthampton, Mount Holly, Long Beach Island, and Toms River.

This week, the Roebling Historical Society held a 2-day celebration to honor the workers and memorialize the anniversary of the opening.

Mr. Speaker, I, too, would like to join in honoring these workers. I am proud that New Jersey—a continent away from the Golden Gate Bridge—made such an important contribution to one of our Nation's most beautiful landmarks.

NEW EXXON CHEMICAL COMPANY PLANT IN BATON ROUGE

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. BAKER. Mr. Speaker, recently one of the corporate residents of my district announced that it was going to expand its facilities and create vitally needed jobs for the residents of Louisiana.

The Exxon Chemical Co. will build a new methyl ethyl ketone (MEK) plant at the Baton Rouge, LA chemical plant. MEK is an industrial solvent used in surface coatings, adhesives, magnetic tape, and lube dewaxers.

The new facility in Baton Rouge will be one of the world's largest MEK plants and will initially manufacture 230 million pounds of MEK per year. Construction of this new plant will begin this year and it is expected to begin production late next year.

I am pleased to welcome this new facility to the State of Louisiana. It offers some hope of economic revitalization to an area of the country which is burdened with high unemployment.

It is also encouraging to see that Exxon Corp. recognizes the high quality of the employees already working at its facilities in Baton Rouge and in the future of Louisiana.

TRIBUTE TO WILLIAM CASEY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. BROOMFIELD. Mr. Speaker, I was saddened to hear yesterday of the death of William Casey, long-time public servant and former Director of Central Intelligence under President Reagan.

Bill Casey's service for this country stretched over the course of some 40 years, in which time he made many valuable contributions to the security and international stature of the United States.

Mr. Casey worked his way up from a junior officer with the Office of Strategic Services during World War II, to the position of Director of the Central Intelligence Agency for the Reagan administration. His career spanned five decades of American history which have seen numerous threats to world peace, democracy, and the security of the United States. His many contributions to the success of the United States in meeting the challenges of this era may never be publicly told, but his determination and ability in support of our Nation's security could never be concealed. Even Bill Casey's harshest critics respected his vast understanding of world events, his ability to access critical facts, and his tenacity in supporting causes that he felt were vital to national security in the face of adversity.

Bill Casey accepted the position of Director of Central Intelligence during a very trying period for the American intelligence services. The setbacks of the seventies had devastated

the U.S. ability to conduct many necessary intelligence functions, however, Bill Casey rose to meet the challenge. As a result of his personal initiatives, the U.S. intelligence services received increased levels of funding, an influx of qualified personnel, and an improved morale and confidence befitting the intelligence service of a world superpower.

The travails and mistakes of recent administration policies in the Middle East and Central America cannot overshadow Bill Casey's service to the United States of America. Our Nation will be less for his passing. His dedication and professionalism in the service of this great country are truly a tribute to the spirit of America.

ARBITRATION DAY IN NEW YORK STATE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. GREEN. Mr. Speaker, I rise to commend the American Arbitration Association for its innovative work and continuing service in the field of voluntary dispute resolution, and to announce that New York State Gov. Mario Cuomo has proclaimed today "Arbitration Day in New York State."

In celebrating that event, the American Arbitration Association is holding an "Arbitration Day" conference today at the New York Hilton Hotel in New York City. Robert Coulson, AAA president, stated, "48 organizations from widely diverse fields are cosponsoring this event with American Arbitration Association. This demonstrates the growing importance and versatility of alternative dispute resolution. For 61 years the Association has said that people should have the right to resolve their own disputes in their own way. Arbitration and mediation are good examples of that private liberty in action."

The American Association is a national, nonprofit, private organization. It administers 47,000 cases annually, and offers hundreds of educational programs and publications. More than 60,000 arbitrators and mediators are available to serve on its impartial panels. Based in New York City, it has 32 offices located throughout the country.

The "Arbitration Day" conference spotlights the use of alternative dispute resolution in eight specialized areas. They are: Construction, consumer, insurance, international trade, private sector labor relations, interest arbitration, securities, and textile and apparel disputes.

On the occasion, two awards will be presented for exceptional service in the dispute resolution field.

Arbitrator George Niclau, chairman of Major League Baseball's tripartite arbitration panel and president-elect of the Society of Professionals in Dispute Resolution [SPIDR], will receive the Distinguished Service Award for the Arbitration of Labor-Management Disputes. He is also the impartial member of New York City's Office of Collective Bargaining.

James F. Henry, president and founder of the Center for Public Resources and its legal program, will receive the Whitney North Seymour Sr. Medal for his contribution to the responsible use of alternative dispute resolution. Previous recipients include Chief Justice Warren E. Burger, Griffin Bell and Eleanor Holmes Norton. The CPR Legal Program is a nonprofit initiative to develop private alternatives to the high costs of litigation.

Mr. Speaker, I ask that my colleagues join me in honoring the American Arbitration Association for its outstanding community work, and we congratulate those persons it is honoring. Best wishes for a most successful event.

ENVIRONMENTAL PROBLEMS FACING THE SOVIETS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. BEREUTER. Mr. Speaker, a recent editorial in the Omaha World Herald called attention to the serious environmental problems in Eastern Europe. Specifically, the editorial focused on the role the Soviet Union could be playing closer to its borders.

I commend the editorial to my colleagues for the message is one that should not be ignored.

The editorial follows:

TWO ENVIRONMENTAL PROBLEMS ON WHICH SOVIETS COULD HELP

While Soviet scientists are gaining international good will by offering to help the United States fight deforestation in the tropics, major environmental problems exist closer to the Soviet borders. Eastern Europe has a growing air and water pollution problem and lacks the resources to finance a cleanup.

The situation was described Sunday in a New York Times article by James Bovard, who writes on environmental subjects. Environment-related illnesses such as cancers and skin and heart disease are rising in all Eastern bloc countries. In East Germany, 90 percent of the trees are sick, dead or dying. The Polish Academy of Sciences has estimated that pollution damage annually costs Poland the equivalent of 10 percent of its gross national product. In parts of Czechoslovakia, life expectancy is as much as 10 years less than elsewhere in the country.

One reason for the pollution is a cutback in Soviet oil deliveries to the Eastern bloc nations. More high-sulfur coal, which contributes to air pollution, is being used in old factories that lack pollution control equipment.

To concentrate on the pollution problem, Bovard said, would be to admit the failure of Marxism, which teaches that man and nature exist harmoniously under socialism.

The pollution is so bad, Bovard said, that some governments may eventually have to reduce living standards to make funds available for a cleanup. Dissident groups are putting pressure on officials in Poland, Hungary and East Germany to reduce the pollution, which Bovard called the Grim Reaper of the 1980s.

Several days ago, a group of Soviet scientists offered to work with the U.S. government and American environmental groups on an international project to halt the deforestation of tropical areas. Unless the pattern of deforestation is reversed, the Russians said, 1 billion people could starve to death in the tropics.

In a number of Third World countries, deforestation has caused erosion, reduced the productivity of the land and affected rainfall patterns, contributing to a cycle of drought and famine. A potential for disaster exists. International cooperation is warranted. No reason exists that the Soviets shouldn't be part of the effort.

Likewise, no reason exists that the Soviets shouldn't help their Eastern European allies with the environmental problems that the Soviets had a hand in bringing about. Environmental disasters don't stop at international borders, as the nuclear accident at Chernobyl demonstrated. If Eastern Europe's pollution isn't brought under control, it could eventually become a problem for the Soviet Union and Western Europe as well.

INTRODUCTION OF HOUSE JOINT RESOLUTION 273

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. SCHUMER. Mr. Speaker, we all know that "money talks." Unfortunately in 1976, in the case of Buckley versus Valeo, the Supreme Court took this saying literally. That decision held that key portions of the 1974 amendments to the Federal Election Campaign Act violated the first amendment to the Constitution. The provisions struck down included dollar limits on overall campaign expenditures, limits on how much of a candidate's own money could be spent, and limits on so-called independent expenditures.

The Court's opinion essentially equates spending money with speech. Somehow, if we say that a candidate can only spend money to broadcast the same political commercial 10 times, rather than 11, 12, or 100 times, we have deprived him of his free speech rights. Although I consider myself an ardent defender of the first amendment I simply do not agree with this analysis. It seems to me that expenditure restrictions are more akin to turning down the volume on the television set, not turning it off.

Since Buckley, the volume on the television set has reached ear shattering proportions. The cost of political campaigns continues to rise to new heights. In 1986, $194 million was spent in the general election for House seats and $179 million for Senate seats. Candidates for House seats spent an average of $244,000, while candidates for the Senate spent, on average, $2.6 million.

Of course, before we could spend this money we had to go out and raise it. All of us know what an arduous, time consuming, and potentially corrupting process this is. As my friend the Senator from South Carolina, FRITZ HOLLINGS, has said: "More and more our Congress is becoming, not a body of legislators, but a body of fundraisers."

While we all realize that reforms are needed in this area, we have been hamstrung by the Buckley decision. Because of Buckley, congressional proposals to reform campaign fi-

nancing have been unable to confront the central issue—campaigns simply cost too much. Instead, we have been forced into legislative contortions in which we try to compensate for our inability to directly limit campaign spending. Even public financing proposals, which have great merit, cannot address the problem of the enormously wealthy candidate who is prepared to spend every penny of his fortune to gain election.

Today, Congressman VENTO and I are introducing a constitutional amendment that would overturn Buckley versus Valeo. The amendment simply states that:

The Congress may enact laws regulating the amounts of contributions and expenditures intended to affect elections to Federal offices.

It is our hope that with the adoption of this amendment we can institute meaningful campaign financing reforms. Such reforms would reduce the compulsion many of us feel to raise more and more money. In addition, candidates not blessed with great personal wealth, or bulging campaign war chests, would no longer be at such a great disadvantage.

THE TACTILE CAPITOL

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. WILSON. Mr. Speaker, our nation's, capitol belongs to all U.S. citizens. It is for this reason that we take pride in the handsome buildings, beautiful landscaping and impressive monuments that make up Capitol Hill.

The city is full of visitors at this time of year. Most of us receive numerous requests for information on Washington as constituents plan visits to Capitol Hill—my office has been inundated this spring. Several of those requests have illustrated a lack, however, that I am now working with the National Institute on Disability and Rehabilitation Research to fill. George Covington, an expert on historic site accessibility and a member of the NIDRR staff on detail from the Department of the Interior, is the director of the project, entitled the "Tactile Capitol."

The question of accessibility—making accommodations for disabled visitors in public buildings and facilities—is a quiet issue. But again, because Capitol Hill belongs to all citizens, addressing the accessibility of these buildings and the entire "Hill" area makes it an important one as well. In addition, recognition of this project is especially fitting today as it is National Barrier Awareness Day. I therefore request that the attached description of the "Tactile Capitol" be entered in the RECORD, in order to inform my colleagues of this valuable project.

[From the National Institute on Disability and Rehabilitation Research]

THE TACTILE CAPITOL—A PERMANENT RESOURCE AND TRAVELING EXHIBIT

The Tactile Capitol will consist of a series of panels with three dimensional representations of key elements of the Nation's Capitol. While it will have braille components, it would be intended as an accessibility tool for a audience such as the mentally retarded, learning disabled, children, the visually impaired and the totally blind.

PROJECT'S TWO TYPES OF MAPS

There will be two types of maps involved in the project. The first will be panels of three dimensional representations of buildings that are of primary interest to tourists. These will include areas such as the Mall, the Capitol and surrounding House and Senate Offices, the Supreme Court and the Library of Congress. Other areas represented on the panels might include the relationship of the Potomac River to Arlington National Cemetary, Arlington House, and Mount Vernon. Additional panels could show the historical development of the Capitol.

The second type of map will be the raised line and braille kind. This map is intended for the blind and visually impaired constituents of members of Congress. These maps will be distributed to Congressmen for the use of blind and visually impaired visitors to Washington. These maps will show the floor plans of the Capitol Building, the outlines of the Capitol, the House and Senate buildings and their relationship to each other. Other panels will show the Mall and key historical monuments.

DISABLED CONSUMER INPUT

The exhibit will be designed by the disabled members of the Smithsonian Institution's Advisory Committee on Special Education Programs. This is a rare opportunity to allow disabled individuals to have input at the conceptual stages of an exhibit's development.

TRIBUTE TO DR. VINCENT REED

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. FAUNTROY. Mr. Speaker, I am delighted for the signal and treasured opportunity to rise in the hallowed precincts of this historic Chamber to salute one of the great citizens of our Nation's Capital, Dr. Vincent Reed, as his sterling, transcendent, and enduring contributions to our city and Nation are celebrated by the Shaw Community Food Committee.

Certainly, America is indebted to the hand of providence for the gift to every generation of those unique and talented individuals whose industry, vision, and unbending commitment to the promotion of the good, have contributed in fashioning a world of purpose, place and destiny. Dr. Vincent Reed is one such man.

As a distinguished educator, he confronted the great challenges of urban education with an excellence and precision that took him from classroom to the head of the DC school system as superintendent of schools. I am certain that many Members of this House remember with glad fondness, Vincent Reed's model administration at a very crucial time in our city's history.

Not content to just serve his city professionally, Dr. Reed after retirement from the school system, has championed the cause of the youth, senior citizens and the disadvantaged, as a businessman and civic leader. Regardless of the need, whether it be at a small community activity or a major philanthropic endeavor, Vincent Reed has been available and willing to share.

Finally, Mr. Speaker, in a time where it appears that the balance of compassion is weighted down by indifference and apathy, I am delighted to salute such an outstanding educator, civic activist, and leader of business as Dr. Vincent Reed, whose life and endeavors have done much to restore compassion to its proper place, and whose life has given flesh and sinew to the testimony of one man, who putting duty above complacency once declared: ". . . The woods are lovely dark and deep, but I have promises to keep and miles to go before I sleep—yes, miles to go before I sleep!"

Our city and Nation salutes you Dr. Reed for demonstrating the power and love of excellence and life lived for others!

U.S. NATIONAL SECURITY STRATEGY MUST GUIDE BUDGET PROCESS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. BROOMFIELD. Mr. Speaker, the House of Representatives has begun the process of authorization and appropriation of funds for the diplomatic, military, and intelligence activities of the U.S. Government. Currently, the House is considering H.R. 1748, the National Defense Authorization Act.

In a few weeks, the House will consider H.R. 2112, the Intelligence Authorization Act, and H.R. 1777, the Foreign Relations Authorization Act. The House may also consider H.R. 1630, the International Security and Development Cooperation Act of 1987, although that remains uncertain.

The House also will consider, either independently or as part of an omnibus continuing resolution, appropriations bills corresponding to the diplomatic, military, and intelligence activities authorization bills. These bills provide the funding for U.S. Government activities designed to advance our national interests in relations with the rest of the world.

In making funding decisions, Members of the House should ensure that the legislation directly supports U.S. national security strategy. Because taxpayers' dollars are scarce and precious resources, Members of the House must make every dollar count. Every dollar must implement the national security strategy.

President Reagan submitted the National Security Strategy to the Congress in January 1987. The document is critical to understanding the purposes and objectives of U.S. diplomatic, military, and intelligence activities. I urge my colleagues to read the entire document.

The following excerpt from the National Security Strategy outlines in broad perspective what has happened to the national security position of the United States in the years since the Second World War:

U.S. SECURITY IN A COMPLEX AND CHANGING WORLD

In the years following World War II, the United States faced, for the first time, an in-

escapable responsibility for world affairs. No longer protected by nearly perfect fortresses of oceans, allied with countries devastated by war, and presented with irrefutable evidence of Soviet expansionist aspirations, the United States shouldered the dual burden of facilitating the restoration of a world economic order and arresting the spread of the Soviet Union's peculiar brand of totalitarianism and communism.

The United States responded to the threats posed by Moscow with a policy of containment. Containment, as a strategy for world peace, entailed three distinct elements.

The first element, U.S. defense policy, involved forward deployment of military forces as necessary to deter and contain Soviet military expansion. In practice, this meant keeping, for the first time in our history, large military formations on the soil of allies in Western Europe and East Asia. As Soviet nuclear weapons delivery systems grew, it also required a large strategic force, to augment the deterrence provided by the conventional forces of the United States and its allies. Thus our military security system rested primarily on two strategic zones, Europe and Asia, backed by our nuclear deterrent forces.

The second element, U.S. international economic policy, involved economic recovery programs for Western Europe and Japan. It also required U.S. leadership in establishing and managing the international monetary system, and encouraging regional and global free-trade agreements.

The third element, U.S. policy toward the Third World, included both economic and security assistance. It also had a profound political component: decolonization, self-determination, and support for the evolution toward democracy. The Soviet Union opposed us in the Third World with a policy of "wars of national liberation," through which they sought to exploit the instability of emerging nations to establish Marxist-Leninist regimes based on the Soviet model.

The three postwar decades witnessed important successes for our National Strategy. World war was avoided. Europe and Japan regained their prosperity, with the help of massive U.S. assistance, and most of the Third World was decolonized. Containment, however, was an expensive policy. But because the United States had the lion's share of the devoloped world's economic power, we could carry the burden.

The postwar era came to an end during the 1970s. The cause of its demise were threefold. First, the success of U.S. economic policies in Europe and Asia dramatically changed the distribution of wealth and power within our alliance systems. The United States no longer had an overwhelming economic position vis-a-vis Western Europe and the East Asia rimland. And our success in deterring Soviet military aggression in these two strategic zones created growing public belief that direct Soviet aggression in these two regions had become less likely.

Second, the Soviet military buildup and the projection of Soviet power into Cuba, Nicaragua, the Middle East, Southeast and Southwest Asia, and Africa required changes in strategy for implementing our containment policy. Particularly significant was the Soviet Union's attainment of strategic nulcear parity with the United States.

Third, the political awakening in the Third World created civil wars and regional conflicts that threatened to draw the United States and the Soviet Union into direct military confrontations. And economic developments, particularly in the energy area, contributed to political instability and caused destabilizing effects in the international monetary system.

In such a significantly different world, the foundations of strategic planning had to be reconsidered. U.S. military superiority in strategic forces no longer exists and the continued growth of Soviet military capabilities applicable to Europe, the Persian Gulf, and other important areas, pose a continuing threat to regional security.

Today it is more important than ever before that our National Security Strategy be based on a solid understanding of U.S. interests and objectives and a realistic approach to dealing with the Soviet Union and other threats to U.S. security.

ARTS AND HUMANITIES TAX REFORM

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. GREEN. Mr. Speaker, I am pleased to have recently introduced the Arts and Humanities Tax Reform Act of 1987, legislation that would be a boon to artists, museums, and ultimately, an encouragement of creativity.

This legislation, H.R. 2239, would amend the Internal Revenue Code to disregard, in the valuation for estate tax purposes of certain items created by the decedent during his or her life, any amount which would have been ordinary income if the item had been sold at its fair market value; to allow a charitable deduction based on the fair market value of a creation; and to establish new guidelines for deducting the business use of a place of residence.

Under present law, an artist's heirs pay an estate tax on the decedent's creative property which is based on its fair market value. Unfortunately, an artist will frequently request that the family destroy works of art at the time of his or her death in order to protect the heirs from exorbitant estate tax charges. I believe this is a great loss to the Nation, its artists, scholars, and historians, and the decedent's heirs. Section 2 of my bill provides that, when an artist dies, the estate tax be based on the cost of the materials in the work and not the price at which the item could be sold.

I would add that a work or creative property may be defined as any copyright, musical or artisic composition, letter or memorandum, or any similar property which was in the decedent's possession at the time of his or her death, and was created through the efforts of the individual. Second, I would point out that creative work does not include any property which was held by a decedent who was at any time an officer or employee of the United States and which was created by the decedent in carrying out an official duty.

While, for estate tax purposes, works are valued at market price, a creative work is valued for charitable deduction purposes at the cost of materials in the work. Section 3 of my bill would allow artists to take a deduction for donations to nonprofit groups at the fair market value of the donated property.

In making these changes, we would promote rather than discourage creativity and advocate the sharing of artwork and creativity with the public. By providing a tax incentive for the contribution of works to nonprofit organizations—museums, libraries, and galleries—and a lighter estate tax charged an artist's family, we are encouraging wider distribution of artwork, development of artistic resources and individuals, and are recognizing the importance of preserving an artist's creation.

Section 4 addresses a problem which is voiced again and again by artists. Under current law, a taxpayer is allowed to deduct expenses attributable to the business use of his or her place of residence only when a portion of the home is used exclusively and on a regular basis as a place of business. Many artists and writers who seek to deduct expenses for the business use of their homes and live either in loft-type space or in small quarters have a difficult time providing exclusive use of a portion of their home when it is not separated from the remainder of the dwelling by a wall. My bill addresses this problem and would allow the deduction in cases in which a portion of the home is used to a substantial extent and on a regular basis for business purposes, thus allowing a part of a room, not necessarily a separate room, to be considered a workplace for tax purposes. Section 4 also directs the Secretary of the Treasury to promulgate regulations in order to implement the substantial extent provision within 90 days of enactment of the legislation. Within 120 days of enactment, the Treasury must recommend to the House Ways and Means and the Senate Finance Committees legislation which would provide statutory standards to replace the substantial extent provision.

This legislation is designed to allow the artistic community to develop without fear of the tax burden which being an artist presently creates. In light of the severe budget cuts in this area, I believe it is particularly important to provide these incentives to artists, and remove the disincentives to creativity which currently exist. I have submitted to the RECORD the text of my bill for review by my colleagues:

H.R. 2239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arts and Humanities Tax Reform Act of 1987".

SEC. 2. VALUATION OF CREATIVE PROPERTY FOR ESTATE TAX PURPOSES.

(a) IN GENERAL.—Part III of subchaper A of chapter 11 of the Internal Revenue Code of 1986 (relating to gross estate) is amended by inserting after section 2032A the following new section:

"SEC. 2032B. VALUATION OF CERTAIN ITEMS CREATED BY THE DECEDENT.

"(a) GENERAL RULE.—If the decedent was (at the time of his death) a citizen or resident of the United States, then, for purposes of this chapter, the value of qualified creative property shall be determined under subsection (b).

"(b) VALUE OF QUALIFIED CREATIVE PROPERTY.—For purposes of subsection (a), the value of qualified creative property of the decedent shall not include any amount

which would have been ordinary income if such property had been sold by the decedent at its fair market value (determined at the time of the valuation of such property).

"(C) QUALIFIED CREATIVE PROPERTY DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified creative property' means any copyright, any literary, musical, or artistic composition, any letter or memorandum, or any similar property—

"(A) which was held by the decedent at the time of his death, and

"(B) which was created by the personal efforts of the decedent.

"(2) CERTAIN PROPERTY EXCLUDED.—The term 'qualified creative property' does not include any property—

"(A) which was held by a decedent who was at any time an officer or employee of the United States or of any State or political subdivision of such State, and

"(B) Which was created by the decedent in carrying out his official duties as such an officer or employee."

(b) CLERICAL AMENDMENT.—The table of sections for such part III is amended by inserting after the item relating to section 2032A the following new item:

"Sec. 2032B. Valuation of certain items created by the decedent."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying on or after January 1, 1987.

SEC. 3. VALUATION OF CREATIVE PROPERTY FOR CHARITABILE DEDUCTION PURPOSES.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end thereof the following new paragraph:

"(6) SPECIAL RULE FOR CERTAIN PROPERTY CREATED BY THE TAXPAYER.—

"(A) IN GENERAL.—The reduction under paragraph (1)(A) shall not apply to any charitable contribution of property—

"(i) which is a copyright, a literary, musical, or artistic composition, a letter or memorandum, or similar property, and

"(ii) which is contributed by a taxpayer whose personal efforts created such property.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any property—

"(i) which is contributed by any officer or employee of the United States or of any State or political subdivision of such State whose personal efforts created such property, and

"(ii) which was so created by such officer or employee in carrying out his official duties."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contributions made after December 31, 1986, in taxable years ending after such date.

SEC. 4. BUSINESS USE OF HOME.

(a) IN GENERAL.—Paragraph (1) of section 280A(c) of the Internal Revenue Code of 1986 (relating to exceptions for certain business or rental use; limitations on deductions for such use) is amended by striking out "exclusively used" and inserting in lieu thereof "used to a substantial extent and".

(b) REGULATIONS.—The Secretary of the Treasury or his delegate shall, not later than 90 days after the date of the enactment of this Act, prescribe regulations to carry out the amendment made by subsection (a).

(c) RECOMMENDATIONS FOR LEGISLATION.—The Secretary of the Treasury or his delegate shall, not later than 120 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate recommendations for legislation which provide objective statutory standards for allowing deductions in cases where a portion of a dwelling unit is used for busines purposes on other than an exclusive basis.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1986.

COMMENDING THE UNITED STATES WHEAT SALE TO THE SOVIET UNION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. BEREUTER. Mr. Speaker, this Member would like to share with his colleagues an Omaha World-Herald editorial discussing the recent United States decision to sell wheat to the Soviet Union under the Export Enhancement Program. This editorial makes several good points in favor of the United States offer to sell wheat to the Soviet Union at price levels which match our competitors' subsidized rates. As this body considers measures to expand our exports, especially in the area of agriculture, it is important that we realize what actions are needed to remain competitive in the world grain market. The future of our farm sector depends on the fact that U.S. agricultural exports remain as competitive as they can be. I commend this editorial to the attention of my colleagues.

[From the Omaha World-Herald, May 7, 1987]

U.S. WASN'T OUT OF LINE IN SOVIET WHEAT DECISION

The European Community has no apology coming from the United States over U.S decision to subsidize the sale of 4 million metric tons of wheat to the Soviet Union. The United States merely matched the subsidy-sweetened deals that some of its competitors had offered to capture the Soviet Market.

Common Market agricultural officials condemned the decision. They said the reduced price quoted in the U.S.-Soviet transaction could undercut the world market and send prices plummeting. But perhaps their anger over the loss of a potential sale caused them to exaggerate. The price the Soviets agreed to pay, about $2.18 a bushel or $80 a ton, was in line with other offers the Soviet buyers had received. Albert Melnikov, the deputy Soviet trade representative, said several nations quoted a price of $80 a ton.

By lowering its price from about $102 a ton through an export enhancement program, consequently, the United States didn't undercut world prices. It merely matched them.

The reduction in price would be accomplished by giving surplus government wheat to exporting companies to make up the difference.

Without any subsidies, wheat sells for more than $100 a ton on the world market. European officials seem to want the United States to sell wheat at that price while the Europeans—who spent about $55 billion on agricultural subsidies last year—are free to sell wheat to traditional U.S. customers for considerably less.

The world doesn't work that way. Subsidized competiton begets subsidized competition. One trader's assault on the principles of free trade often provokes competitors to retaliate in the name of self-preservation. If one large supplier uses subsidies to offer grain at a substantially reduced price, that price becomes the standard that all serious competitors must meet.

For the Europeans to suggest that U.S. exporters should be tied to an uncompetitive price structure while their competitors step in with artificially lower prices is unrealistic.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT FOR FISCAL YEAR 1988

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. WALGREN. Mr. Speaker, today I am introducing the "National Science Foundation Authorization Act for Fiscal Year 1988." This bill authorizes the basic science and engineering research and education activities of the National Science Foundation [NSF].

The investment we make in basic research and education through the NSF is vital to our economy and national security. Future economic competitiveness of the United States in the world marketplace ultimately depends on new scientific knowledge. Through a strong investment in NSF we can begin to reverse our declining position in world trade.

In pursuit of this goal, the National Science Foundation funds university based research into basic problems in science and engineering and sponsors science and engineering education activities at all academic levels (primary, secondary, postsecondary, and graduate) that seek to improve the quality of science and engineering education. In the the process, NSF funding provides necessary training for students committed to science and engineering research as a career so that we have an adequate supply of scientists, engineers, and technicians to develop new ideas, apply them to commercial products, and produce manufactured goods through new technology.

The bill I introduce today is the product a of markup of the Subcommittee on Science, Research and Technology held April 9, 1987, and provides funding levels for the research and education activities as follows: Biological, Behavioral, and Social Sciences $294 million; Computer and Information Science and Engineering $146.5 million; Engineering $202.9 million; Geosciences $326.7 million; Mathematical and Physical Sciences $508.9 million; Scientific, Technological and International Affairs $51 million; Program Development and Management $95 million; Science and Engineering Education $150 million; and the U.S. Antarctic Program $118 million.

The total amount of funds authorized for fiscal year 1988 ($1.89 billion) is identical to

the total proposed in the President's budget. This total is a 16.9 percent increase over fiscal year 1987. Within the administration recommendation, the subcommittee redirected $38.5 million from research activities and the U.S. Antarctic Program into the Supercomputer Center Program ($3.5 million) and the Science and Engineering Education Directorate ($35 million). Of the $35 million redirected into the Science and Engineering Education Directorate, $20 million would be added to Teacher Preparation and Enhancement, $13 million would be added to the Materials Development and Informal Education Program, and $2 million would be added to the College Science Instrumentation Program [CSIP].

We have seen for the past few years a steady stream of evidence documenting the sad state of pre-college education in the United States. The current situation regarding science and mathematics education is vividly revealed by the results of two recent studies on the performance of students in mathematics. Not only is the mathematics achievement of the top 5 percent of twelfth grade students lower in the United States than in all other industrialized nations, but also the average twelfth grade math student in Japan outperforms 95 percent of comparable U.S. students. These trends must be reversed. No less than the economic health and security of the Nation is at stake.

The administration has proposed $115 million for the Science and Engineering Education Directorate in fiscal year 1988, representing 6 percent of the total NSF budget. Compare this 6 percent with an average of 30 percent of the NSF budget devoted to science and engineering education activities from 1955 to 1970. During this period NSF was generally acknowledged to have active, effective programs that signaled to the science and education community the importance assigned to quality, innovative science education. We need that now more than ever.

Precollege education programs in the administration proposal were slated for $68.9 million, the smallest increase over fiscal year 1987 of any of the educational efforts of NSF. This does not represent an adequate response to the serious problems confronting precollege science and mathematics teachers and students. Therefore, the Scence, Research and Technology Subcommittee boosted the authorized funding levels for precollege activities by $35 million.

It is estimated that approximately 60,000 of 200,000 high school science and mathematics teachers are in desperate need of upgrading their teaching skills. In fiscal year 1986 NSF's level of support for summer training institutes could only accommodate 6,000 teachers. Because of the need so clearly evident in this area we nearly doubled the authorized funding level for this program from $22 million to $42 million. Although the problem will remain great, this increase will significantly increase the number of high school teachers reached by the National Science Foundation. Nothing could be more important. Those who fail to get a good start in science and math in high school can never catch up in the world of science.

The increase of $13 million for Materials Development and informal Education will provide a 60 percent boost in NSF efforts to develop new teaching techniques and materials to serve as models for school systems throughout the Nation.

Of equal importance, the informal science activities help develop educational television programs and support science museums and centers which play an important role in stimulating public interest in science and reaching young people with the importance of careers in science.

The bill increases the College Science Instrumentation Program by $2 million to $11.5 million. This program supports the purchase of instructional lab equipment at 4-year, undergraduate institutions in view of the serious deterioration of the lab resources critical to the education of undergraduates.

In addition to the increase for science education activities, this bill increases funding for the Computer and Information Science and Engineering Directorate by $3.5 million for a total of $48.5 million. This increase is specifically designated to support the anticipated shortfall in the NSF Supercomputer Centers Program in fiscal year 1988.

In order to provide for these increases without exceeding the total proposed by the administration, the subcommittee rejected the administration's proposed increase of $25 million in operations support for the U.S. Antarctic Research Program. The result is to effectively level-funds the operations support part of the Antarctic effort while preserving the $1 million increase requested for the research aspect of the program. While research in the Antarctic may be important, if anything can be increased, it should be the effort in science education here in American schools.

The remaining $13.5 million necessary to provide room for these increases in education comes from a 1-percent reduction of the administration's request for NSF's research directorates. It should be emphasized that, although this bill slightly reduces the proposed funding for these directorates for fiscal year 1988, these activities still receive substantial increases over the funding levels for fiscal year 1987.

This bill mandates that 50 percent of the funds authorized for new Engineering Research Centers must be used for centers focusing on manufacturing technologies. Also, at least one of the future Science and Technology Centers will be dedicated to the development and demonstration of model technician training programs for 2-year and community colleges in view of the critical need of technician training. Further, 2-year and community colleges will be eligible to participate in all programs that address undergraduate science and engineering education.

The plight of manufacturing industries in the United States has become a major public issue. NSF has responded to this problem by initiating programs that focus on important research relevant to manufacturing technologies, particularly in the Engineering and Computer and Information Science and Engineering Directorates. NSF has proposed that manufacturing related research will receive $51 million for fiscal year 1988, which is 3.6 percent of the budget for research and related activities. The need and potential importance for the Nation of new advances in manufacturing technologies are so great that we must launch a strong effort in this area. Although the amount of funds for an Engineering Research Center focused on manufacturing technologies would be only something in the range of $3 million, the establishment of such a center is an important step, and this would be required in the subcommittee bill.

In regard to Community Colleges, the bill approved by the subcommittee reflects a renewed recognition of the value of technical education at 2-year and community colleges. They are ideal places for training and retraining, offering low-cost programs with flexible scheduling. These factors are particularly important to dislocated workers. Fifty percent of the present community college population is of noncollege age. Community colleges can design programs with local industry specifically designed to meet local industry's needs. They can attract faculty from industry who work directly in the field they teach. Community colleges provide more adult literacy training than any other postsecondary institutions and, in fact, enroll over one half of all students starting college, yet they are conspicuously under-used in the Federal education programs. As we seek to raise the technical literacy of all citizens, community colleges are the best place to start. The bill approved by the Subcommittee would open up NSF programs for 2-year and community colleges.

The bill directs NSF to undertake two studies. By January 15 of each year NSF must submit to the Congress a report on the programs funded by the Foundation that support undergraduate science and engineering education. A one-time study, due January 15, 1988, is required that will include an assessment of the problems of 2-year and community colleges. The NSF Director must also report to the Congress by November 1, 1988 on the impact of salary levels on recruitment and retention of science and mathematics teachers at precollege levels.

Finally, this bill repeals section 15(c) of the National Science Foundation Act of 1950 (42 U.S.C. 1874 (c)), a technical change eliminating unnecessary administrative requirements now part of the Graduate Fellowship Program.

Mr. Speaker, the budget for the National Science Foundation authorized in this bill will make a strong contribution to the national effort to strengthen our research and education base. The time is now for decisive action. The National Science Foundation Authorization Act for Fiscal Year 1988 provides exactly that.

COMMEMORATING SMALL BUSINESS ADVOCACY IN ST. JOSEPH COUNTY, IN

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. HILER. Mr. Speaker, next Monday our country will begin celebrating National Small Business Week. In proclaiming this well deserved salute to America's biggest business—small business—President Reagan stated:

America's millions of small business men and women exemplify the freedoms we all have—the freedoms to produce and create wealth as we choose, to earn and save and invest, to make opportunities for ourselves and others. Our rights to life, liberty, and the pursuit of happiness include and presuppose these rights, and our system of limited constitutional government enshrines them and protects them equally for all.

As history and common sense teach us, however, freedoms, once created, must be defended if they are to remain vital and strong.

Our Nation's small business owners, in dedicating all their energy and talents to the creation of jobs, innovations, and wealth, do not have the time or the resources as individuals to be constantly vigilant to the spread of government into the free workings of their business. Too often, the interests of the most productive segment of our economy are overlooked because government is too busy to remember, and small business owners too busy to remind them.

While many of us here in Congress are especially tuned to the needs and concerns of the small business community and the people they employ, we cannot do the job alone. We require the ideas, dedication, and determination of small business organizations not only here in Washington, but in our States and districts as well.

And to some degree, it is the State and local organizations that better measure the concerns of small business. By working closely with the business owners who day in day out employ their skills to succeed, these organizations know the frustrations small businesses encounter, know what works and what does not, and know what must be done to create an economic climate in which small businesses can thrive.

In this context, I am pleased to bring to the attention of Congress the Small Business Advocacy Network of St. Joseph County, IN. These dedicated small business advocates work diligently to improve the public's awareness of the important role small business plays in the economy and to mold a government policy that promotes, rather than hinders, the growth and creation of small businesses. I can think of few worthier projects.

Mr. Speaker, Winston Churchill once noted that some see private enterprise as a predatory target to be shot, others as a cow to be milked, but few see it as a sturdy horse pulling the wagon. I think it is incumbent on Congress to see in small business a very sturdy horse and to do all we can to smooth the path the wagon rides on. With the help of groups like the Small Business Advocacy Network, we can do this, and I commend the Network for so willingly offering their invaluable assistance.

ARTS AND HUMANITIES IN THE SAN JOAQUIN VALLEY

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. LEHMAN of California. Mr. Speaker, as this House prepares to consider appropriation bills for fiscal year 1988, I would like to compliment the National Endowments for Arts and Humanities, the Institute of Museum Services, and the Historic Preservation Fund for their valuable contributions to our culture. As an executive member of the arts caucus and art enthusiast, I wish to elaborate on how our arts and humanities agencies have benefited my district.

The arts have multiple functions in our society. They challenge our perceptions and teach us to develop our creative resources. They bridge diversities in our culture introducing new understandings and perspectives. The arts archive historical and societal trends and interpret the relationship between our past, our present, and our future.

Mr. Speaker, I believe the arts can be an asset to any community. Businesses make location decisions based on the cultural offerings. Portions of my district in California are rural with limited cultural opportunities available. This does not suggest that my constituents or others living in rural areas are less interested in the arts but that they have fewer opportunities to enjoy them. Federal grants in rural areas like the ones I represent have helped integrate art into the community. Following are samples of how my constituents have benefited when the Institute of Museum Services and the National Endowment of the Arts were able to invest grant moneys in us.

In recent years the Fresno Metropolitan Museum has received grants from the Institute of Museum Services. With them the museum has worked to obtain and maintain a quality multidisciplinary regional museum for Fresno and the entire San Joaquin Valley. An education department was initiated to design programs relevant to the areas' youth, adults, and families. Clearly the residents are responding to this dynamic program because memberships and visitation rates are steadily increasing. Funds have also been used for evaluating the museum's collection of European landscape and portrait paintings and for structuring collection storage spaces with the necessary environmental controls.

Grants from the National Endowment of the Arts made it possible for Fresno's Free College Foundation to support a radio drama coproduction with West German radio. Marvelous literary works have been translated and exchanged between the countries bringing together two parts of the world. The college has also promoted keyboard concerts and chamber music featuring local talent and touring artists. NEA grants enabled the Fresno Philharmonic Association to hire an education director and sponsor a concert in rural Madera. And Radio Bilinque, Inc. recently received a grant to design an arts segment on the series "Noticiero Latino."

These projects are testament of the art talent and spirit in rural America and how invaluable Federal grants have been at cultivating them. In closing, I urge my colleagues to continue to support the National Endowments of the Arts and Humanities and the Institute of Museum Services.

FIFTIETH BIRTHDAY OF THE GOLDEN GATE BRIDGE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to call attention to the construction of one of America's most notable landmarks, the Golden Gate Bridge.

On Sunday, May 24, 1987, the city of San Francisco will pay tribute and celebrate the 50th birthday of the bridge that spans 1.7 miles and connects San Francisco with Marin County, CA. However, Mr. Speaker, it is important to note that San Francisco is not the only community which can take pride and rightfully celebrate the construction of a bridge that so many believed was impossible.

In fact, Mr. Speaker, 2,885 miles east of the San Francisco Bay lies the small community of Roebling, NJ. Now a village honored on the National Register of Historical Sites, Roebling at one time was home to the steelmills of John A. Roebling's Sons Co.—the company that played a key role in the construction of the Golden Gate Bridge.

While others participated in the mammoth project of bridge construction, the Roebling Co. won the prime contract for the suspension and cable design which still marks the skyline of the San Francisco Bay. Roebling's, with a fine reputation earned from its construction of the George Washington Bridge, the Brooklyn Bridge, Niagara Falls Bridge, just to name a few, acquired the $5.9 million contract after a long and fierce bidding process.

It was no secret, Mr. Speaker, that in the early 1930's, the Roebling plant had a lot going for it. Its workers were highly skilled, dedicated people who pioneered new procedures, techniques, and patents which clearly advanced the production of steel, wire, and suspension cables. In May 1936, 2 months ahead of schedule, the Roebling workers completed their task and shipped 80,000 miles of steel cable—enough to wrap around the Earth's equator three times—to the bridge site, via the Panama Canal.

Mr. Speaker, the contribution of Roebling employees to the construction of the bridge continued in San Francisco when the company transferred some employees and opened its own steelyard near the Marin County. Project engineer George Albin was quoted as saying "Roebling brought class to the job. They taught everybody else about safety."

Mr. Speaker, its no wonder that this year the retirees of John A. Roebling's Sons Co. still feel the pride they felt 50-years ago when the Golden Gate Bridge first opened. Many of these people, their relatives and their friends continue to live in Roebling, NJ—a small hamlet whose lifestyle has its origins, its character, and its traditions deeply rooted in the operation of the Roebling Mills.

After the Roebling company was firmly established on the Jersey banks of the Delaware River, it built one of America's first planned unit developments with 750 brick houses for the workers. Complete with school, theater, bank, bowling alleys, tennis courts, stores,

restraurants, and a gymnasium the town provided refuge and work for thousands of immigrants in the early 20th century. The quality of life generated by the company was better than that of most company towns. The streets were tree lined and paved; there was central water and sewer, free gas, cheap rent, and later, even free electricity.

Today, Mr. Speaker, the community of Roebling continues to exude a spirit of pride which is both admirable and contagious. And while the homes, the stores, and the businesses no longer belong to the Roebling Co., its successful bridge-building history will always be celebrated, honored, and cherished by the people of the town that bears its name.

NATIONAL BARRIER AWARENESS DAY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. SHAW. Mr. Speaker, today is Barrier Awareness Day and I would like to congratulate the National Barrier Awareness Foundation for their work and dedication on behalf of making the Nation barrier-free for our disabled. I particularly appreciate their efforts, because my home district of Broward County is very concerned about the difficulties faced by disabled people, and we are devoted to someday removing all of these obstacles.

In recognition of this special day, the Florida Barrier Awareness Foundation has planned many events at Broward Community College in Fort Lauderdale. Exhibits, presentations, and sports demonstrations will be held throughout the day. A wheelchair basketball game will be played this evening, and one of my staff members will be showing our solidarity with handicapped constituents by playing in the game.

Few of us realize how many obstructions the handicapped must overcome in public buildings, schools, theaters, and many other places. By recognizing that there are barriers to handicapped people, we are taking the first step in abolishing these impediments. Let us all make use of this day dedicated to barrier awareness to work together in recognizing and eliminating the barriers that disabled people encounter.

THE BICENTENNIAL OF THE CONSTITUTION

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. KOSTMAYER. Mr. Speaker, we've been eloquently reminded this week that there is a danger that the Bicentennial of the Constitution may become a cosmetic exercise so vapid in content as to more resemble a soft drink commercial than the epic of struggle, torment and courage over two centuries that it is today.

As Justice Marshall said earlier this week, "This is unfortunate—not the patriotism itself, but the tendency for the celebration to oversimplify, and overlook the many other events that have been instrumental to our achievements as a nation."

As the Justice points out, the document the Founding Fathers devised was defective in a number of ways. For as we proudly proclaim the document's opening words, "We the People," we fail to recall as our chests swell and flags unfurl that a good portion of the population, including blacks and woman, were excluded.

It took some doing against considerable resistance to get them included.

We have, as Justice Marshall says, undergone a bloody civil war as well as important social upheavals to guarantee the document's "respect for the individual freedoms and human rights we hold as fundamental today."

It wasn't easy, Mr. Speaker. There was a lot of resistance, a lot of struggle, a lot of courage, a lot of bloodshed.

Those who have sought throughout our history to give the document its true meaning are surely as much heroes as the Founding Fathers, whose vision we have suffered to protect.

"The Constitution" so easily invoked today, is not the work of the Founding Fathers alone.

"Thus," as Justice Marshall said, "in this bicentennial year, we may not all participate in the festivities with flag waving fervor. Some may more quietly commemorate the suffering, struggle and sacrifice that has triumphed along with the original document, and observe the anniversary with hopes not realized and promises not fulfilled

Justice Marshall's remarks follow:

REMARKS OF THURGOOD MARSHALL AT THE ANNUAL SEMINAR OF THE SAN FRANCISCO PATENT AND TRADEMARK LAW ASSOCIATION IN MAUI, HI.

SALUTATION

1987 marks the 200th anniversary of the United States Constitution. A Commission has been established to coordinate the celebration. The official meetings, essay contests, and festivities have begun.

The planned commemoration will span three years, and I am told 1987 is "dedicated to the memory of the Founders and the document they drafted in Philadelphia." [1] We are to "recall the achievements of our Founders and the knowledge and experience that inspired them, the nature of the government they established, its origins, its character, and its ends, and the rights and privileges of citizenship, as well as its attendant responsibilities." [2]

Like many anniversary celebrations, the plan for 1987 takes particular events and holds them up as the source of all the very best that has followed. Patriotic feelings will surely swell, prompting proud proclamations of the wisdom, foresight, and sense of justice shared by the Framers and reflected in a written document now yellowed with age. This is unfortunate—not the patriotism itself, but the tendency for the celebration to oversimplify, and overlook the many other events that have been instrumental to our achievements as a nation. The focus of this celebration invites a complacent belief that the vision of those who debated and compromised in Philadelphia yielded the "more perfect Union" it is said we now enjoy.

I cannot accept this invitation, for I do not believe that the meaning of the Constitution was forever "fixed" at the Philadelphia Convention. Nor do I find the wisdom, foresight, and sense of justice exhibited by the Framers particularly profound. To the contrary, the government they devised was defective from the start, requiring several amendments, a civil war, and momentous social transformation to attain the system of constitutional government, and its respect for the individual freedoms and human rights, we hold as fundamental today. When contemporary Americans cite "The Constitution," they invoke a concept that is vastly different from what the Framers barely began to construct two centuries ago.

For a sense of the evolving nature of the Constitution we need look no further than the first three words of the document's preamble: "We the People." When the Founding Fathers used this phrase in 1787, they did not have in mind the majority of America's citizens. "We the People" included, in the words of the Framers, "the whole Number of free Persons." [3] On a matter so basic as the right to vote, for example, Negro slaves were excluded, although they were counted for representational purposes—at three-fifths each. Women did not gain the right to vote for over a hundred and thirty years.[4]

These omissions were intentional. The record of the Framers' debates on the slave question is especially clear: The Southern States acceded to the demands of the New England States for giving Congress broad power to regulate commerce, in exchange for the right to continue the slave trade. The economic interests of the regions coalesced: New Englanders engaged in the "carrying trade" would profit from transporting slaves from Africa as well as goods produced in America by slave labor. The perpetuation of slavery ensured the primary source of wealth in the Southern States.

Despite this clear understanding of the role slavery would play in the new republic, use of the words "slaves" and "slavery" was carefully avoided in the original document. Political representation in the lower House of Congress was to be based on the population of "free Persons" in each State, plus three-fifths of all "other Persons." [5] Moral principles against slavery, for those who had them, were compromised, with no explanation of the conflicting principles for which the American Revolutionary War had ostensibly been fought: the self-evident truths "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." [6]

It was not the first such compromise. Even these ringing phrases from the Declaration of Independence are filled with irony, for an early draft of what became that Declaration assailed the King of England for suppressing legislative attempts to end the slave trade and for encouraging slave rebel-

[1] Commission on the Bicentennial of the United States Constitution, First Full Year's Report, at 7 (September 1986).

[2] Commission on the Bicentennial of the United States Constitution, First Report, at 6 (September 17, 1985).

[3] United States Constitution, Art. 1, § 2 (Sept. 17, 1787).

[4] The 19th Amendment (ratified in 1920).

[5] United States Constitution, Art. 1, § 2 (Sept. 17, 1787).

[6] Declaration of Independence (July 4, 1776).

lions.[7] The final draft adopted in 1776 did not contain this criticism. And so again at the Constitutional Convention eloquent objections to the institution of slavery went unheeded, and its opponents eventually consented to a document which laid a foundation for the tragic events that were to follow.

Pennsylvania's Gouverneur Morris provides an example. He opposed slavery and the counting of slaves in determining the basis for representation in Congress. At the Convention he objected that.

"the inhabitant of Georgia [or] South Carolina who goes to the coast of Africa, and in defiance of the most sacred laws of humanity tears away his fellow creatures from their dearest connections and damns them to the most cruel bondages, shall have more votes in the most cruel bondages, shall have more votes in a Government instituted for protection of the rights of mankind, than the Citizen of Pennsylvania or New Jersey who views with a laudable horror, so nefarious a practice." [8]

And yet Gouverneur Morris eventually accepted the three-fifths accommodation. In fact, he wrote the final draft of the Constitution, the very document the bicentennial will commemorate.

As a result of compromise, the right of the Southern States to continue importing slaves was extended, officially, at least until 1808. We know that it actually lasted a good deal longer, as the Framers possessed no monopoly on the ability to trade moral principles for self-interest. But they nevertheless set an unfortunate example. Slaves could be imported, if the commercial interests of the North were protected. To make the compromise even more palatable, customs duties would be imposed at up to ten dollars per slave as a means of raising public revenues.[9]

No doubt it will be said, when the unpleasant truth of the history of slavery in America is mentioned during this bicentennial year, that the Constitution was a product of its times, and embodied a compromise which, under other circumstances, would not have been made. But the effects of the Framers' compromise have remained for generations. They arose from the contradiction between guaranteeing liberty and justice to all, and denying both to Negroes.

The original intent of the phrase, "We the People," was far too clear for any ameliorating construction. Writing for the Supreme Court in 1857, Chief Justice Taney penned the following passage in the Dred Scott case,[10] on the issue whether, in the eyes of the Framers, slaves were "constituent members of the sovereignty," and were to be included among "We the People":

"We think they are not, and that they are not included, and were not intended to be included. * * * They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race. . .; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. * * * [A]ccordingly, a negro of the African race was regarded . . . as an article of property, and held, and bought and sold as such. . . . [N]o one seems to have doubted the correctness of the prevailing opinion of the time."

And so, nearly seven decades after the Constitutional Convention, the Supreme Court reaffirmed the prevailing opinion of the Framers regarding the rights of Negroes in America. It took a bloody civil war before the 13th Amendment could be adopted to abolish slavery, though not the consequences slavery would have for future Americans.

While the Union survived the civil war, the Constitution did not. In its place arose a new, more promising basis for justice and equality, the 14th Amendment, ensuring protection of the life, liberty, and property of all persons against deprivations without due process, and guaranteeing equal protection of the laws. And yet almost another century would pass before any significant recognition was obtained of the rights of black Americans to share equally even in such basic opportunities as education, housing, and employment, and to have their votes counted, and counted equally. In the meantime, blacks joined America's military to fight its wars and invested untold hours working in its factories and on its farms, contributing to the development of this country's magnificent wealth and waiting to share in this prosperity.

What is striking is the role legal principles have played throughout America's history in determining the condition of Negroes. They were enslaved by law, emancipated by law, disenfranchised and segregated by law; and, finally, they have begun to win equality by law. Along the way, new constitutional principles have emerged to meet the challenges of a changing society. The progress has been dramatic, and it will continue.

The men who gathered in Philadelphia in 1787 could not have envisioned these changes. They could not have imagined, nor would they have accepted, that the document they were drafting would one day be construed by a Supreme Court to which had been appointed a woman and the descendent of an African slave. "We the People" no longer enslaved, but the credit does not belong to the Framers. It belongs to those who refused to acquiesce in outdated notions of "liberty," "justice," and "equality," and who strive to better them.

And so we must be careful, when focusing on the events which took place in Philadelphia two centuries ago, that we not overlook the momentous events which followed, and thereby lose our proper sense of perspective. Otherwise, the odds are that for many Americans the bicentennial celebration will be little more than a blind pilgrimage to the shrine of the original document now stored in a vault in the National Archives. If we seek, instead, a senstitive understanding of the Constitution's inherent defects, and its promising evolution through 200 years of history, the celebration of the "Miracle at Philadelphia" [11] will, in my view, be a far more meaningful and humbling experience. We will see that the true miracle was not the birth of the Constitution, but its life, a life nurtured through two turbulent centuries of our own making, and a life embodying much good fortune that was not.

Thus, in this bicentennial year, we may not all participate in the festivities with flag-waving fervor. Some may more quietly commemorate the suffering, struggle, and sacrifice that has triumphed over much of what was wrong with the original document, and observe the anniversary with hopes not realized and promises not fulfilled. I plan to celebrate the bicentennial of the Constitution as a living document, including the Bill of Rights and the other amendments protecting individual freedoms and human rights.

[7] See Becker, The Declaration of Independence: A Study in the History of Political Ideas 147 (1942).

[8] Farrand, ed., The Records of the Federal Convention of 1787, vol. II, 222 (New Haven, Conn., 1911).

[9] United States Constitution, Art. 1, §9 (Sept. 17, 1787).

[10] How. (60 U.S.) 393, 405, 407-408 (1857).

[11] Bowen, Miracle at Philadelphia: *The Story of the Constitutional Convention May to September 1787* (Boston 1966)

EDWIN MARKIEWICZ HONORED BY AMERICAN LEGION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. KANJORSKI. Mr. Speaker, tomorrow night American Legion Post No. 350 of Nanticoke, PA, will honor a personal friend of mine for his many years of service in their organization. It is a great pleasure for me to join my friends in Nanticoke in honoring Edwin Markiewicz, current central vice commander for the American Legion in Pennsylvania.

To belong to the American Legion, one of the greatest veterans organizations in the country, is an honor; to belong for 40 years is the mark of a true patriot who remembers the importance of service to one's country.

Ed Markiewicz has been an active member during his long tenure as a Legionnaire. He has served as Post No. 350 adjutant and post commander for two terms, and is a member of the board of directors for the home association and is the current president. Ed was elected both deputy commander and commander for District 12, and has chaired the Americanism committee and membership committee for Luzerne County. For 3 years Ed Markiewicz was the assistant sergeant at arms and assisted State commanders. A regular participant in State and national conventions for nearly 20 years, at last year's convention in Pittsburgh, Ed was chosen vice commander, the first vice commander to come from Post No. 350.

We have been lucky in Nanticoke to have Ed Markiewicz as our neighbor, and the American Legion Post No. 350 has been lucky to have him as a leader for veterans in Luzerne County. Mr. Speaker, I am proud to draw your attention to my friend Edwin Markiewicz today. As long as America has great patriots like him, we will forever be able to defend the honor of our heritage.

INTRODUCTION OF THE DAVIS-BACON REFORM ACT OF 1987

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. STENHOLM. Mr. Speaker, along with my friend and colleague, Congressman ARLAN STANGELAND, I am pleased to be introducing once again legislation to make significant and reasonable revisions in the Davis-Bacon Act of 1931. In all, over 80 Members of the House

are joining today as original sponsors of the Davis-Bacon Reform Act of 1987.

We have introduced similar legislation in the past two Congresses—H.R. 3846 in the 98th Congress and H.R. 472 in the 99th Congress. We have made changes in our bill this year to recognize and accommodate many concerns that have been raised with regard to previous efforts to revise the Davis-Bacon Act. Our new bill is a reasonable, responsible compromise. It would provide relief from the major problems that have arisen over the years because of Davis-Bacon, while preserving the basic worker protections intended by the act.

Davis-Bacon was enacted during the depths of the Great Depression, at a time when little construction was taking place outside of Federal public works projects. Reports were widespread that unscrupulous, fly-by-night construction firms were transporting gangs of "itinerant, cheap, bootleg labor" around the country, driving down local wages by underbidding local firms on Federal public works projects. The guiding intent of the Davis-Bacon Act was that wages on Federal construction, alteration, or repair contracts should simply mirror locally prevailing private sector wages and that the economic power of the government should not be used in a way that disrupted local economies and depressed local wage scales.

These goals remain valid and we strongly support them. However, a vastly changed national economy, subsequently-enacted labor laws—Davis-Bacon predated virtually all of today's basic worker protections, including the minimum wage, right to bargain collectively, and special construction industry rules, and the many problems that have developed under Davis-Bacon over the years all build a compelling case for meaningful reform. As it is currently constituted, the act frequently operates counter to its original purposes.

Davis-Bacon has added to construction costs by discouraging competition for Federal contracts, especially among small businesses, by the inefficient allocation of labor and scheduling of wages, and by imposing onerous paperwork requirements on those complying with it.

The Congressional Budget Office estimates that Davis-Bacon adds over $1 billion a year—more than 3 percent—to total Federal construction costs. The General Accounting Office, Department of Labor, Department of Defense, Grace Commission, and both an Interagency Review and the Council of Economic Advisors of the Carter administration have arrived at comparable figures. An Oregon State University study concluded that Davis-Bacon raises costs in rural areas by 26 to 38 percent.

Wasting billions of dollars because a single Federal law does not work right would be unconscionable at any time. it is intolerable at a time of $200 billion deficits. Our bill would save $3.4 billion in budget authority and $2.3 billion in outlays over 5 years, based on CBO estimates.

Simple, yet substantial dollar savings are not the only benefits to be realized from Davis-Bacon reform.

Our bill would enhance contracting opportunities for small firms that have been discouraged from or priced out of even bidding on Federal construction and repair contracts.

Our bill would require that those practices truly prevailing in a locality be followed more closely.

Our bill would provide training and entry-level work for those most in need of job opportunities: minorities, women, new entrants in the work force, the long-term unemployed, and other disadvantaged individuals.

I want to emphasize: Our bill is not repeal in disguise. It would revise and improve the Davis-Bacon Act in several ways. It would exempt from Davis-Bacon coverage only 12 percent of the total dollar volume of Federal construction, alteration, and repair contracts—only 12 percent of the actual work. But by exempting small contracts, wage rate surveys can be made more accurate and enforcement more vigorous on the large amount of work that remains covered by the act.

The Davis-Bacon Reform Act of 1987 addresses numerous problems without sacrificing worker protection or the quality of Federal construction. Moreover, it will restore Davis-Bacon to something much closer to its original intent.

I also submit for the RECORD the text of, and a summary of, our bill.

The material follows:

SUMMARY OF THE DAVIS-BACON REFORM ACT OF 1987

The Davis-Bacon Act (originally passed in 1931) requires that, for federal and federally-assisted construction, repair, and decorating projects, the Secretary of Labor determine what are the "locally prevailing wage rates" for each craft and classification of worker. These rates then become the minimum wages paid on such projects. As a practical matter, such rates have often been set much higher than those truly prevailing in a locality, semi-skilled workers have been shut out of working on Davis-Bacon jobs, and voluminous paperwork has been required of contractors. The result is that many small and minority-owned firms are discouraged from even bidding on federally-funded projects and, according to CBO, federal costs are increased by more than $1 billion a year.

In the last two Congresses, we introduced legislation to address these problems. Last year, 120 House Members co-sponsored HR 472, the Davis-Bacon Reform Act. We will soon introduce a similar bill, with some substantial revisions.

In the past, Davis-Bacon Reform has been supported by the National Association of Counties, National League of Cities, National Association of Minority Contractors, and National Center for Neighborhood Enterprise, as well as numerous other business and public interest groups.

Our Davis-Bacon Reform Act of 1987 reflects careful consideration of issues raised during House and Senate floor debates last year, as well as during hearings held (after years of effort on the part of reform supporters) last year by the Education and Labor Committee and this year by the Public Works and Transportation Committee. We have also consulted with a number of our colleagues and with the many associations actively working for reform.

The Davis-Bacon Reform Act of 1987 will save $3.4 billion in Budget Authority and $2.3 billion in outlays over five years, based on CBO estimates, and will include the following provisions:

THRESHOLD: $250,000

Since 1935, Davis-Bacon has applied to all construction, repair, and decorating contracts for $2,000 or more. In 1986, the Senate approved a $250,000 threshold for both DOD and highway construction, and had narrowly approved a $1 million DOD-Davis-Bacon threshold in 1985. The Administration continues to support a $1 million DOD threshold. The House defeat in 1986 of a $250,000 DOD threshold (the Dickinson-Stenholm amendment to HR 4428, the FY 1987 DOD Authorization) was clouded by the obviously strong and repeatedly stated desire to give the committee process a chance to consider reform on a government-wide basis this year.

HR 472 in the 99th Congress would have set a $1 million threshold, a level we continue to feel is reasonable and justified. As a practical matter, however, we have come reluctantly to conclude that $250,000 is a reasonable, realistic, compromise level to aggressively pursue in the 100th Congress, on a government-wide bill. A $250,000 threshold exempts only 12 percent of the total dollar volume of federal construction work, and 74.4 percent of the number of contracts, from Davis-Bacon coverage. Because a very small amount of work is taken up in a large number of very small contracts, our bill would still provide Davis-Bacon coverage for the vast majority of work and workers.

HELPERS

Despite widespread industry practice, DOL almost never recognizes a separate classification of unskilled and semi-skilled helpers. Thus, the lowest "prevailing" wage rates seldom fall below those of a skilled journeyman. Our bill recognizes this separate classification. "Helpers" will be carefully defined as semi-skilled workers assisting, and under the direction of, skilled journeymen, a definition carefully crafted to address concerns about ensuring a high quality of work and appropriate wages.

DEFINITION OF LOCALLY PREVAILING WAGES

Our new bill would simply codify DOL's current 50-percent-or-average rule. Thus, a wage rate would be deemed prevailing if paid to a majority of workers in a given worker classification. If a single rate does not so predominate, the weighted average would be used.

REQUIRE SEPARATE PREVAILING WAGE DETERMINATIONS FOR RURAL AND URBAN AREAS

This provision also codifies DOL regulations, to guarantee that wage rates from economically dissimilar areas are not "imported" from one to the other.

PROHIBIT INCLUDING PRIOR DAVIS-BACON WAGES IN THE DATABASE USED FOR COMPUTING LOCALLY PREVAILING WAGES

This is consistent with the original intent of the Act that wages on federal projects reflect local private sector wages. Our new bill would allow prior federal data to be included in local wage surveys if comparable private sector data simply is not available (for example, the private sector buys few highways or missile silos).

PAPERWORK

Some argue that payroll data needs to be available during the contract period, so that any underpayment of wages can be investigated while work is still in progress and funds are still available to compensate workers, if necessary. However, the currently-required weekly payroll reports produce such a mountain of paperwork that they are virtually never reviewed; DOL says most effec-

tive investigations involve on-site interviews based on complaints. Our bill balances these concerns by requiring THREE compliance reports over the life of the contact, one each at the beginning, midpoint, and end.

ANTI-CONTRACT-SPLITTING LANGUAGE

One reasonable concern is that a higher threshold could allow large contracts to be artificially broken up into many small contracts below the new threshold. We will include a provision to prohibit splitting that is intended to circumvent the law.

REPORTS

DOL and GAO will be required to submit to Congress annual reports on the implementation and impact of these reforms.

If you need further information, please do not hesitate to contact Damon Tobias (Stenholm, 5-6605) or Jim Hagedorn (Stangeland, 5-2165).

H.R. 2328

A BILL to amend the Davis-Bacon Act and the Copeland Act to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, clarify the definition of prevailing wage, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Davis-Bacon Reform Act of 1987".

(b) REFERENCE.—Whenever in this Act (other than in section 10) an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Act of March 3, 193i (commonly referred to as the "Davis-Bacon Act").

SEC. 2. INCREASE IN THRESHOLD AMOUNT.

Subsection (a) of the first section (40 U.S.C. 276a) is amended by striking out "$2,000" and inserting in lieu thereof "$250,000".

SEC. 3. APPROPRIATE CIVIL SUBDIVISION FOR COMPUTATION OF PREVAILING WAGE.

Subsection (a) of the first section is further amended by striking out "the city, town, village, or other civil subdivision of the State, in which the work is to be performed," and inserting in lieu thereof "the particular urban or rural subdivision (of the State) in which the work is to be performed,".

SEC. 4. DETERMINATION OF PREVAILING WAGE.

Subsection (a) of the first section is further amended by adding at the end thereof the following: "In determining the prevailing wage for a class of laborers, mechanics, or helpers where more than a single wage is being paid to the corresponding class of laborers, mechanics, or helpers, the Secretary shall establish as the prevailing wage—

"(1) wage paid to 50 percent or more of the corresponding class of laborers, mechanics, or helpers employed on private projects of a character similar to the contract work in the urban or rural subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there, or

"(2) if the same wage is not paid to 50 percent or more of the laborers, mechanics, or helpers in the corresponding class, the weighted average of the wages paid to the corresponding class of laborers, mechanics, or helpers employed on private industry projects of a character similar to the contract work in the urban or rural subdivision of the State in which the work is to be performed, or in the District of Columbia, if the work is to be performed there."

SEC. 5. EXCLUSION OF FEDERAL PROJECTS FROM PREVAILING WAGE COMPUTATION.

Subsection (b)(1) of the first section is amended by inserting before the semicolon the following: ", excluding the basic hourly rates of pay of individuals whose wages are established pursuant to the requirements of this Act, unless it is determined that there is insufficient wage data to determine the prevailing wages in the absence of data from such Federal or federally assisted projects; data from Federal or federally assisted projects may be used in compiling wage rate data for heavy and highway wage determinations".

SEC. 6. CLASSIFICATION OF HELPERS.

The first section is further amended by adding at the end thereof the following new subsection:

"(c)(1) For the purposes of this Act, helpers of a class of laborers or mechanics shall be considered as a separate class and prevailing wages for such helpers shall be determined on the basis of the corresponding class of helpers.

"(2) For purposes of this section, the term 'helper' means a semi-skilled worker (rather than a skilled journeyman mechanic) who—

"(A) works under the direction of and assists a journeyman,

"(B) under the direction and supervision of the journeyman, performs a variety of duties to assist the journeyman, such as—

"(i) preparing, carrying, and furnishing materials, tools, equipment, and supplies and maintaining them in order,

"(ii) cleaning and preparing work areas;

"(iii) lifting, positioning, and holding materials or tools, and

"(iv) other related semi-skilled tasks as directed by the journeyman, and

"(C) may use tools of the trade which are under the direction and supervision of the journeyman.

SEC. 7. PROHIBITION ON CONTRACT-SPLITTING.

The first section (as amended by section 6) further amended by adding at the end thereof the following new subsection:

"(d) Any person entering into a contract under which wages are to be determined in accordance with this Act shall not divide any project into contracts of $250,000 or less if the project would not have been so divided but for the purpose of avoiding application of this Act.".

SEC. 8. TECHNICAL.

(a) The following is inserted before the first section:

"SECTION 1. This Act may be cited as the 'Davis-Bacon Act'.

(b) The first section is amended by striking out "(a) That the" and inserting in lieu thereof "Sec. 2. (a) The".

(c) Sections 2 through 7 are redesignated as sections 3 through 8, respectively.

SEC. 9. REPORTS REQUIRED.

Beginning one year after the effective date of the amendments made by this Act, and at intervals of one year thereafter, the Secretary of Labor and the Comptroller General of the United States shall each prepare and transmit to the Congress a report describing the results of a review of the implementation, enforcement, administration, impact on local wages, and impact on local and national economies of the Act of March 3, 1931 (the Davis-Bacon Act), the Act of June 13, 1934 (the Copeland Act), and the amendments made by this Act during the preceding 12-month period, including recommendations for such further legislation as may be appropriate.

SEC. 10. COPELAND ACT PAPERWORK REDUCTION AMENDMENT.

Section 2 of the Act of June 13, 1934, entitled "An Act to effectuate the purpose of certain statutes concerning rates of pay for labor, by making it unlawful to prevent anyone from receiving the compensation contracted for thereunder, and for other purposes" (40 U.S.C. 276c) (commonly referred to as the Copeland Act) is amended by striking out "shall furnish weekly a statement with respect to the wages paid each employee during the preceding week" and inserting in lieu thereof "shall furnish, at the beginning, midpoint, and conclusion of the period covered by the contract, a statement with respect to the weekly wages paid each employee during such period".

SEC. 11. EFFECTIVE DATE.

The amendments made by this Act shall take effect 60 days after the date of enactment of this Act but shall not affect any contract in existence on that date or made pursuant to invitations for bids outstanding on that date.

LIST OF COSPONSORS

Mr. Stangeland, Mr. Valentine, Mr. Bartlett, Mr. Dickinson, Mr. DeLay, Mr. Archer, Mr. Armey, Mr. Badham, Mr. Barnard, Mr. Barton of Texas, Mr. Bereuter, Mr. Bilirakis, Mr. Blaz, Mr. Bliley, Mr. Boulter, Mr. Broomfield, Mr. Brown of Colorado, Mrs. Byron, Mr. Callahan, and Mr. Coble.

Mr. Combest, Mr. Craig, Mr. Crane, Mr. Daniel, Mr. Dannemeyer, Mr. Dornan of California, Mr. Dreier of California, Mr. Edwards of Oklahoma, Mr. Emerson, Mr. Fawell, Mr. Frenzel, Mr. Gingrich, Mr. Hall of Texas, Mr. Hammerschmidt, Mr. Hansen, Mr. Hefner, Mr. Henry, Mr. Hopkins, Mr. Hunter, and Mr. Hutto.

Mr. Ireland, Mr. Jones of North Carolina, Mr. Kolbe, Mr. Leath of Texas, Mr. Lewis of Florida, Mr. Lightfoot, Mr. Lungren, Mr. McCandless, Mr. McCollum, Mr. McMillan of North Carolina, Mr. Montgomery, Mr. Moorhead, Mr. Nielson of Utah, Mr. Oxley, Mr. Packard, Mr. Parris, Mr. Porter, Mr. Ray, Mr. Roberts, and Mr. Schaefer.

Mr. Shaw, Mr. Shumway, Mr. Skeen, Mr. Slaughter of Virginia, Mr. Denny Smith, Mr. Smith of New Hampshire, Mr. Robert F. Smith, Mrs. Smith of Nebraska, Mr. Spence, Mr. Stump, Mr. Sundquist, Mr. Sweeney, Mr. Swindall, Mr. Tauke, Mr. Vander Jagt, Mrs. Vucanovich, Mr. Walker, Mr. Weber, Mr. Whittaker, and Mr. Wolf.

THE 50TH ANNIVERSARY OF FLINT EMC

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. RAY. Mr. Speaker, I rise before you today to pay tribute to a group that has been instrumental in providing electric energy and growth to middle Georgia for the last 50 years.

The Flint Electric Membership Corp. was formed on April 23, 1937 in Reynolds, GA. This week they will celebrate their 50th anni-

versary of operation as a cooperative under the Rural Electrification Administration.

At the start of this century, when the industrial revolution was in full swing, the focus of the Nation was on the cities and their tremendous growth. Electricity was a major part of this boom, improving transportation, communication, and the standard of living. Rural America, however, operated as they always had and it was clear that due to cost and other factors, private utility companies were not willing to extend their lines to bring power to rural areas.

In 1935, President Roosevelt sat in his winter home in Warm Springs, GA, which today is at the heart of the Third District. Only 10 percent of the Nation had electricity, and he realized that in order for rural America to keep up, a method would be needed to bring electricity to all sections of our country.

By May 1935, President Roosevelt signed an Executive order creating the Rural Electrification Administration. This order released money that could be lent to the utility companies to bring electricity to farms. But it was the rural electric cooperatives that took the lead in the spread of electricity. Soon, cooperatives like Flint began to form all across the country to bring new energy to even the most remote areas of the country.

Mr. Speaker, it was the perseverance of Emory Parr, Leonard Cooper, F.C. Jarrell, George Z. Young, and Howard Neisler, the original founders of the Flint EMC in the Reynolds-Crowell area of Georgia, that brought middle Georgia out of the past and into the future.

Flint EMC affected me personally as I grew up. As a 10-year-old growing up on a farm in Crawford County, GA, I remember the first time I saw our house across the fields ablaze with lights. I stared in awe at this amazing sight.

Rural electrification changed our lives tremendously. It gave America's farmers the capability to go from little more than self-sufficiency to producing enough food to feed the entire world. It brought new industry and economic activity to small towns and communities. It allowed people to enjoy things that they never had the opportunity to before.

Today, Flint EMC serves 43,000 accounts in 15 counties of which the majority are in my district. When many of the early EMC's were running in the red, Flint ran a tight ship and continuously provided power to middle Georgians in an efficient and economical manner.

Under the direction of Chairman Cary Hays and General Manager Harold Smith, the 168 employees of Flint EMC maintain one of the top cooperatives in the State of Georgia and the country.

Mr. Speaker, I am proud today to pay a personal tribute to the Flint EMC as a strong example of government cooperating with private industry to better the lives of Americans.

SPENT FUEL CONTINGENCY ACT OF 1987

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. GORDON. Mr. Speaker, I am pleased to join with my colleague, MARILYN LLOYD, today in introducing the Spent Fuel Contingency Act of 1987. This legislation requires the Department of Energy to develop and implement a contingency plan for the acceptance and storage of nuclear waste. The Nuclear Waste Policy Act of 1982 [NWPA] requires DOE to dispose of high-level waste in a permanent, deep geologic repository. But the Department has failed to meet the NWPA's schedule for the development of the repository.

DOE is also proposing to build a Monitored Retrievable Storage facility [MRS] to provide for the consolidation, repackaging, and temporary storage of nuclear waste before it is sent to the repository. The MRS, which will cost well over $3 billion, is also DOE's only contingency plan for the eventuality that the repository will not be ready by 1998, the year when DOE is legally obligated to begin disposing of waste. By DOE's own admission, that eventuality is now a certainty, and the Department now proposes to make the MRS an integral part of the waste system, in clear violation of Congress' intent as expressed in the NWPA.

The Spent Fuel Contingency Act of 1987 rejects the flawed, unnecessary MRS proposal, and sets forth in its place an alternative. My investigation of DOE's MRS plan has revealed that the Department did not thoroughly examine any alternatives to a waste system that includes an integral MRS. DOE has not developed a no-MRS system with anything approaching the rigor it has applied to its MRS proposal.

This bill directs DOE to develop just such a system, using such proven at-reactor technologies as rod consolidation, reracking, dry-cask storage, and others. The bill authorizes payments from the nuclear waste fund to reimburse utilities for the cost of undertaking this program.

I believe that this contingency plan provides a preferable alternative to an MRS. A proposal that have developed for a comprehensive, no-MRS system includes all of these elements, based on the activities of many nuclear utilities which already have projects underway to expand their at-reactor storage. My investigation has revealed that DOE has not made a serious effort to examine these options, even though these projects are already underway in the industry.

Mr. Speaker, it is time that the Congress took a critical look at the Department of Energy's conduct of the Nuclear Waste Program, which is funded by American electric ratepayers. The MRS proposal does not represent the best option for contingency storage of nuclear waste. The Spent Fuel Contingency Act of 1987 presents an effective, safe, viable, and less expensive alternative system, which will much better serve the ratepayers of America.

AIRPORT AND AIRWAY TRUST FUND REAUTHORIZATION BILL

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. MINETA. Mr. Speaker, today I am introducing legislation to reauthorize the programs supported by the Airport and Airway Trust Fund. These programs support the urgently needed capital development of our Nation's airport and air traffic control system. The authorizations in the trust fund expire at the end of the fiscal year on September 30, 1987. The legislation is cosponsored by the chairman of the Committee on Public Works and Transportation, JIM HOWARD, and the ranking Republican members of the full committee and the Aviation Subcommittee, JOHN PAUL HAMMERSCHMIDT and NEWT GINGRICH.

Since 1970, the Airport and Airway Trust Fund has been the mechanism for funding capital improvements for our air traffic control system and airports. The trust fund is supported by taxes contributed by users of the aviation system, including an 8 percent tax on airline passengers and a tax on the fuel used by general aviation. Through these taxes the users contribute more than $3 billon a year to the trust fund.

The trust fund was last reauthorized in 1982 for 6 fiscal years, following a 1-year extension for fiscal year 1981. During this 6-year period, ending in October 1987, the trust fund will have financed approximately $4.8 billion of improvements and development at the Nation's airports, $4.8 billion of capital equipment for the air traffic control system, and $1 billion for research and development by the Federal Aviation Administration. In addition, by the end of fiscal 1987, the trust fund will have underwritten approximately $4.2 billion of the costs of operating and maintaining the air traffic control system.

It is critically important to the future of our aviation system that we continue to fund capital development during the next 5 years. As a result of the success of airline deregulation and the failure of the administration to adequately rebuild the air traffic control system after the PATCO strike, airline schedule delays are now at record levels. Substantial capital development will be required if our aviation system is to be able to handle the increasing traffic demands created by deregulation.

The introduced bill establishes funding levels related to system needs. For the Airport Improvement Program, funding is established at approximately $1.7 billion per fiscal year. This funding level will make a substantial contribution to meeting the capital development needs which were discussed at the Aviation Subcommittee's recent hearings on reauthorization. At these hearings the Federal Aviation Administration submitted a draft national plan of integrated airport systems showing a national need for airport capital improvements of $20.4 billion from 1986 to 1995. Similar needs are indicated by studies by the Airport Operators Council International and American Road and Transportation Builders Association.

For capital development of the air traffic control system, under the Facilities and Equipment Program, the introduced bill establishes funding levels ranging from $1.5 to $2 billion a year. These authorization levels are based on FAA estimates of the funding needed to keep the national airspace system plan on track plus $92 million to fund the installation of additional instrument landing systems to resolve the problem created by delays in development and deployment of microwave landing systems. The funding levels in the introduced bill will permit FAA to go forward with many vitally needed safety and capacity improvements, including the Terminal Doppler Radar Program to permit advance detection of weather conditions, such as wind shear, which can result in fatal accidents.

For aviation research and development, the act authorizes $200 million a year, including $25 million specifically devoted to research and development on measures to enhance airport capacity.

The final major program funded is the authorization permitting use of the trust fund for a portion of the expenses of operating and maintaining the air traffic control system. The committee has always taken the position that funding of operations and maintenance is a secondary purpose of the trust fund and that trust fund user taxes should not be used for this program until the primary research and development and capital improvement programs have been adequately funded.

The introduced bill preserves this concept. It provides that the authorization for operations and maintenance from the trust fund will be 50 percent of the funds made available for the airport improvement, facilities and equipment, and research and development programs. In other words, funding for operations and maintenance will be continued at its historic level of approximately 33 percent of total trust fund spending. If actual spending for the capital development programs is increased, as contemplated by the introduced bill, then the authorization for operation and maintenance will also be higher than historic levels. However, if the capital development programs are underfunded, the authorization for operations and maintenance will also be reduced proportionately.

In addition, the introduced bill strengthens the 1982 penalty clause by providing that for every dollar by which funding for capital development programs falls short of the authorized levels, funding for the operations and maintenance program will be reduced by $3. The amount of any such reduction in the authorization for operations and maintenance will be added to the discretionary fund of the Airport Improvement Program.

The authorization levels established in the introduced bill will reduce the substantial surplus which accumulated in the trust fund because the revenues contributed by the users have not been fully spent. If the authorized programs in the introduced bill are fully funded, the trust fund surplus will be reduced gradually from the estimated level of $5.7 billion by the end of fiscal year 1987 to about $900 million by the end of fiscal 1992.

The surplus which has been permitted to develop in the trust fund has been highly inequitable for aviation users. When the trust fund programs were renewed in 1982, user taxes were increased substantially. The users supported these increases because they recognized that higher taxes were needed to support overall modernization of the air traffic control system and expansion of airport capacity. Regrettably, the programs established in the 1982 legislation have not been fully funded and the users have ended up paying considerably more into the trust fund than was permitted to be spent. Creation of this surplus has not only been highly unfair to the users but has also been a major contributing factor to the problem of flight delays which have been plaguing the aviation system in recent months.

The introduced bill establishes a program to reduce the surplus over the next 5 years. The incentives for Congress and the administration to fully fund these programs would be much greater if the trust fund was not included in the unified Presidential and congressional budgets. Inclusion of the trust fund in these budgets creates a temptation for the administration and the Budget and Appropriations Committees to have the trust fund spend less than it takes in. This surplus then goes to reduce the deficit in the remainder of the budget.

At the beginning of this Congress I introduced H.R. 8, which would remove the trust fund from the congressional and Presidential budgets and would also exempt the trust fund from across-the-board cuts in funding under Gramm-Rudman-Hollings. Removing the trust fund from the budget would eliminate the temptation to under-fund trust fund programs to reduce the overall budget deficit.

We have not included these off-budget provisions in the introduced bill because to do so would create problems of committee jurisdiction which could delay the vitally needed reauthorization legislation. However, I remain convinced that taking the trust fund off budget is the best approach to the surplus problem and we will continue to work to pass this legislation.

H.R. 8 included as another mechanism to encourage full funding of trust fund programs a tax trigger proposal. Under the trigger there would be an automatic reduction in user taxes if the trust fund programs were not adequately funded. A tax trigger provision is within the jurisdiction of the Ways and Means Committee. When the Committee on Public Works and Transportation reports legislation to reauthorize the trust fund programs, I will ask the committee to recommend to the Ways and Means Committee that they include a tax trigger in reauthorizing user taxes.

Before concluding, I want to make particular note of the fact that although this bill provides for a 5-year reauthorization of the airport and airways development programs, it is the intent of the Aviation Subcommittee to dedicate both time and resources in the second session of the 100th Congress to reviewing whether the Federal Aviation Administration's organization and structure is adequate to meet the rapidly changing demands of our aviation system and to assessing the recommendations of the Aviation Safety Commission which was established by Senate majority leader ROBERT C. BYRD'S amendment to House Joint Resolution 738, the fiscal year 1987 continuing resolution. The findings and the recommendations of the Byrd Commission are expected early in 1988. When our committee has the opportunity to fully consider and discuss the commission's findings as well as public comments on their recommendations, we will be best able to proceed ahead to not only act upon how to best organize the agency we charge with aviation safety and air traffic control responsibilities, but to also revisit some of the policy decisions reflected in this bill if such is needed.

The details of the introduced bill are set forth in a summary following this statement. I look forward to prompt action on the bill so that there will be no lapse in these important programs.

MAIN PROVISIONS IN AIRPORT AND AIRWAY TRUST FUND REAUTHORIZATION BILL

1. Programs are reauthorized for five years.

2. Amounts of reauthorization for major programs:

(a) Facilities and equipment: fiscal year 1987—$1.16 billion (existing law).

	Billion
FY 1988	$1.38
FY 1989	1.73
FY 1990	2.19
FY 1991	1.99
FY 1992	2.08
5 year total	9.326

(b) Airport improvement program: fiscal year 1987—$1.017 billion (existing law).

	Billion
FY 1988	$1.720
FY 1989	1.720
FY 1990	1.699
FY 1991	1.760
FY 1992	1.712
5 year total	8.611

(c) Research and development: fiscal year 1987—$193 million (existing law).

	Million
FY 1988	$200
FY 1989	200
FY 1990	200
FY 1991	200
FY 1992	200
5 year total	1,000

(d) Operation and maintenance from the trust fund: fiscal year 1987—1.36 billion (existing law).

	Million
FY 1988	$1.67
FY 1989	1.84
FY 1990	2.06
FY 1991	1.99
FY 1992	1.99
5 year total	9.54

The authorized funding for O&M is set at 50% of the funds actually appropriated in a fiscal year for the Facilities and Equipment, Airport Improvement and Research and Development Programs. The authorized funding for Operations and Maintenance is reduced by $3 for every $1 by which appropriations for the AIP, F&E, and R&D programs fall short of authorized funds. The amount by which the O&M authorization is reduced by this 3 for 1 "penalty" is added to the discretionary fund for the Airport Improvement program.

3. Breakout of Funds for Airport Improvement Program.

(1) Entitlement Funds.

(a) Primary Airports.

The bill continues current law in providing that primary airports (airports with more than .01% of total enplanements—about 260 largest airports) will receive entitlement funding based on a per passenger formula. The minimum and maximum annual entitlements are changed to $300,000 and $16 million. A new entitlement is established for airports receiving scheduled all-cargo service with an aggregate annual landed weight in excess of 500 million pounds. These airports will divide a $50 million allowance, with a maximum of $4,000,000. There will be a cap on the passenger and cargo entitlements of 48% of the AIP program.

(b) State entitlement.

The bill continues current law in requiring that 12% of the AIP program be allocated to general aviation airports in the States and territories, with the entitlement for airports in each state based on population/area ratios.

(2) Allocation of Funds after Entitlements.

The funds remaining after entitlements are a discretionary fund. However, the law will require specified minimum funding for various programs. These minimums may be satisfied from entitlement and/or discretionary funds.

(a) Set Asides (minimums).

(1) Noise abatement—at least 10% of AIP program.

(2) Reliever airports—at least 10% of program.

(3) System planning—at least .5% of program.

(4) Commercial service airports other than primary—at least 5.5% of program.

(b) Remaining Discretionary Fund.

Of the discretionary fund remaining after the set asides have been satisfied, 75% shall be used for preserving capacity, safety and security at primary airports and reliever airports, and for noise compatability planning and programs at such airports.

4. Changes in Airport Improvement Program.

(a) Advance funding—current law permits funding only for costs incurred after a grant is awarded. The bill would permit funding for work undertaken before a grant, if the Secretary issues a letter of intent to fund the project when funds become available, and if the Secretary finds that the project will significantly enhance system-wide airport capacity.

(b) Assurances.

The assurances required from AIP grantees are revised to clarify and strengthen existing assurances concerning non-discrimination against air carriers using the airport; closing the airport for non-aeronautical purposes; removal of hazards to navigation; and ensuring that revenues generated by the airport are spent for the airport. New statutory assurances (some of which are already required as a matter of administrative discretion) are added concerning the disposal of land purchased with a federal grant which is no longer needed for aeronautical purposes; the duty to maintain an airport layout plan and obtain the Secretary's approval for changes therein; and requiring airports to use qualifications-based procurement procedures in contracting for engineering and design services. The bill also clarifies the duty of an airport operator to consult with users of the airport before submitting an application for a grant.

The bill further requires that before the Secretary modifies an assurance required of grantees, the Secretary must publish notice of the proposed change in the Federal Register and provide an opportunity for comment.

(c) Procedures for Terminating Payments and Withholding Estimates.

The bill establishes procedures for the Secretary to follow in terminating a grant or withholding an entitlement on the ground that the grantee has violated an assurance. A grant payment cannot be withheld more than 60 days unless there has been a hearing and a finding that an assurance has been violated. An entitlement may not be withheld on the ground of violation of an assurance unless there has been a hearing and a finding of violation within 90 days after an application is filed.

5. Changes in Noise Program.

Under current law, the Secretary may not fund noise abatement projects until an airport has received approval for an overall noise abatement plan. The bill would modify the requirement for a previously approved plan. The bill provides that if the Secretary finds that an airport owner is not making reasonable progress towards developing an overall noise abatement plan, then 10 percent of the entitlement funds of the airport shall be made available to units of local government surrounding the airport for noise abatement projects. The bill further provides that in the absence of a plan funding is available for soundproofing of schools, if the school was included in an Environmental Impact Statement approved before the date of enactment.

The bill increases the federal share for noise development projects to not less than the federal share for the airport projects. The bill further requires a hearing before an overall noise abatement plan is adopted.

6. Facilities and Equipment Program.

The bill establishes a minimum level of funding for installation of Instrument Landing Systems: $27 million in Fiscal Year 1988, and $30 million in Fiscal Years 1989 and 1990. 75% of these amounts shall be used for funding ILS' at primary and reliever airports. The policy statement is amended to establish new goals for specific facilities and equipment.

7. Research and Development.

The $200 million annual authorization for R&D includes a new $25 million authorization for research to improve airport capacity.

8. Other Provisions.

(a) The authorization for DOT to reimburse NOAA for weather services provided to FAA is set at $30 million per Fiscal Year for Fiscal Years 1988 to 1992.

(b) Part-time Operation of Flight Service Stations.

The provision in the 1982 Act dealing with reducing the hours or closing Flight Service Stations is amended to provide that the Secretary shall not close or reduce the hours of operation of any Flight Service Station unless service will be provided by an automated Flight Service Station with Model 1 equipment or better.

(c) Explosive Detection K-9 Teams.

The authorization for this program is continued without a separate authorization for funding from the Trust Fund.

(d) Ceiling on Fees.

Section 334 of Title 49 U.S.C. prohibits the Federal Aviation Administration from charging fees which were not being charged on January 1, 1973 or which exceed the level of the fee in effect on that date. The bill would amend this ceiling to allow the fees which were is effect on January 1, 1973 to be adjusted for inflation according to the Consumer Price Index.

(e) Declaration of Policy.

A new section is added to the Declaration of Policy providing that artificial restrictions should not be imposed to alleviate air traffic delays unless less restrictive alternatives have first been explored. The bill also expresses the sense of Congress that the FAA high density rule limiting air carrier operations at National, O'Hare, LaGuardia and Kennedy Airports should be phased out and eliminated at the earliest practical date, consistent with safety.

In existing law, the policy statement establishes goals of installing specified safety equipment at commercial service airports. The bill amends this policy statement to add goals of vertical visual guidance systems on primary runways, distance to go signs on primary and secondary runways, surface movement radar systems at Category III airports, and a taxiway lighting and sign system.

(f) Study on Long-Term Capacity Needs.

This provision directs the Secretary of Transportation to conduct a study for developing an airport system plan through at least the year 2010 on the short and long-term availability of adequate airport system capacity. The Secretary is to file a report on this study not later than January 1, 1990. The provision also makes available $250,000 a year from the Airport and Airway Trust Fund for Fiscal Years 1988 and 1989.

EFFORTS BY TAIWAN TO CORRECT TRADE IMBALANCE

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. ESPY. Mr. Speaker, I wish to point out to my colleagues that our trade policies, as written, interpreted, and enforced, must always allow for the efforts of our trading partners to reduce their trade surplus with us. Although we must take every fair and just action to ensure our stature in the world market, the United States must acknowledge and take into account the active polices of our surplus trading partners to help us correct our trade deficits.

Along with several of my colleagues, I recently visited the Republic of China on Taiwan, at the invitation of the Chinese Association of Industry and Commerce. While there, I was honored to meet with the President, Premier, Cabinet and sub-Cabinet level officials to discuss trade matters and to express my concern about the trade imbalance between our nations. My concerns were received with mutual concern and interest, and I believe sincere efforts are underway by the Republic of China to answer those concerns.

With the Republic of China committing to immediate tariff reductions averaging nearly 50 percent on 62 of the 66 agricultural and industrial products proposed by the United States, it appears that our trade alliance is garnered by the political and economic realities of global forces, and we must continue our healthy relationship. Among the 62 items with reduced tariffs, 6 will become duty free by the end of the year, offering considerable export possibilities for U.S. farmers and manufacturers.

Mr. Speaker, I believe these and other actions by the Republic of China reflect the seriousness of its efforts in correcting the trade imbalance between our nations, and bases on my meetings with leaders there, further discussions toward a fair and free trade policy will be fruitful.

In closing Mr. Speaker, I must assert that I voted in favor of the strongest possible provisions in our recently passed trade bill, and I believe it was the right thing to do. But I encourage my colleagues and the administration to take note and weigh the efforts of our trading partners like the Republic of China in our pursuit of a policy of cooperation and fairness in the world trade arena.

H.R. 3, OMNIBUS TRADE BILL OF 1987

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1987

Mr. GEPHARDT. Mr. Speaker. I would like to raise an issue related to H.R. 1160, a bill which I sponsored to improve the tariff treatment of lithotripters. This bill has been incorporated by the Ways and Means Committee into H.R. 3, the Omnibus Trade bill. The language in this committee report that corresponds to the lithotripter provisions needs to be clarified. In the committee report describing section 812, there is a description of lithotripter technology. While this description is accurate, it may be somewhat misleading in that it describes only one particular type of lithotripter. There are several other lithotripters that have the same medical purpose—use of shock waves to fragment stones within the body—but are configured differently.

For example, one type of machine does not require x-rays to locate the stones nor does it require the complete submersion of patients in a water bath during treatment. This particular device uses a diagnostic ultrasound scanner and only requires the patient's lumbar area to be in contact with water. I would simply like to point out that it is my understanding that it was not the committee's intent in adopting the lithotripter tariff provision to commercially endorse a particular product.

Furthermore, while lithotripters have been used in the past exclusively to disintegrate kidney stones, scientific advances soon may be forthcoming to allow this same technology—with only slight modifications—to be used to disintegrate gallstones as well. I would like to clarify that the description of the lithotripter should have recognized their use in the treatment of gallstones as well.