

## SENATE—Tuesday, July 12, 1988

(Legislative day of Friday, July 8, 1988)

The Senate met at 9 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.

Mr. PROXMIRE. The prayer will be offered by the Reverend Sam Wooldridge of the Calvary Bible Church, 800 Dewey Church, St. Marys, WV.

## PRAYER

The Reverend Sam Wooldridge, Calvary Bible Church, 800 Dewey Church, St. Marys, WV, offered the following prayer:

Let us pray:

Our most gracious Heavenly Father I ask You today as You have told us to ask, that You will help those that rule in our Government to take the model prayer in Matthew 6:9-13 and make this prayer real in their lives.

Our Father which art in Heaven, hallowed be Thy name. Dear God may we all show forth praise and honor to Your name. Thank You, God, for being our Elohim and our El Shaddai and our owner and ruler.

Thy kingdom come Thy will be done in Earth as it is in Heaven. Dear God, give these wisdoms to make the rule and law of Heaven the rule and laws of our Earth, bring Thy kingdom into our lives.

Give us this day our daily bread. Dear God we ask You to provide all our need, help us love You and all that You stand for.

And forgive us our debts, as we forgive our debtors. Help us Dear God to love our enemies and forgive those that spitefully use us.

And lead us not into temptation, but deliver us from evil. God we ask You to deliver us from the evil of this world and the powers of wickedness in high places. Let us rely on You to give us Your power to deliver us from the evil one.

For Thine is the kingdom, and the power, and the glory forever. We give You, God, praise for Your kingdom, and ask You that we can have Your power to lead us, and we thank You for Your glory given to us.

I ask God that You give these wisdoms to be the leaders; that You would be pleased to keep our Nation strong and free.

We ask this all in the name of Your Son, Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 12, 1988.

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 PRESIDING OFFICER (Mr. DIXON). The majority leader.

## WELCOME TO DR. WOOLDRIDGE

Mr. BYRD. Mr. President, I welcome to the U.S. Senate our guest chaplain, Dr. Sam Wooldridge of the Calvary Bible Church of St. Marys, WV. I am certain also that I speak for all of our colleagues in thanking Dr. Wooldridge for his uplifting and inspiring prayer this morning.

Dr. Wooldridge has attended a number of institutions of higher education, including Southern Illinois University, Hyles-Anderson College in Indiana, and Bible Baptist College in Pennsylvania.

Dr. Wooldridge and his family have been in West Virginia since 1983. With his wife Helores, Dr. Wooldridge also conducts a tape ministry to the blind, centered in Greenville, SC.

It is an honor to have Dr. Wooldridge with us today, and I hope that he will find his visit in Washington memorable and interesting.

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

## RESERVATION OF THE REPUBLICAN LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved.

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

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The majority leader has 4 minutes.

Mr. BYRD. Mr. President, I yield my 4 minutes to Mr. PROXMIRE.

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

The PRESIDING OFFICER. The Senator from Wisconsin.

## MONEY AND THE WISCONSIN SENATE ELECTION

Mr. PROXMIRE. Mr. President, after 31 years in the U.S. Senate, three unsuccessful campaigns for Governor of my State and six successful campaigns for the U.S. Senate, this Senator is finally beginning to find out what winning elections is all about in the brand new 1988 multimillion dollar election environment.

All these years I have been living in an illusion. The illusion: There is one sure way to win political office and keep it. That illusionary way is to get out and meet your constituents—one on one. Shake their hands. Ring their doorbells. Meet just as many personally as you can—day after day, month after month, year after year. The numbers are critical. They add up. You can easily meet hundreds every day. By campaigning on main streets and shopping malls for 7 or 8 hours a day you can hit a couple of thousand. Go out to baseball and football games, State fairs—busy summer festivals where literally tens of thousands flock in and you can meet as many as a thousand an hour—literally. Keep that up year after year, you build remarkable long term support. It is hard work. Depending on your attitude, it can be a ball. You enjoy it. Most people are warm, friendly, supportive. They are happy. They are fun to meet. Occasionally you take time out from the numbers to chat for a few minutes. You learn why people feel as they do—how earnestly they feel it.

For winning elections you believe all this illusion is cumulative magic. When you run statewide a few times, after you hold office, many people recognize you when you shake their hands, an astonishing number remember you. That is critically important. It is more than that. It is an illusion of sure political success. A person you have met a year ago, 6 years ago, indeed, 30 years ago remembers you. She or he remembers all about that original long ago meeting. He or she

recounts the details. It is a king of numbers power. Many of the hundred thousand people you met in your 1952 campaign for Governor still remember meeting you when they vote in 1982. With every election that passes you have more of those beautiful voters in the bank.

So what is the illusion? It's this. All that magic can blow away like a puff of smoke in a hurricane when your opponent turns up with \$2 or \$3 million to buy television time and the good judgment of those experts to tell him precisely how to build him up.

It cannot happen? That is what I believed until a few weeks ago. I am retiring from the Senate this year. So my seat in the Senate will be up for reelection in Wisconsin. Until early this year, six candidates had entered the race. Two Republicans. Four Democrats. Two of the Democrats had run statewide. One had served 4 years as Governor. He had run statewide three times. He had been the majority leader of our party in the State legislature. Another Democratic candidate had just run a losing but very close race against the other incumbent Wisconsin Senator. A third had served in the House as a Congressman. He is so highly respected that he was reelected without opposition in 1986. That Congressman has been campaigning for the Senate exhaustively throughout the State for many months. The fourth candidate has been elected statewide as secretary of State six times, most recently by a record margin.

So what was the illusion shattering bombshell? The bombshell was that a fifth candidate entered the Senate race only a few weeks ago. He had never held any public office. He had never before even run for any public office. He had one great asset—money, and lots of it. In 1987 his personal income exceeded \$4 million. In recent weeks this brand new candidate spent \$500,000 on television. Result: A recent poll by our State's leading newspaper the Milwaukee Journal showed the new candidate sharing the top spot with the former Governor on the strength of a single force: that highly skilled buy. The other three Democratic candidates, qualified by years of service in public office and with long campaigning, were left far behind in the dust.

Building constituent support one on one, serving well for years in public office can help build a political career, ah, but there is no substitute for money, and lots of it, wisely spent in buying the most seasoned and shrewd media advice and the television time to ring that bell.

The candidate who has come from nowhere into the front ranks has been a smashing success in business. He may, if elected, serve the country and our State as an excellent Senator. But

as a retiring Senator who followed the other painstaking route of years of one-to-one hard campaigning work, I am disillusioned and more than a little jealous.

#### BLACK UNEMPLOYMENT: A NATIONAL AND WISCONSIN SHAME

Mr. PROXMIER. Mr. President, at this time of celebration over the lowest level of unemployment in 14 years, let us not overlook the shameful continued depression level unemployment among our black citizens. I say this, Mr. President, with my head bowed in a special humiliation. In 1986, black unemployment in Wisconsin was an horrendous 27 percent. It was higher in our State than in any State in the Union! Last year that unemployment did not go down. But it only went down to a disgracefully high 22 percent. Wisconsin last year had the second highest black unemployment in America, second only to the unemployment in South Carolina. A recent Milwaukee Journal editorial points to the fact that unemployment of blacks in our State was four times the unemployment level of whites.

That editorial also bemoans the fact that the Congress has failed to provide our Labor Department with the funds they need to provide more precise and accurate data. The Journal also calls attention to the shift in the black unemployment problem from the South to the Midwest. In 1987 the black unemployment rate was 17.9 percent in the Midwest. That made black unemployment in the Midwest, the highest in the country. The South had the second highest black unemployment rate at 12.7 percent. The Milwaukee paper asks for action by State and local officials to put jobs in black communities, to crack down on employer racial discrimination, and require wider affirmative action plans. It asks the Congress to redirect Federal policy to create more jobs in the Midwest.

Mr. President, I ask unanimous consent that this excellent editorial from the Milwaukee Journal be printed at this point in the RECORD.

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

[From the Milwaukee Journal, July 3, 1988]

#### BLACK'S SLIM GAINS MASK DEEPER PAIN

The black jobless rate dropped statewide last year, but the news is hardly reason to cheer. The rate is still way too high for the public and private sectors to relax in job-creation efforts.

The US Labor Department reports that the black rate for Wisconsin stood at roughly 22% in 1987, down from about 27% in 1986, reflecting the decline in unemployment for nearly all sectors of the American population last year. For whites in Wisconsin, the rate fell from 6.1% to 5.4%.

The state's 1986 black rate was the worst in the United States; the 1987 rate was

second worst. Also, in 1986, blacks in Wisconsin were 4½ times more likely than whites to be unemployed, the widest racial gap in the nation. By 1987, that number had dipped to 4 times, pairing Wisconsin with South Carolina for the widest racial gap in the nation. Progress? Only if you calibrate it in inches. The goal line of racial equality is miles away.

Now a few words about the data. The feds provide annually only a fuzzy picture of black unemployment in cities and states. A sharper picture would require more study than available resources allow. The federal government ought to find the money to get the job done right. The jobless rate is a vital barometer that guides social policy and thus needs to be as precise as possible.

The figures have another flaw, which precision won't overcome: They understate the unemployment problem, particularly among blacks. That's chiefly a definition problem. The feds don't include as unemployed those who have been without jobs so long that they have given up looking. To compound the problem, the feds use door-to-door polling to arrive at the figures, a process that tends to undercount poor blacks.

However flawed, the Labor Department figures are the only comprehensive look at unemployment by race in states and localities. Besides, the Wisconsin figures have been consistent year to year, reinforcing their rough reliability.

More broadly, what do these fuzzy indicators signal? The 1987 data suggest that a worrisome trend is persisting: The Midwest continues to replace the South as the region in which blacks are economically worst off. The black unemployment rate was 17.9% in the Midwest. The South had the second highest rate, 12.7%.

At the same time, the races appeared most unequal in the Midwest, where blacks were 3.2 times more likely than whites to be unemployed. This all suggests that (1) blacks have not recovered as well as whites from the manufacturing downturn plaguing the region and (2) in Wisconsin, blacks are having an even harder time rebounding.

Last year blacks made modest gains. The Milwaukee figures have an air of drama only because the 1986 black rates had been so high. In the metropolitan area the black rate fell from roughly 26% to 19%; in the city alone, it dropped from 27% to 19%. The 1987 level is still far too high, keeping Milwaukee among the leaders in black unemployment. And joblessness leads to a host of other problems: broken families, deteriorated neighborhoods, welfare and crime.

What must be done? Federal policy must be re-directed at creating jobs, particularly in the Midwest. State and local officials must focus efforts on putting jobs in black communities. Public officials must crack down on employers who discriminate. And government should require wider adoption of affirmative action plans.

Additionally, officials should step up plans to bus Inter City job seekers to outlying employment. They should also be more aggressive about another strategy for matching jobs with job seekers: opening low-income housing in the suburbs. Businesses need to do more. The schools must do a better job of preparing young people for work.

Now is no time to relax in the fight against black unemployment; now is the time to step up the fight.



## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of morning business for not to extend beyond the hour of 9:15 a.m., with Senators permitted to speak therein for not to exceed 1 minute each.

## THE REPUBLICAN ANTI-DRUG INITIATIVE

Mr. KARNES. Mr. President, at a press conference held last Thursday, our distinguished minority leader unveiled the Republican antidrug initiative. On Friday Senator DOLE inserted into the RECORD a summary of the Republican omnibus antidrug bill. I was pleased to be at the press conference with several of my colleagues to express my strong endorsement of the Republican package. At that time I made the following statement:

The Republican initiative being proposed today is our best hope, our best blueprint for a real war on drugs. If we are serious about winning this war, then the Congress must pass this legislation.

Before today, there have been other measures introduced and enacted to fight the growing drug problem. This year we'll spend more than \$3 billion to educate the public about the dangers of drug use and abuse. But it's obvious we're not doing enough, we're not waging a real war on drugs.

I've often believed that with every right a citizen of our Nation enjoys, there is also a responsibility. And with every responsibility there is a consequence. To enjoy our rights we must be responsible for our actions. If we aren't, then we must pay some kind of price.

It's obvious to me that our previous anti-drug efforts haven't made those who do drugs, or deal in drugs, pay a price. We haven't hit them where it hurts.

This Republican initiative will accomplish that goal. It will truly make drug users and dealers pay a price. All the rights that might be important to a person—driving a car, going to school, having a place to live, having a job—would be in jeopardy with this initiative.

And our measure has muscle. We would withhold vital funds from States, Federal contractors and our entities who don't join this war on drugs by following to the letter the provisions outlined in this measure. We revamp the criminal justice laws, and strengthen current anti-drug efforts by giving more authority and more funds to Federal and State agencies who are at the front lines of this battle.

This is a massive piece of legislation that responds to a massive problem. Let's face it, our previous efforts haven't even come close to effective dealing with the problem. While they were well-intended, they fell far short of having any impact in reducing drug usage or drug dealing.

The time has come to stop pussy-footing around. If we're serious about a real war on drugs, we'll pass this legislation. I hope our Democratic colleagues will join us in this effort.

Mr. President, this Republican initiative targets two important areas which have largely been neglected by other antidrug bills and, to a large degree, by the Federal Government's

antidrug programs—stopping the demand for drugs by focusing on drug users and improving enforcement by strengthening the criminal justice system.

When the Republicans last controlled the Senate in 1986, the Congress and the Reagan administration worked in concert to produce the tough Anti-Drug Abuse Act. This legislation provided stiff penalties for violations of drug statutes, increased Federal funding for interdiction, required cooperation from foreign governments seeking assistance from the United States, and authorized badly needed funding for additional education, prevention, and treatment programs.

The Reagan administration has implemented a strong comprehensive antidrug strategy that is more extensive, better funded, and better coordinated than any previous anticrime or antidrug program in our Nation's history. It combines international cooperation, interdiction, criminal investigation, and other enforcement programs, as well as treatment, prevention, education, and research efforts.

Federal spending for antidrug programs has soared since President Reagan took office, from \$1.1 billion in fiscal year 1981 to \$3.3 billion in fiscal year 1988. At the same time a nationwide campaign of public information and education about drugs has turned the tide of public opinion from resignation and indifference to intolerance toward illicit drugs and drug abuse. Today most Americans are aware of the tremendous costs to themselves and their families and to our society from drug use.

They heed and are teaching their children to follow First Lady Nancy Reagan's sage advice: "Just Say No to Drugs."

Well meaning and necessary as the Federal Government's efforts have been, they are not sufficient to do the job alone. If we are to win the war on drugs in America, we must not only educate our citizens about the dangers of drug abuse and act to limit the supply of drugs—we must also stop the demand for drugs. We must redirect our attention to the drug user. We must deprive the sellers and buyers and so remove the profits from the illegal drug trade.

The 23 million Americans who regularly use drugs are not hardened criminals. They are average taxpaying citizens with homes, families and jobs. For this reason, our antidrug bill would apply the kind of sanctions which combine the motion of measured response with zero tolerance toward drugs. Our objective is to deter drug usage by convincing the user that he must change his behavior and that if he continues to use drugs illegally he can expect certain harsh penalties. The success of our efforts will depend on our capacity to apprehend and

prosecute more drug users and punish those caught, without exception.

A full-scale assault on the demand for drugs will require a tremendous undertaking, further straining the limited resources of our criminal justice system. We must provide the necessary additional funding and make the requisite changes in our laws to enable law enforcement officers, prosecutors and judges to bring drug users and traffickers to justice. At the same time, we must continue our efforts in education, prevention, rehabilitation and research aimed at helping drug users to kick their deadly habit. Our goal must be to make our schools, transportation systems, workplaces, and prisons drug free.

Recently I spoke with Omaha's Chief of Police Robert Wadman, a nationally recognized expert on law enforcement. Pointing to the large number of crimes in Omaha connected to drug abuse, he labeled current drug interdiction programs "a total failure" because they do nothing about demand reduction. According to national statistics, about 35 percent of State prison inmates were under the influence of illegal drugs at the time they committed a crime, and almost half of those criminals serving time for robbery, burglary, theft or a drug offense were daily drug users. Nebraska follows the national pattern. Chief Wadman also indicated that about 22 percent of traffic fatalities were caused by driving while under the influence of drugs. He strongly endorsed efforts aimed at stopping the demand for drugs as well as the supply.

Mr. President, I ask unanimous consent to insert in the RECORD, a short article from the Omaha World Herald about the connection between the rise in crime and drug use.

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

[From the Omaha World Herald, July 11, 1988]

## ASSOCIATION BETWEEN DRUG USE AND CRIME ROSE, REPORT SAYS

WASHINGTON.—The association between drug use and crime rose sharply during a 12-year span ending in 1986, the government reported Sunday.

About 35 percent of the nation's state prison inmates in 1986 were under the influence of an illegal drug at the time they committed the crime for which they were then incarcerated, the Justice Department's Bureau of Justice Statistics said. Twelve years earlier, the proposition was about 25 percent, while in 1979 it was 32 percent.

The survey also found that many inmates began to use drugs only after their criminal careers began.

In the 1986 survey, half of the inmates who had ever used a major drug such as heroin, cocaine, methadone, PCP or LSD did not do so until after their first arrest. About 60 percent of those who had ever used a major drug regularly did not do so until after their first arrest.

In addition, about one-seventh of the inmates, 13 percent, seem to fit the pattern of drug addicts who committed crimes to support their habits, said the bureau's director, Steven Schlesinger.

This group was in prison for such crimes as robbery, burglary or theft and they were among the 19 percent of the inmates who said they were daily users of heroin, cocaine, methadone, PCP or LSD in the month before they committed a crime.

About 50 percent of those serving sentences for robbery, burglary, theft or a drug offense were daily users of some illegal drug.

In addition, the 1986 survey of 13,700 inmates reported that about 43 percent of them said they were daily users of some illegal drug in the month before they committed the crime for which they were imprisoned.

The survey also found that the greater the use of major drugs by an offender, the more prior convictions of all types the inmate reported.

Mr. KARNES. Mr. President, I believe that the Republican initiative meets the requirements of a successful strategy for achieving a drug-free America. To reduce the demand for illegal drugs, the GOP package proposes to:

Condition State participation in Federal drug programs upon the States adopting procedures for suspending a driver's license of anyone convicted of a drug offense.

Withhold highway funding from States that fail to provide drug testing for drivers arrested for drunk driving, revoke driver's licenses from those testing positive for drug use, and require rehabilitation as a condition of reapplication for a license.

Restrict funds under the Drug Free Schools Act to schools that have a policy of separating drug offenders from other students and parent notification when drug use is detected.

Suspend eligibility for loan assistance to students convicted of drug offenses.

Require the Secretary of Education to withhold funds from colleges that fail to provide a drug-free campus under the Higher Education Act.

Require explicit no-drug clauses in all new leases in Federal housing authorities.

Require public housing authorities to have tenant review committees to screen out drug users and dealers and to terminate tenancies of residents convicted of drug offenses.

Provide block grant assistance to fight drugs in public housing and protect tenants from drug-related violence.

Encourage Federal departments to develop guidelines for securing drug-free workplaces.

Authorize private employers to conduct random drug testing of employees without the fear of legal battles.

Expand OSHA's authority to investigate businesses with a history of safety problems possibly caused by

drug use and to undertake other measures to rid workplaces of drugs.

Mandate drug testing for critical workers in the transportation industry, including airline pilots, truck drivers and rail engineers.

Authorize UMTA to withhold funds from any mass transit system that fails to implement drug enforcement and treatment programs.

Withhold Federal licenses, contracts, grants and entitlement eligibility from convicted drug offenders, excluding essential safety net programs and earned benefits.

Implement random testing of Members of Congress and congressional staffs.

Provide for a nationwide awareness campaign for 6 months prior to implementing new penalties for drug possession and use, to give drug users notice that a zero tolerance policy is in effect and their illegal activities, if continued, will be subject to serious sanctions.

The Republican package proposes impressive new resources for post arrest programs. Additional funding is desperately needed to meet the demands being placed on Federal law enforcement officials, the prison system and the judiciary as a consequence of stepped-up efforts against drug traffickers and users. Prosecuting attorneys, the courts and prison officials have been experiencing overwhelming increases in caseloads. These additional resources in the form of funding and manpower will ensure that those arrested for drug crimes will be prosecuted and, if convicted, will serve the stiff sentences imposed under the Anti-Drug Abuse Act of 1986.

To control the supply of drugs, the Republican package would:

Provide bounties for citizens who report drug dealers to the police.

Provide mandatory stiff sentences for those who sell drugs to minors.

Provide the death penalty for drug-related murder.

Reform habeas corpus and the exclusionary rule to aid in drug enforcement and conviction.

Provide heavier civil penalties for heroin or cocaine possession.

Establish a "three time loser" rule, with mandatory life imprisonment without parole for drug traffickers convicted a third time.

Provide enhanced penalties for selling drugs near yards or public housing projects; using juveniles in drug trafficking; and operating common carriers under the influence of drugs or alcohol.

Provide criminal penalties for polluting Federal lands in the course of drug activities.

Provide mandatory adult status for juveniles with prior drug convictions.

Track precursor chemical substances needed for the manufacture of illegal drugs.

Clamp down on drug distribution in Federal prisons and extend sentences of inmates who use drugs. Make drug testing a condition for parole or probation.

Strengthen the direction, supervision and coordination of Federal anti-drug programs by establishing a Cabinet-level Director of Drug Control within the Executive Office of the President. The Director will head the National Drug Policy Board and will advise the President and Congress on domestic and international drug policies and programs and see to their implementation.

Make improvements in justice forfeiture funds, increase the availability of Federal asset forfeiture laws to State and local police agencies and stipulate that the funds provided to State and local authorities for their share of seized assets should be spent on bringing drug criminals to justice.

Enlarge and strengthen the legal authority of the Immigration and Naturalization Service to stop drug smuggling and prosecute alien drug traffickers.

Provide major new funding and increased authority for the Coast Guard, the National Guard, the Customs Service, the FBI, the Drug Enforcement Agency, the Bureau of Alcohol, Tobacco, and Firearms, and the U.S. Forest Service to carry out their drug enforcement activities.

The Republican program is estimated to cost \$2.4 billion. In the conference report on the fiscal year 1989 budget resolution, additional funding up to \$2.6 billion in budget authority and \$1.4 billion in outlays were provided for antidrug efforts once an emergency is declared. The levels of spending and funding in this omnibus anti-drug bill are consistent with those provisions. Moreover, forfeiture funds from seized assets of drug dealers will help allay the costs of State and local authorities for investigating, prosecuting, and incarcerating drug law violators. Finally, the savings that families, businesses, government, and society will realize if the Republican initiative is enacted will more than pay for the costs of the entire program.

Mr. President, this Republican initiative is an excellent blueprint for success in our national war on drugs. It is designed to secure drug-free schools, workplaces, transportation, housing, and prisons and ultimately ensure a drug-free society. I applaud the distinguished minority leader for his leadership, diligence, and hard work in putting together this package. I hope that our Democratic colleagues will join us Republicans in this effort, so that we can enact a tough bipartisan package that will reflect our dual emphasis on limiting the supply of drugs and halting the demand for drugs. If we work together constructively, we can



produce a truly effective antidrug program which we can all be proud of and which we can confidently predict will lead us to a drug-free America by the end of this century.

### BICENTENNIAL MINUTE

JULY 12, 1947: FORMER CAPITOL POLICEMAN  
SHOOTS AT SENATOR

Mr. DOLE. Mr. President, 41 years ago today, on July 12, 1947, a former Capitol policeman, attempted to assassinate Senator John W. Bricker of Ohio. The assailant fired twice at Bricker, who was on his way to the Senate Chamber to answer a quorum call. The first shot just missed his head as he was making his way toward the old monorail subway in what is now known as the Russell Building. As Bricker crouched under the car's front seat and called to the operator to "step on it," the second shot whistled above his head. When he arrived at the Capitol, he coolly phoned his secretary on another matter and forgot to mention the incident. When the operator returned the car to the office building-end of the line, he found the gunman waiting. The assailant then exited and took a cab to his wife's home, where he was apprehended.

Asked why he attempted to shoot Bricker, the assailant observed that he was "trying to refresh his memory." Senator Bricker interpreted this to be a reference to his role, as attorney general of Ohio, in liquidating a savings and loan association 15 years earlier, when the assailant had suffered financially from that action. Later, as a Capitol policeman, the man had once accosted Bricker outside the Senate Chamber to air this grievance. Bricker had also been responsible for removing him from the Capitol Police Force in favor of his own patronage appointee.

After his scare, Senator Bricker urged increased security measures and an end to the practice of selecting police on a patronage basis. He also called for an increase in the size of the police force on the Hill. The Senate Sergeant at Arms, in defense of his men, accurately explained that his force was "spread pretty thin." At that time, police rolls carried the names of 157 men. Of that number, several dozen were allegedly not required to report for duty. One member of the 1947 force later recalled, "there were only about 100 of them working. About 50 never came to town."

### DEMOCRACY AND DIPLOMACY— SANDINISTA STYLE

Mr. DOLE. Mr. President, a delegation of Nicaraguan Democratic opposition leaders were supposed to go to Costa Rica today, to discuss with President Arias the internal political situation in Nicaragua. They won't be

able to make the trip, since several of them are among the approximately 40 opposition leaders thrown in jail yesterday—for the crime of engaging in a peaceful rally, demanding their human rights.

The only independent paper in Nicaragua, *La Prensa*, would have gone to press today, to report on the rally and the arrests. But its readers will look in vain for it on the stands, since the paper has been shut down by the Sandinistas—for the crime of reporting the truth.

The only independent radio station in Nicaragua, Catholic Radio, would likely have reported today on the demonstrations, the arrests and the shut-down of *La Prensa*. But listeners turning their dials in search of the morning news broadcasts will be out of luck, since the Sandinistas have closed down Catholic Radio—for the crime of broadcasting the truth.

And the American Ambassador and his staff would have been occupied today keeping us informed of evolving events. But they will be too busy packing, since the Ambassador and seven others have been ordered out of the country—for the diplomatic crime of observing and reporting on repeated Sandinista lies and oppression.

Mr. President, the difference between Violeta Chamorro, the editor of *La Prensa*, and the others who have been shut down and jailed—the difference between them and Daniel Ortega is clear and simple. They believe in the truth, and Daniel Ortega lives by lies.

The difference between the Democratic opposition inside and outside Nicaragua, and the Sandinistas, is clear and simple. The opposition believes in freedom, and the Sandinistas do not.

The difference between the Central American democracies who are signatory to the peace accords, and the Sandinista regime in Nicaragua, is clear and simple. The democratic countries permit their own people their liberty, and they keep their word. The Sandinistas do not.

Mr. President, the Sandinistas are different from us. We want freedom and independence for Nicaragua. And they want tyranny, and are willing to sell out Nicaraguan sovereignty in exchange for Soviet arms and rubles.

The Sandinistas are dictators. They are liars. They are Communists.

That is the truth. It is about time we acted on that truth. And is my intention, and the intention of other Senators, to give the Senate a chance to do just that, as soon as we can.

### CRISIS IN NICARAGUA

Mr. McCAIN. Mr. President, I rise to discuss a very serious event that has taken place in the last few days in Nicaragua, events that should be alarming to all of us who are con-

cerned about this Nation's national security interests in Central America, and indeed throughout this hemisphere.

Let me just remind you of the events of the last few days. The Sandinista government has broken up a government-approved demonstration with tear gas and clubs.

On television, we watched innocent Nicaraguan civilians, who were exercising their basic human rights of peacefully demonstrating, being gassed, beaten, and clubbed in the streets.

Forty-eight opposition members have been arrested and thrown in jail, without charge. These 48 opposition members are leaders and courageous Nicaraguans who are seeking the guarantees that were affirmed by their government in the signing of the Esquipulas agreement.

*La Prensa*, the only newspaper in Nicaragua that is truly independent, has been shut down indefinitely—clearly a violation of any semblance of human rights. I grieve for Mrs. Violeta Chamorro and her family, who have sought courageously for many years to allow the people of Nicaragua to have access to a free and independent press.

Catholic Radio has been shut down for 2 weeks. For what reason? Some vague and undetermined reason described by the Sandinista government, I believe, as actions contrary to the best interests of the state. If that is not classic Marxist dialog, I have never heard it.

Seven U.S. diplomats have been expelled, including our Ambassador. Of course, that is a serious situation. But let us not be diverted by the departure of our Ambassador and seven officers from what is happening in Nicaragua today, and that is that we are seeing a clear abrogation of the Esquipulas agreement, the agreement made in 1979, when the Sandinistas came to power, and the rapid disappearance of any semblance of human rights in Nicaragua.

Mr. President, the responsibility for this turn of events, in my view, directly rests on the Congress of the United States, which made this course of events almost inevitable when we cut off aid to the Contras.

In conversations with the leader on this side of the aisle and other Members of the Senate, I think we ought to seriously contemplate attaching that amendment to any of the bills we are considering this week, calling for a resumption of aid to the Contras as soon as possible; because, clearly, the Contras were the only force, the only lever, the only method by which the Sandinistas could be persuaded to fulfill the commitments they have made to the people of Nicaragua and, indeed, to their neighbors, when they

came to power and again when they signed the Arias peace plan.

I call on the Speaker of the House and I call on President Arias, whose peace plan is now being dismembered before our eyes, to join in support of assistance to the freedom fighters in Nicaragua, so that we can have some faint hope of freedom and democracy in that Nation.

Mr. DOLE. Mr. President, I was pleased to hear the comments of the distinguished Senator from Arizona [Mr. McCAIN]. Maybe sometime this week, on one of the appropriations bills, we can offer an amendment. I believe that many of the apologists for Daniel Ortega may be having a change of heart, may be changing their minds, or perhaps the Speaker of the House, Oscar Arias, and others, will now take a hard look at what some of us have been saying for a long time. Daniel Ortega does not want the truth. Daniel Ortega does not want freedom. He believes in communism. He is being supported by the Soviets.

In my view, it is time the American people fully understood what is going to happen if we continue to delay and delay as we are doing in this body and the other body while the Contras go down the drain.

#### RICHARD THORNBURGH

Mr. DOLE. Mr. President, I congratulate the President for his outstanding choice to fill the vacant top slot at the Justice Department. I think Dick Thornburgh has the credentials, experience, and respect to be much more than just a caretaker at Justice. He is a proven leader who will dedicate himself with serving his Department, his President, and his country.

I have known Dick Thornburgh for many years, for a long, long time, probably 20 years, and I have watched him move up the ranks, taking one challenge at a time one after another and winning as a practicing lawyer, as a U.S. attorney, a two-term Governor of Pennsylvania, and as Assistant Secretary in charge of the Criminal Division at Justice.

Dick Thornburgh showed the country what he is made of in 1979 when his State was thrown into a near panic as a result of the nuclear accident at Three-Mile Island. He never blinked. With cool reserve and leadership, he delivered when the chips were down and turned a nightmare into a solvable problem.

So I congratulate the President.

I had the pleasure of talking with Mr. Thornburgh yesterday. I think he is going to do an outstanding job and going to enjoy broad, bipartisan support because he is a man of integrity and brings great capability to the Justice Department and he will do a good job.

I hope that we could have a speedy FBI clearance and perhaps confirm his nomination before the August recess. We have plenty of time in there to have the hearings.

#### LLOYD BENTSEN

Mr. DOLE. Mr. President, from the reporting I hear, Governor Dukakis has made an outstanding choice. If the reports are true, he has chosen Senator LLOYD BENTSEN to be his running mate.

In my view he could not have picked a better man.

#### TRIBUTE TO MAJORITY LEADER ROBERT C. BYRD

Mr. DeCONCINI. Mr. President, I would like to take a few moments of the Senate's time to pay tribute to the esteemed majority leader, ROBERT BYRD. Senator BYRD's 30-year career in the Senate has been a model of dignified leadership. He has shown an unyielding devotion to his beloved West Virginia, to the Nation, and to the institution of the Senate.

Senator BYRD will soon be stepping down from his position as majority leader but, fortunately, he will not be leaving the Senate. In his new role as chairman of the Appropriations Committee, Senator BYRD will certainly continue to offer the same positive guidance and direction that has characterized his performance as majority leader. The task of leadership in a body of 100 strong-willed individuals with diverse backgrounds and interests requires an extraordinary level of patience coupled with the ability to keep the legislative train moving. Time and time again, BOB BYRD has demonstrated that he has these skills. More importantly, Senator BYRD has carried out his responsibilities as majority leader with unparalleled integrity, always honoring his commitments to individual Members.

Having had the pleasure of serving on several committees with Senator BYRD, I can attest to the strength of his convictions and his herculean passion for hard work. Similarly, Senator BYRD's extraordinary knowledge of the rules and procedures of the Senate is legendary. I remember one evening on the Senate floor when we were in the minority and Howard Baker was majority leader. The time was approximately 2 o'clock in the morning, and we had a contentious argument on the Senate floor. I had not participated in the particular debate to any length, but there were really strong vibes and undercurrents of discontent among the Members. At that time, Majority Leader BYRD took the floor, and in a very low key nonthreatening manner, addressed the Chamber about the importance of this institution. He cautioned that Members should neither

burn bridges nor sacrifice personal relationships based on one night's debate. The institution and comity among the Members were far more important than a single issue. That settled the matter. We adjourned for the evening and returned the next morning to finish the legislation after many people had the opportunity to reflect on BOB BYRD's wisdom.

We will certainly miss Majority Leader BYRD's leadership, but we will most assuredly continue to take advantage of his wisdom and counsel.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore (Mr. PROXMIER). Without objection, it is so ordered.

#### ESTABLISHMENT OF VETERANS' ADMINISTRATION AS AN EXECUTIVE DEPARTMENT

Under the previous order, the Senate proceeded to the consideration of H.R. 3471.

The ACTING PRESIDENT pro tempore. Under the previous order, the Committee on Governmental Affairs is now discharged from further consideration of H.R. 3471. All after the enacting clause is stricken and the text of S. 533, as amended, is inserted in lieu thereof.

Under the previous order, without any intervening debate, action, or motion, the Senate will now vote on passage of H.R. 3471. The yeas and nays have been ordered. The clerk will call the roll.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, today we are considering S. 533, a very important piece of legislation that would elevate the Veterans' Administration to a Cabinet-level department and establish the VA Administrator as a member of the President's Cabinet.

As a cosponsor of S. 533, I wholeheartedly support this measure. I compliment President Reagan on his commitment to upgrading the Veterans' Administration to a Cabinet-level department.



I also wish to take special note of the leadership on this issue of our distinguished colleague from South Carolina, Senator THURMOND. As the original sponsor of this legislation, Senator THURMOND has done more than anyone else to bring this legislation before us today.

America's veterans have shown tremendous dedication to our country, and the Federal Government is obligated to remember their efforts. Many brave Americans fought and died for this Nation, and many others were left permanently injured. Their contributions to our freedom and liberty will never be forgotten.

Our Government has established as a national priority a commitment to care for the millions of service men and women who have worn the uniform for our country. This comes not from a sense of obligation, but rather in recognition of the contributions made by those individuals who faithfully served our Nation in times of peace and war.

The tremendous responsibility of administering veterans programs has fallen on primarily one agency, the Veterans' Administration. The VA has been charged with providing benefits and services to 30 million veterans, as well as 51 million dependents and survivors. The impact of the Veterans' Administration on the lives of America's veterans becomes clear when you consider that almost every family in America is touched in some way or another by VA programs.

The Veterans' Administration is now entering the 57th year of service for our Nation's veterans. Over the years, the VA has established a high standard of service in meeting veterans' needs.

In reality, the Veterans' Administration has become the largest independent agency of the Federal Government. With an annual budget of more than \$27 billion and over 200,000 full-time and 40,000 part-time employees, the VA stands among Federal agencies just behind the Department of Defense and the Postal Service in the number of persons it employs.

The agency distributes billions of dollars in compensation and pension benefits each month and oversees millions of dollars that go toward education and training programs. The Veterans' Administration also operates the largest, centrally managed health care system in the world, with 172 major medical centers, 228 outpatient clinics, and 119 nursing homes.

Additionally, the VA addresses a number of issues unique to the veteran population. One area of particular interest to me is the challenge placed upon VA hospital and health care programs by the aging veteran population. It is estimated that the population of veterans over the age of 65 will

increase from 5.5 to 8.9 million by the year 2000.

While there are no established criteria for creating Cabinet positions, the sheer size and importance of the VA and its constituency shows the wisdom and justification of elevating it to Cabinet rank.

Nevertheless, the reason for elevation must be to ensure that America continues our effort to strengthen our programs for veterans. An improved level of service, an improved quality of health care, and an improved responsiveness to the problems of the American vet must be our goal.

By elevating the VA to Cabinet rank, the proposed reorganization should make the agency more accountable and more effective.

It seems to me that such a status, bringing the VA into discussions at the highest level, is particularly wise at this time of tremendous budget constraints. Furthermore, as a member of the President's Cabinet, the Administrator of the Veterans' Administration will be able to draw even more effectively upon the wisdom of the President and other Cabinet members in formulating innovative ways to meet the unique demands placed upon the Veterans' Administration by our veterans.

Mr. President, passage of S. 533 will benefit the Veterans' Administration, America's veterans, and the American public. I urge my colleagues to support this important legislation.

Mr. LAUTENBERG. Mr. President, I rise as a cosponsor of S. 533, the bill to elevate the Veterans' Administration to a Cabinet-level department, to urge the Senate to adopt this bill.

I support this bill because our Nation's veterans clearly deserve to be heard in the highest councils of Government, especially when important decisions affecting veterans are made. Since the Veterans' Administration is already a fully established Federal agency, its elevation would require only a minimum additional funding.

The VA's size, its budget, the population it serves, and the services it provides argue for granting the VA Cabinet status. With a \$27 billion a year annual budget, the VA employs more than 240,000 people, making it second only to the Defense Department. It operates the largest health care system in the country, with 172 hospitals and hundreds of clinics and nursing homes. The VA also runs 111 national cemeteries, and administers thousands upon thousands of pension, compensation, home loan guarantee and life insurance programs. Almost 89 million persons are potentially eligible for VA benefits and services.

The VA not only operates the largest health care system, it also operates an internationally recognized research program. More than half the Nation's doctors have received some part of

their medical training at the VA. The VA has been both a pioneer and a leader in medical research in areas such as finding a cure for AIDS and caring for our aging population. Thus, the development of national health care policy will benefit from the presence of the VA in the Cabinet.

The VA has also had an impact in areas like housing, education, and life insurance, through its provision of 12 million home loans, 18 million education loans, and life insurance programs protecting millions of veterans and their dependents.

However, it is neither size nor scope that ultimately dictate the correctness of elevating the VA to a Cabinet-level status. It is the fact that we must guarantee representation in the White House for the men and women who represented us and our Nation so well on the battlefield when we needed them. Who made great sacrifices to preserve the freedom and prosperity we enjoy today.

Elevating the VA to Cabinet status gives our veterans the honor and respect they richly deserve. It is long overdue, and I urge my colleagues to pass this bill.

Mr. CONRAD. Mr. President, I am pleased to support S. 533, legislation to establish the Veterans' Administration as an Executive department. I am proud to be a cosponsor of this measure, which is so important to our veterans and our Nation.

The Veterans' Administration was established in 1930 to fulfill what President Lincoln once called the Nation's duty to "care for him who shall have borne the battle and for his widow and his orphan." Today, the VA serves 28 million veterans and their 50 million dependents and survivors. It is the largest independent agency in the Government, with over 200,000 employees and a \$30 billion budget.

By these numbers alone, some would say that the Veterans' Administration deserves the access to the President and the voice in policy formulation that a position in the Cabinet would provide. And they would be correct. But more important than mere numbers is the scope of the VA's programs and their impact on the Nation.

The VA provides health care for veterans, and trains health care professionals. It contributes to medical research and development. Millions of Americans have received education and training through VA-sponsored programs, and millions more have become homeowners through VA home loan guarantees. Finally, the VA administers over \$15 billion in compensation, pension, and benefit programs for veterans and their dependents.

In addition to elevating the Veterans' Administration to the President's Cabinet, S. 533 contains significant im-

provements in the internal management and accountability of the agency. These changes should mean more efficient and effective service delivery for veterans.

In conclusion, I believe that the Administrator of the VA deserves to be part of the President's Cabinet. Access to the President and input on issues critical to veterans and the Nation will enable the Department of Veterans' Affairs to better serve veterans and their families.

Mr. BYRD. Mr. President, I am pleased to support S. 533, which establishes the Veterans' Administration as an executive department. One of the primary purposes of this legislation will be to improve and strengthen the agency's management effectiveness and internal controls.

The Veterans' Administration [VA] was created in 1930, when Congress consolidated three veterans agencies—the Veterans' Bureau, the Bureau of Pensions of the Interior Department, and the National Home for Disabled Volunteer Soldiers. The resultant independent agency served a population of 4.7 million veterans with just over 30,000 full-time employees. Following World War II, the number of veterans grew, and the scope of their benefits expanded with the VA health care system, passage of the GI bill, and control over the National Cemetery System.

Currently, the Veterans' Administration is the largest independent agency in the Federal Government, with over 200,000 full-time employees serving almost 30 million veterans and their dependents. In addition, the VA administers the largest health-care delivery system in the world—a network of 172 medical centers, 229 outpatient clinics, 117 nursing-home care units, and 16 domiciliaries, for a total of almost 90,000 patient-beds. Last year alone, the VA outpatient clinics handled a total of 20 million visits. Those statistics reveal the great size and scope of the VA's programs and the tremendous contributions they make, not only to the lives of our country's veterans and their families, but also to the national well-being generally.

In light of the commitment of our Nation to care for our deserving veterans, I believe it is appropriate to elevate the Veterans' Administration to Cabinet-level status, which will better serve America's veterans and the American public. Passage of this legislation recognizes the impact of veterans' programs on the well-being of those who have served the Nation during times of war and peace. I hope that it is adopted by the Senate today.

The ACTING PRESIDENT pro tempore. The question is on passage of H.R. 3471, as amended. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH], the Senator from North Carolina [Mr. HELMS], the Senator from Virginia [Mr. TRIBLE], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "yea."

The result was announced—yeas 84, nays 11, as follows:

[Rollcall Vote No. 242 Leg.]

#### YEAS—84

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

#### NAYS—11

Armstrong	Kassebaum	Rudman
Evans	McClure	Simpson
Garn	Proxmire	Symms
Humphrey	Quayle	

#### NOT VOTING—5

Biden	Helms	Warner
Hatch	Trible	

So the bill (H.R. 3471), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I ask unanimous consent that the title of the bill be amended with the language now at the desk.

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

The title was amended so as to read:

A bill to establish the Veterans' Administration as an executive department; to establish the National Commission on Executive Organization and Management, and for other purposes.

Mr. GLENN. Mr. President, I ask unanimous consent that S. 533 be indefinitely postponed.

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

#### UNANIMOUS CONSENT REQUEST: S. 675—ENDANGERED SPECIES REAUTHORIZATION

Mr. BYRD. Mr. President, I have a unanimous consent request with reference to S. 675, the endangered species reauthorization bill.

I ask unanimous consent that the majority leader, after consultation with the minority leader, may at any time turn to the consideration of Calendar 467, S. 675, the endangered species reauthorization bill, and that it be considered under the following time limitation; 30 minutes on the bill, equally divided and controlled between Senators MITCHELL and CHAFEE, or their designees; 20 minutes equally divided on each of four amendments:

Mitchell amendment: relating to the cooperative grant program with the States and the definition of the term "person";

Burdick amendment: relating to the Environmental Protection Agency's endangered species pesticide program;

Evans amendment: relating to the extension of licenses for scrimshaw production; and,

Heflin amendment: relating to the conservation of sea turtles.

That no other amendments be in order, with the exception of the adoption of the committee-reported substitute and the amendment to the title; that there be 20 minutes equally divided on any debatable motion, appeal, or point of order if submitted by the Chair; that no motions to recommit be in order; that the agreement be in the usual form; that following the third reading of S. 675, the Senate proceed to the immediate consideration of Calendar No. 507, H.R. 1467; that all after the enacting clause be stricken, and the text of S. 675, as amended, be inserted, and the bill be advanced to third reading and final passage, with no intervening action or debate.

Mr. MCCLURE. Mr. President, I have to inform the majority leader that there is objection on this side.

#### EXPLANATION OF EXTENDED TIME FOR VOTE

Mr. BYRD. Mr. President, inasmuch as I have tried regularly and consistently to keep 15-minute rollcall votes to 15 minutes, I think an explanation for the record is in order with respect to the rollcall that has just been had.

The telephone system on the Senate side of the Capitol is down. The cloakrooms could not make calls to Senators, could not stay in touch with them, and in addition to that, there was an accident on the Theodore Roosevelt Bridge, creating a backup of traffic and additionally, of course, we have had a little precipitation which at all times causes congestion in the traffic here. But mainly because of the telephone system breakdown, I



thought an exception was in order, and that was the reason an exception was made.

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

Mr. BYRD. I yield.

Mr. STEVENS. I personally thank him for that gesture and the fact the time was extended this morning.

Mr. BYRD. I thank my friend.

#### DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1989

Mr. BYRD. Mr. President, I ask that, in accordance with the order previously entered, and the majority leader having consulted with the distinguished minority leader, the Chair lay before the Senate the transportation appropriations bill.

The PRESIDING OFFICER (Mr. SANFORD). The clerk will report H.R. 4794.

The legislative clerk read as follows:

A bill (H.R. 4794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1989, and for other purposes.

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

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1989, and for other purposes, namely:

#### TITLE I—DEPARTMENT OF TRANSPORTATION

##### OFFICE OF THE SECRETARY SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Transportation, including not to exceed \$30,000 for allocation within the Department of official reception and representation expenses as the Secretary may determine; **[\$1,071,000]** *\$1,072,000* for the Immediate Office of the Secretary; **[\$460,000]** *\$464,000* for the Immediate Office of the Deputy Secretary; **[\$5,925,000]** *\$6,000,000* for the Office of the General Counsel; **\$7,950,000** for the Office of the Assistant Secretary for Policy and International Affairs; **[\$2,147,000]** *\$2,241,000* for the Office of the Assistant Secretary for Budget and Programs; **[\$2,345,000]** *\$2,265,000* for the Office of the Assistant Secretary for Governmental Affairs; **[\$23,375,000]** *\$24,300,000* for the Office of the Assistant Secretary for Administration; **[\$1,462,000]** *\$1,455,000* for the Office of the Assistant Secretary for Public Affairs; **[\$815,000]** *\$824,000* for the Executive Secretariat; **\$440,000** for the Contract Appeals Board; **[\$1,270,000]** *\$1,305,000* for the Office of Civil Rights; **[\$550,000]** *\$585,000* for the Office of Commercial Space Transportation; **[\$1,734,000]** *\$1,727,000* for

the Office of Essential Air Service; **\$630,000** for *Regional Representatives*; and **[\$3,105,000]** *\$3,915,000* for the Office of Small and Disadvantaged Business Utilization, of which **[\$2,275,000]** *\$3,000,000* shall remain available until expended and shall be available for the purposes of the Minority Business Resource Center as authorized by 49 U.S.C. 332: *Provided*, That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act may be used for business opportunities related to any mode of transportation.

##### TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, and university research and internships, to remain available until expended, **[\$4,925,000]** *\$6,517,000*.

##### WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed **[\$130,350,000]** *\$132,500,000* shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriations Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation; for necessary expenses associated with the development of the Departmental Accounting and Financial Information System, **[\$3,100,000]** *\$3,200,000* to remain available until expended; for the Department of Transportation office space reduction initiative, **\$100,000**; and for Departmental ADP systems development enhancements, **\$600,000.**

##### PAYMENTS TO AIR CARRIERS

For payments to air carriers of so much of the compensation fixed and determined under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Department of Transportation, **[\$29,070,000]** *\$25,000,000*, to remain available until expended.

##### COAST GUARD

##### OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed eight passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare, **[\$2,026,000,000]** *\$1,896,116,000*, of which **\$30,000,000** shall be expended from the Boat Safety Account: *Provided*, That of the funds provided for operating expenses for fiscal year 1989, in this or any other Act, not less than **\$492,000,000** shall be available for drug enforcement activities and *not less than \$147,000,000 shall be available for environmental protection activities*: *Provided further*, That the number of aircraft on hand at any one time shall not exceed two hundred and fourteen, exclusive of planes and parts stored to meet future attrition: *Provided further*, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109 except

to the extent fees are collected from yacht owners and credited to this appropriation.

##### ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, **[\$102,000,000]** *\$297,700,000*, to remain available until September 30, 1993: *Provided*, That the Secretary of Transportation shall issue regulations requiring that written warranties shall be included in all contracts with prime contractors for major systems acquisitions of the Coast Guard: *Provided further*, That any such written warranty shall not apply in the case of any system or component thereof that has been furnished by the Government to a contractor: *Provided further*, That the Secretary of Transportation may provide for a waiver of the requirements for a warranty where: (1) the waiver is necessary in the interest of the national defense or the warranty would not be cost effective; and (2) the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Merchant Marine and Fisheries of the House of Representatives are notified in writing of the Secretary's intention to waive and reasons for waiving such requirements: *Provided further*, That the requirements for such written warranties shall not cover combat damage: *Provided further*, That of the funds provided in this Act for acquisition, construction and improvements, or in any other Act, not less than **\$4,800,000** million shall be transferred to the Operating Expenses Account of the Coast Guard to reopen and maintain the Coast Guard search and rescue stations located at Shark River, New Jersey; East Port, Maine; Block Island, Rhode Island; Ashtabula, Ohio; North Superior, Minnesota; Lake Tahoe, California; Kennewick, Washington; Kauai, Hawaii; and Mare Island, California: *Provided further*, That none of the funds provided in this Act shall be available for the closing of, or reduction in forces with respect to, any Coast Guard facility or installation.]

##### ALTERATION OF BRIDGES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for alteration or removal of obstructive bridges, **\$8,500,000**, together with **[\$6,000,000]** *\$3,000,000* to be derived from "Acquisition, construction, and improvements", to remain available until expended.

##### RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C., ch. 55), **\$410,800,000**.

##### RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; **[\$66,650,000]** *\$67,500,000*.

##### RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; mainte-

nance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, [\$18,800,000] \$19,000,000, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

#### OFFSHORE OIL POLLUTION COMPENSATION FUND

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations in such amounts and at such times as may be necessary to the extent that appropriations are not adequate to meet the obligations of the Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of [\$57,000,000] \$60,000,000 in fiscal year 1989 for the "Offshore Oil Pollution Compensation Fund".

#### DEEPWATER PORT LIABILITY FUND

The Secretary of Transportation is authorized to issue, and the Secretary of the Treasury is authorized to purchase, without fiscal year limitation, notes or other obligations in such amounts and at such times as may be necessary to the extent that available appropriations are not adequate to meet the obligations of the Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of [\$47,500,000] \$50,000,000 in fiscal year 1989 for the "Deepwater Port Liability Fund".

#### BOAT SAFETY

##### (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred for recreational boating safety assistance under Public Law 92-75, as amended, \$30,000,000, to be derived from the Boat Safety Account and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$30,000,000 in fiscal year 1989 for recreational boating safety assistance.

#### FEDERAL AVIATION ADMINISTRATION

##### HEADQUARTERS ADMINISTRATION

For necessary expenses, not otherwise provided for, of providing administrative services at the headquarters location of the Federal Aviation Administration, including but not limited to accounting, budgeting, legal, public affairs, and executive direction services for the Federal Aviation Administration, [\$36,460,000] \$37,000,000.

##### OPERATIONS

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, and for establishment of air navigation facilities, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, purchase of four passenger motor vehicles for replacement only, [\$3,400,000,000] \$3,425,330,000, of which [\$1,050,000,000] \$55,150,000 shall be derived from the Airport and Airway Trust

Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities: *Provided further*, That none of these funds shall be available for new applicants for the second career training program or for a pilot test of contractor maintenance: *Provided further*, That the immediately preceding proviso shall not prohibit the augmentation of the existing field maintenance work force if it is determined to be essential for the safe operation of the air traffic control system: *Provided further*, That section 5532(f)(2) of title V, United States Code, is amended by striking "December 31, 1988" and inserting "December 31, 1989" in lieu thereof: *Provided further*, That section 8344(h) of title V, United States Code, is amended by striking "December 31, 1986" in paragraph (2) and inserting "December 31, 1987" in lieu thereof: *Provided further*, That in the event that the Federal Aviation Administrator employs annuitants subject to section 8344(h) of title V, United States Code, not to exceed \$10,000,000, to be derived from the unobligated balance of any appropriation available for obligation by the Federal Aviation Administration as of the effective date of this Act, shall be available through December 31, 1989, for the purpose of funding such employment: *Provided further*, That any such funding shall be reported to the Committees on Appropriations of the Senate and the House of Representatives.

#### FACILITIES AND EQUIPMENT

##### (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities, including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations of officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 1993, [\$1,486,000,000] \$1,293,060,000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That of the funds available under this head, \$1,000,000 shall be available for the Secretary of Transportation to enter into grant agreements with universities or colleges having an airway science curriculum recognized by the Federal Aviation Administration, to conduct demonstration projects in the development, advancement, or expansion of airway science curriculum programs, and such funds, which shall remain available until expended, shall be made available under such terms and conditions as the Secretary of Transportation may prescribe, to such universities or colleges for the purchase or lease of buildings and associated facilities, instructional materials, or equipment to be used in conjunction with airway science curriculum programs, but in no event shall the total Federal share provided for any airway science construction project exceed 50 per centum of the total cost of such project: *Provided further*, That upon

FAA determination that a new permanent auxiliary air traffic control tower at the Orlando International Airport is needed, and upon approval by FAA of the design and location of such tower, up to \$5,800,000 shall be set aside from funds made available for Facilities and Equipment for construction of the tower.

#### RESEARCH, ENGINEERING, AND DEVELOPMENT

##### (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$160,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

#### GRANTS-IN-AID FOR AIRPORTS

##### (LIQUIDATION OF CONTRACT AUTHORIZATION)

##### (AIRPORT AND AIRWAY TRUST FUND)

##### (INCLUDING RESCISSION)

For liquidation of obligations incurred for airport planning and development under section 14 of Public Law 91-258, as amended, and under other law authorizing such obligations, and obligations for noise compatibility planning and programs, [\$1,160,000,000] \$1,129,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *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 [\$1,530,000,000] \$1,325,000,000 in fiscal year 1989 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 [\$220,000,000] \$100,000,000 of unobligated contract authority available for airport development and planning pursuant to section 505(a) of the Airport and Airway Improvement Act of 1982, as amended, is rescinded: *Provided further*, That no funds appropriated in this paragraph shall be available to the Massachusetts Port Authority unless such Authority agrees to delay the implementation of the landing fee structure adopted by the Massachusetts Port Authority on March 16, 1988, for Logan International Airport, until the United States District Court for the District of Massachusetts, in Dockets 88-0891-MA and 88-0873-MA, and the Department of Transportation, in FAA Dockets 13-88-2, 13-88-3, and 13-88-4, have determined that the landing fee structure does not violate the Federal Aviation Act of 1958 (49 U.S.C. app. 1301 et seq.) and the Airport and Airway Improvement Act of 1982 (49 U.S.C. app. 2201 et seq.), or such Authority rescinds such landing fee structure.

#### AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958, as amended (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be nec-



essay in carrying out the program set forth in the budget for the current fiscal year for aviation insurance activities under said Act.

#### AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85-307, as amended (49 U.S.C. 1324 note). None of the funds in this Act shall be available for the implementation or execution of programs under this head the obligations for which are in excess of \$50,000,000 \$57,000,000 during fiscal year 1989. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchases, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States.

#### FEDERAL HIGHWAY ADMINISTRATION

##### LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, and research of the Federal Highway Administration, not to exceed \$216,000,000 \$217,620,000, shall be paid in accordance with law, from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed \$32,077,000 \$33,697,000 of the amount provided herein shall remain available until expended: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this account funds received from States, counties, municipalities, other public authorities, and private sources, for training expenses incurred for non-Federal employees.

##### (HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

##### (HIGHWAY TRUST FUND)

[For necessary expenses in carrying out the provisions of sections 307(a) and 403 of title 23, United States Code, to be derived from the Highway Trust Fund and to remain available until expended, \$6,080,000.]

##### HIGHWAY-RELATED SAFETY GRANTS

##### (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, administered by the Federal Highway Administration, to remain available until expended,

\$10,000,000, to be derived from the Highway Trust Fund: *Provided*, That not to exceed \$100,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$10,000,000 \$9,405,000 in fiscal year 1989 for "Highway-related safety grants".

#### RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expenses of certain railroad-highway crossings demonstration projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, \$7,560,000 \$1,000,000, of which \$5,040,000 \$667,000 shall be derived from the Highway Trust Fund.

##### FEDERAL-AID HIGHWAYS (LIMITATION ON OBLIGATIONS) (HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of \$12,380,000,000 \$11,398,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1989.

##### FEDERAL-AID HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, \$12,700,000,000, or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

##### RIGHT-OF-WAY REVOLVING FUND (LIMITATION ON DIRECT LOANS) (HIGHWAY TRUST FUND)

During fiscal year 1989 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$46,000,000 \$47,850,000.

##### MOTOR CARRIER SAFETY

For necessary expenses to carry out the motor carrier safety functions of the Secretary as authorized by the Department of Transportation Act (80 Stat. 939-940), \$25,000,000 \$24,500,000, of which \$1,920,000 shall remain available until expended.

##### MOTOR CARRIER SAFETY GRANTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of section 402 of Public Law 97-424, \$50,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of \$60,000,000 for "Motor carrier safety grants": *Provided further*, That notwithstanding any other provision of law, \$2,425,000 of funds available for these grants and for supplemental grants for commercial driver testing shall be available by transfer for related research activities in "Motor carrier safety".

#### ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON CERTAIN LAKES

Notwithstanding any other provision of law, there is appropriated \$450,000 for necessary expenses of certain access highway projects, as authorized by section 155, title 23, United States Code, to remain available until expended: *Provided*, That such appropriation shall be available only to the extent authorized by law after the date of enactment of such appropriation \$841,000 for necessary expenses of certain access highway projects, as authorized by section 155, title 23, United States Code, to remain available until expended.

##### BALTIMORE-WASHINGTON PARKWAY (HIGHWAY TRUST FUND)

For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970 for the Baltimore-Washington Parkway, to remain available until expended, \$12,825,000 \$2,000,000, to be derived from the Highway Trust Fund and to be withdrawn therefrom at such times and in such amounts as may be necessary.

##### (INTERMODAL URBAN DEMONSTRATION PROJECT

##### (HIGHWAY TRUST FUND)

[For necessary expenses to carry out the provisions of section 124 of the Federal-Aid Highway Amendments of 1974, \$8,550,000, to be derived from the Highway Trust Fund and to remain available until expended.

##### (HIGHWAY SAFETY AND ECONOMIC DEVELOPMENT DEMONSTRATION PROJECTS

##### (HIGHWAY TRUST FUND)

[For necessary expenses to carry out construction projects as authorized by Public Law 99-500 and Public Law 99-591, \$8,550,000, to be derived from the Highway Trust Fund and to remain available until expended.

##### (AIRPORT ACCESS DEMONSTRATION PROJECT (HIGHWAY TRUST FUND)

[For necessary expenses to carry out a demonstration project in the vicinity of the Ontario International Airport in San Bernardino County, California, for the purpose of demonstrating methods of improving highway access to an airport that is projected to incur a substantial increase in air service, \$2,565,000, to remain available until expended and to be derived from the Highway Trust Fund.

##### (HIGHWAY SAFETY IMPROVEMENT DEMONSTRATION PROJECT

##### (HIGHWAY TRUST FUND)

[For the purpose of carrying out a coordinated project of highway improvements in the vicinity of Pontiac and East Lansing, Michigan, that demonstrates methods of enhancing safety and promoting economic development through widening and resurfacing of highways on the Federal-aid primary system and on roads on the Federal-aid urban system, as authorized by Public Law 99-500 and Public Law 99-591, \$1,260,000, to be derived from the Highway Trust Fund and to remain available until expended.

##### (HIGHWAY-RAILROAD GRADE CROSSING SAFETY DEMONSTRATION PROJECT

##### (HIGHWAY TRUST FUND)

[For the purpose of carrying out a coordinated project of highway-railroad grade crossing separations in Mineola, New York, that demonstrates methods of enhancing highway-railroad crossing safety while mini-

mizing surrounding environmental effects, as authorized by Public Law 99-500 and Public Law 99-591, \$8,100,000, to be derived from the Highway Trust Fund and to remain available until expended.

**[NUCLEAR WASTE TRANSPORTATION SAFETY DEMONSTRATION PROJECT  
(HIGHWAY TRUST FUND)]**

For necessary expenses for a project to construct a relief route in the Los Alamos-Santa Fe, New Mexico corridor that demonstrates methods of improving the safety of transporting nuclear waste by constructing an alternate route with specific safety features, \$7,200,000, to be derived from the Highway Trust Fund and to remain available until expended.

**[HIGHWAY WIDENING DEMONSTRATION PROJECT]**

For necessary expenses to carry out a demonstration project to improve U.S. Route 202 in the vicinity of King of Prussia, Pennsylvania, as authorized by Public Law 100-202, \$1,800,000, to remain available until expended.

**[BRIDGE IMPROVEMENT DEMONSTRATION PROJECT]**

For 80 percent of the expenses necessary to carry out a highway project in the vicinity of Jacksonville, Florida, for the purpose of demonstrating methods of reducing traffic congestion and improving efficiency in the trans-shipment of military and civilian cargo by construction of a bridge to Blount Island, widening State Highway 105 (Heckscher Drive) and constructing an interchange at the intersection of Heckscher Drive and the new Blount Island Bridge, \$8,550,000, to remain available until expended.

**[HIGHWAY WIDENING AND IMPROVEMENT DEMONSTRATION PROJECT]**

For 80 percent of the expenses necessary to carry out a highway project between Paintsville and Prestonsburg, Kentucky, that demonstrates the safety and economic benefits of widening and improving highways in mountainous areas, \$8,100,000, to remain available until expended.

**[INTERSECTION SAFETY DEMONSTRATION PROJECT]**

For 80 percent of the expenses necessary to carry out preliminary engineering, environmental studies, and right-of-way acquisition for the reconstruction of an intersection at Aviation Boulevard and Rosecrans Avenue to include the completion of Douglas Street in the vicinity of El Segundo, California, for the purpose of demonstrating methods of improved highway and highway safety construction, \$900,000, to remain available until expended.

**[HIGHWAY CAPACITY IMPROVEMENT DEMONSTRATION PROJECT]**

For 80 percent of the expenses necessary to carry out preliminary engineering, environmental studies, and right-of-way acquisition for U.S. Route 231 between U.S. Route 90 and the City of Campbellton in Jackson County, Florida, for the purpose of demonstrating methods of expanding a two-lane segment of a U.S. highway to four lanes, \$900,000, to remain available until expended.

**[CLIMBING LANE SAFETY DEMONSTRATION PROJECT]**

For 80 percent of the expenses necessary to carry out preliminary engineering, environmental studies, and right-of-way acquisition for U.S. Route 15 in the vicinity of Tioga County, Pennsylvania, for the pur-

pose of demonstrating methods of improved highway and highway safety construction, \$450,000, to remain available until expended.

**[INDIANA INDUSTRIAL CORRIDOR SAFETY DEMONSTRATION PROJECT]**

For 80 percent of the expenses necessary to carry out preliminary engineering, environmental studies, and right-of-way acquisition for an improved route between Wabash and Huntington, Indiana, for the purpose of demonstrating the safety and economic benefits of widening and improving rural highways, \$1,125,000, to remain available until expended.

**[UTAH PEDESTRIAN SAFETY DEMONSTRATION PROJECT]**

Of the funds made available to the State of Utah by section 149 of Public Law 100-17, to remain available until expended, \$1,000,000 shall be available only to carry out preliminary engineering, environmental studies, and right-of-way acquisition to widen 8400 West in Magna, Utah, for the purpose of demonstrating methods of improved highway and highway safety construction.

**[OKLAHOMA HIGHWAY WIDENING DEMONSTRATION PROJECT]**

For 80 percent of the expenses necessary to carry out preliminary engineering, environmental studies, and right-of-way acquisition to widen Oklahoma State Route 53 from Interstate Highway 35 east to the entrance of the Ardmore Regional Industrial Airpark for the purpose of demonstrating methods of improved highway and highway safety construction, \$450,000, to remain available until expended, subject to the enactment of law authorizing said project.

**[ALABAMA HIGHWAY BYPASS DEMONSTRATION PROJECT]**

For 80 percent of the expenses necessary to carry out preliminary engineering, environmental studies, and right-of-way acquisition for a highway bypass project in the vicinity of Jasper, Alabama, for the purpose of demonstrating methods of improved highway and highway safety construction, \$3,600,000, to remain available until expended.

**[KENTUCKY BRIDGE DEMONSTRATION PROJECT]**

For 80 percent of the expenses necessary to carry out preliminary engineering, environmental studies, and right-of-way acquisition to replace the Glover Cary Bridge in Owensboro, Kentucky, for the purpose of demonstrating methods of improved highway and highway safety construction, \$3,600,000, to remain available until expended.

**[VIRGINIA HOV SAFETY DEMONSTRATION PROJECT]**

For 80 percent of the expenses necessary to carry out preliminary engineering, environmental studies, and right-of-way acquisition to construct High Occupancy Vehicle lanes on Interstate Route 66 between Interstate Route 495 and U.S. Route 50 for the purpose of demonstrating methods of increasing highway capacity and safety by the use of highway shoulders to construct HOV lanes, \$540,000, to remain available until expended.

**[URBAN HIGHWAY CORRIDOR DEMONSTRATION PROJECT]**

For 80 percent of the expenses necessary to carry out preliminary engineering, environmental studies, and right-of-way acquisition to improve and upgrade the M-59 urban highway corridor in southeast Michi-

gan, \$225,000, to remain available until expended, for the purpose of demonstrating methods of improving congested urban corridors that have been neglected during construction of the Interstate system.

**[URBAN AIRPORT ACCESS SAFETY DEMONSTRATION PROJECT]**

For 80 percent of the expenses necessary to carry out preliminary engineering, environmental studies, and right-of-way acquisition to improve and upgrade access to Detroit Metropolitan Airport in southeast Michigan, \$225,000, to remain available until expended, for the purpose of demonstrating methods of improving access to major urban airports.]

**CORRIDOR SAFETY IMPROVEMENT PROJECT  
(HIGHWAY TRUST FUND)**

For the purpose of carrying out a demonstration of methods of improving vehicular and pedestrian safety on roads on the Federal-aid primary and Federal-aid secondary systems, involving Route 1 in New Jersey, there is hereby appropriated \$35,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

**BRIDGE CAPACITY IMPROVEMENTS  
(HIGHWAY TRUST FUND)**

For the purpose of carrying out the Nashua River Bridge and Broad Street Parkway project in Nashua, New Hampshire, that crosses the Nashua River, there is hereby appropriated \$3,763,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That all funds appropriated under this head shall be exempt from any limitation on obligations for Federal-aid highways and highway safety construction programs.

**CORRIDOR H IMPROVEMENT PROJECT**

For the purpose of carrying out a demonstration of methods of eliminating traffic congestion, and to promote economic benefits for the area affected by the construction of a bypass, on the Corridor H segment of the Appalachian Highway System, there is hereby appropriated \$16,000,000, to remain available until expended: Provided, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

**ROAD EXTENSION DEMONSTRATION**

For 80 percent of the expenses necessary to provide for the initial planning and design of an improved and widened roadway from Prairie City, Iowa, to Burlington, Iowa, for the purpose of demonstrating the economic benefits of an improved highway to a depressed area, \$600,000 is appropriated, to remain available until expended.

**BRIDGE RESTORATION**

For necessary expenses to carry out an historic bridge rehabilitation demonstration project, for the purpose of demonstrating the economic and transportation benefits of restoring a previously closed historic bridge, \$2,500,000, to remain available until expended, shall be available to the city of Chattanooga, Tennessee, for restoration of the Walnut Street Bridge.

**RESERVATION ROAD**

For the purpose of carrying out a demonstration of economic growth and development benefits on approximately twenty-nine miles of Federal-aid secondary road con-



necting Interstate 10 and State Route 84, there is hereby appropriated \$5,000,000 for the acquisition of rights-of-way and other costs incurred in the reconstruction of that portion of the road on the Gila Indian Reservation and the Maricopa Ak Chin Indian Reservation: *Provided*, That no Federal assistance shall be made available to carry out the project until: (1) an agreement is reached with the Indian Communities for the purchase of the required rights-of-way on the two reservations, (2) the road is accepted on the State Highway System, (3) the rights-of-way needed for that portion of the road outside the reservation boundaries is donated by the developers, and (4) Maricopa County and Pinal County agree to participate financially in the reconstruction of the road: *Provided further*, That all funds appropriated under this section shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

#### NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act, [\$69,049,000] \$63,180,000, of which [\$33,322,000] \$27,813,000 shall remain available until expended: *Provided*, That of the funds available under this head, \$3,000,000 shall be available to implement the recommendations of the 1985 National Academy of Sciences report on trauma research.]

#### OPERATIONS AND RESEARCH (HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under chapter 4, title 23, United States Code, to be derived from the Highway Trust Fund, [\$30,751,000] \$33,000,000, to remain available until expended: *Provided*, That, of the funds available under this head, \$2,780,000 shall be available for light truck and van safety research and analysis.]

#### HIGHWAY TRAFFIC SAFETY GRANTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 402, 406, and 408, and section 209 of Public Law 95-599, as amended, to remain available until expended, \$130,500,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of \$115,000,000 in fiscal year 1989 for "State and community highway safety grants" authorized under 23 U.S.C. 402: *Provided further*, That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of [\$10,000,000] \$13,500,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408: *Provided further*, That not to exceed [\$4,900,000] \$4,850,000 shall be available for administering the provisions of 23 U.S.C. 402: *Provided further*, That notwithstanding

any other provision of law, none of the funds in this Act shall be available for the planning or execution of programs authorized under section 209 of Public Law 95-599, as amended, the total obligations for which are in excess of \$4,750,000 in fiscal years 1982 through 1989.

#### FEDERAL RAILROAD ADMINISTRATION

##### OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, [\$14,975,000] \$15,695,000, of which [\$1,075,000] \$2,875,000 shall remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided*, That, as part of the Washington Union Station transaction, the Secretary shall assume the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That the Administrator of the Federal Railroad Administration shall make available, \$320,000 for necessary expenses related to the establishment and initial operation of the California/Nevada Bi-State Super Speed Ground Transportation Commission.

##### RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, [\$27,825,000] \$27,968,000, of which \$1,140,000 shall remain available until expended.

##### RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, [\$9,750,000] \$9,286,000, to remain available until expended.

##### NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and the Rail Safety Improvement Act of 1988, [\$15,000,000] \$25,000,000, to remain available until expended.

##### GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for operating losses incurred by the Corporation, capital improvements, and labor protection costs authorized by 45 U.S.C. 565, to remain available until expended, [\$590,000,000] \$580,800,000: *Provided*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further*, That the Secretary

shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1989: *Provided further*, That the incurring of any obligation or commitment by the Corporation for the purchase of capital improvements prohibited by this Act or not expressly provided for in an appropriations Act shall be deemed a violation of 31 U.S.C. 1341: *Provided further*, That no funds are required to be expended or reserved for expenditure pursuant to 45 U.S.C. 601(e): *Provided further*, That none of the funds in this or any other Act shall be made available to finance the rehabilitation and other improvements (including upgrading track and the signal system, ensuring safety at public and private highway and pedestrian crossings by improving signals or eliminating such crossings, and the improvement of operational portions of stations related to intercity rail passenger service) on the main line track between Atlantic City, New Jersey, and the main line of the Northeast Corridor, unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvements shall be derived from non-Federal sources: *Provided further*, That, notwithstanding any other provision of law, the National Railroad Passenger Corporation shall not operate rail passenger service between Atlantic City, New Jersey, and the Northeast Corridor main line unless the Corporation's Board of Directors determines that revenues from such service have covered or exceeded 80 per centum of the short-term avoidable costs of operating such service in the first year of operation and 100 per centum of the short term avoidable operating costs for each year thereafter: *Provided further*, That none of the funds provided in this or any other Act shall be made available to finance the acquisition and rehabilitation of a line, and construction necessary to facilitate improved rail passenger service, between Spuyten Duyvil, New York, and the main line of the Northeast Corridor unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvements shall be derived from non-Amtrak sources.

##### RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That no new loan guarantee commitments shall be made during fiscal year 1989: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Transportation shall sell securities or promissory notes with a principal value of at least [\$99,000,000] \$120,000,000 that are held by the Department of Transportation under authority of sections 502, 505-507, 509, and 511-513 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, by no later than September 30, 1989: *Provided further*, That such securities or promissory notes authorized to be sold in the immediately preceding proviso shall be sold only for amounts greater than or equal to the net present value to the Government of

each loan as determined by the Secretary of Transportation in consultation with the Secretary of the Treasury: *Provided further*, That the Secretary of Transportation shall transmit a written certification to the Committees on Appropriations of the Senate and House of Representatives before the consummation of each sale certifying that the amount to be realized is equal to or greater than the net present value to the Government of each loan: *[Provided further*, That, notwithstanding any other provision of law, for fiscal year 1989 and each fiscal year thereafter all amounts realized from the sale of notes or securities sold under authority of this section shall be considered as current year domestic discretionary outlay offsets and not as "asset sales" or "loan prepayments" as defined by section 257(12) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:] *Provided further*, That any underwriting fees and related expenses shall be derived solely from the proceeds of the sales.

#### CONRAIL COMMUTER TRANSITION ASSISTANCE

*[For necessary capital expenses of Conrail commuter transition assistance, not otherwise provided for, \$4,500,000, to remain available until expended.]*

#### URBAN MASS TRANSPORTATION ADMINISTRATION

##### ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the urban mass transportation program authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), and 23 U.S.C. chapter 1, in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, *[\$32,100,000]* \$31,882,000 of which not to exceed \$600,000 shall be available for the Office of the Administrator.

##### RESEARCH, TRAINING, AND HUMAN RESOURCES

For necessary expenses for research, training, and human resources as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended, *\$10,000,000*: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for training.

##### FORMULA GRANTS

For necessary expenses to carry out the provisions of sections 9 and 18 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), *[\$1,731,703,000]* \$1,585,000,000, together with *[\$4,750,000]* \$5,000,000 to carry out the provisions of section 18(h) of the Urban Mass Transportation Act of 1964, as amended, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, of the funds provided under this Act for formula grants, no more than \$804,691,892 may be used for operating assistance under section 9(k)(2) of the Urban Mass Transportation Act of 1964, as amended: *Provided further*, That, notwithstanding any other provision of law, before apportionment of these funds, \$27,000,000 shall be made available for the purposes of section 18 of the Urban Mass Transportation Act of 1964, as amended.

##### DISCRETIONARY GRANTS

#### (LIMITATION ON OBLIGATIONS) (HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execu-

tion of programs in excess of *[\$1,140,000,000]* \$1,250,000,000 in fiscal year 1989 for grants under the contract authority authorized in section 21(a)(2) and (b) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.): *Provided*, That, notwithstanding any other provision of law, before allocation of these funds, \$100,000,000 shall be made available for the purposes of 23 U.S.C. 103(e)(4) relating to transit projects: *Provided further*, That, notwithstanding any other provision of law, such funds shall be made available in the manner and to the extent provided in the Senate Committee Report accompanying this Act (S. Rep. 100-411).

#### MASS TRANSIT CAPITAL FUND

#### (LIQUIDATION OF CONTRACT AUTHORIZATION)

##### (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21(a)(2) and (b) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), administered by the Urban Mass Transportation Administration, *[\$400,000,000]* \$1,100,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

#### INTERSTATE TRANSFER GRANTS—TRANSIT

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, *[\$180,000,000]* \$123,500,000, to remain available until expended.

#### WASHINGTON METRO

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184, *[\$180,500,000]* \$150,000,000, to remain available until expended.

#### SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

#### 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, *[\$11,360,000]* \$10,806,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

#### RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

##### RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, and for expenses for conducting research and development, *[\$14,650,000]* \$15,200,000, of which *[\$1,650,000]* \$1,824,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training and for aviation information management.

#### PIPELINE SAFETY

##### (PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program and for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, *[\$9,180,000]* \$9,400,000, to be derived from the Pipeline Safety Fund, of which *[\$5,025,000]* \$5,125,000 shall remain available until expended.

#### OFFICE OF THE INSPECTOR GENERAL

##### SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, *[\$29,000,000]* \$29,200,000.

#### TITLE II—RELATED AGENCIES

#### ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

##### SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, *[\$2,000,000]* \$1,891,000.

#### NATIONAL TRANSPORTATION SAFETY BOARD

##### SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), \$25,360,000, of which not to exceed \$500 may be used for official reception and representation expenses.

#### INTERSTATE COMMERCE COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed \$1,500 for official reception and representation expenses, \$43,115,000: *Provided*, That joint board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such.

#### PAYMENTS FOR DIRECTED RAIL SERVICE

##### (LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed \$475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

#### PANAMA CANAL COMMISSION

##### PANAMA CANAL REVOLVING FUND

For administrative expenses of the Panama Canal Commission, including not to exceed \$10,000 for official reception and representation expenses of the Board; not to exceed \$4,000 for official reception and representation expenses of the Secretary; and not to exceed \$25,000 for official reception and representation expenses of the Administrator, \$50,287,000, to be derived from the Panama Canal Revolving Fund: *[Provided]*, That none of these funds may be used for the planning or execution of non-administrative and capital programs the ob-



ligations for which are in excess of \$436,548,000 in fiscal year 1989: *Provided further*, That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed forty-four passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama, the purchase price of which shall not exceed \$15,000 per vehicle).

**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, \$10,700,000, to remain available until expended and to be derived from the Harbor Maintenance Trust Fund, of which not to exceed \$300,000 shall be available for expenses of administering the rebates.

**WASHINGTON METROPOLITAN AREA  
TRANSIT AUTHORITY  
INTEREST PAYMENTS**

For necessary expenses for interest payments, to remain available until expended, \$51,663,569: *Provided*, That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96-184 and the Initial Bond Repayment Participation Agreement.

**TITLE III—GENERAL PROVISIONS  
(INCLUDING TRANSFER OF FUNDS AND  
RESCISSION)**

**SEC. 301.** During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

**SEC. 302.** Funds for the Panama Canal Commission may be apportioned notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341), to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

**SEC. 303.** Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

**SEC. 304.** Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals

not to exceed the per diem rate equivalent to the rate for a GS-18.

**SEC. 305.** None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

**SEC. 306.** None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

**SEC. 307.** None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year nor may any be transferred to other appropriations unless expressly so provided herein.

**SEC. 308.** None of the funds in this or any previous or subsequent Act shall be available for the planning or implementation of any change in the current Federal status of the Transportation Systems Center, and none of the funds in this Act shall be available for the implementation of any change in the current Federal status of the Turner-Fairbank Highway Research Center.

**SEC. 309.** The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

**SEC. 310.** (a) For fiscal year 1989 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1988, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection: *Provided*, That this subsection shall not apply to funds obligated for the Dan Ryan Expressway.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction that have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1989, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by the Surface Transporta-

tion Assistance Act of 1982 and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and

(3) not distribute amounts authorized for administrative expenses, the Federal lands highway program, the strategic highway research program and amounts made available under sections 149(d), 158, 159, 164, 165, and 167 of Public Law 100-17.

(d) The limitation on obligations for Federal-aid highways and highway safety construction programs for fiscal year 1989 shall not apply to obligations for emergency relief under section 125 of title 23, United States Code; obligations under section 157 of title 23, United States Code; projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, subsections 131 (b) and (j) of Public Law 97-424, section 118 of the National Visitors Center Facilities Act of 1968, section 320 of title 23, United States Code; projects authorized by Public Law 99-500, Public Law 99-591 and Public Law 100-202; or projects covered under subsections 149 (b) and (c) of Public Law 100-17.

(e) Subject to paragraph (c)(2) of this General Provision, a State which after August 1 and on or before September 30 of fiscal year 1989 obligates the amount distributed to such State in that fiscal year under paragraphs (a) and (c) of this General Provision may obligate for Federal-aid highways and highway safety construction on or before September 30, 1989, an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State—

(1) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(2) for highway assistance projects under section 103(e)(4) of such title, which are not obligated on the date such State completes obligation of the amount so distributed.

(f) During the period August 2 through September 30, 1989, the aggregate amount which may be obligated by all States pursuant to paragraph (e) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(2) for highway assistance projects under section 103(e)(4) of such title, which would not be obligated in fiscal year 1989 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(g) Paragraph (e) shall not apply to any State which on or after August 1, 1989, has the amount distributed to such State under paragraph (a) for fiscal year 1989 reduced under paragraph (c)(2).

**SEC. 311.** None of the funds in this Act shall be available for salaries and expenses of more than one hundred [twenty] twenty-six political and Presidential appointees in the Department of Transportation.

**SEC. 312.** Not to exceed \$276,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

**SEC. 313.** None of the funds in this or any other Act shall be made available for the proposed Woodward light rail line in the Detroit, Michigan area until a source of operating funds has been approved in accordance with Michigan law: *Provided*, That this limitation shall not apply to alternatives

analysis studies under section 21(a)(2) of the Urban Mass Transportation Act of 1964, as amended.

Sec. 314. The limitation on obligations for the Discretionary Grants program of the Urban Mass Transportation Administration shall not apply to any authority under section 21(a)(2) of the Urban Mass Transportation Act of 1964, as amended, previously made available for obligation.

Sec. 315. Notwithstanding any other provision of law, none of the funds in this Act shall be available for the construction of, or any other costs related to, the Central Automated Transit System (Downtown People Mover) in Detroit, Michigan.

Sec. 316. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

Sec. 317. (a) **SAFETY ENFORCEMENT PROGRAM PERFORMANCE.**—The Secretary of Transportation shall on or before January 1 of each year transmit to the Congress a comprehensive report on the Federal Aviation Administration's prior fiscal year safety enforcement activities. The report shall include:

(1) a comparison of end-of-year staffing levels by inspector category (operations, maintenance, avionics) to staffing goals and a statement as to how staffing standards were applied to make allocations between air carrier and general aviation operations, maintenance and avionics inspectors;

(2) schedules showing the range of inspector experience by various inspector work force categories, and the number of inspectors in each of the categories who are considered fully qualified;

(3) schedules showing the number and percentage of inspectors who have received mandatory training by individual course, and the number of inspectors, by work force categories, who have received all mandatory training;

(4) a description of the criteria used to set annual work programs, an explanation of how these criteria differ from criteria used in the prior fiscal year and how the annual work programs ensure compliance with appropriate Federal regulations and safe operating practices;

(5) a comparison of actual inspections performed during the fiscal year to the annual work programs disaggregated to the field locations and, for any field location completing less than 80 percent of its planned number of inspections, an explanation as to why annual work program plans were not met;

(6) a statement of the adequacy of Federal Aviation Administration internal management controls available to ensure that field managers are complying with Federal Aviation Administration policies and procedures including those regarding inspector priorities, district office coordination, minimum inspection standards, and inspection follow-up;

(7) the status of the Federal Aviation Administration's efforts to update inspector guidance documents and Federal regulations to include technological, management, and structural changes taking place within the aviation industry, including a listing of the backlog of all proposed regulatory changes;

(8) a list of the specific operational measures of effectiveness—"best proxies" standing between the ultimate goal of accident prevention and ongoing program activities—that are being used to evaluate progress in meeting program objectives, the quality of program delivery, and the nature of emerging safety problems;

(9) a schedule showing the number of civil penalty cases closed during the two prior fiscal years, including total initial assessments, total final assessments, total dollar amount collected, range of dollar amount collected, average case processing time, and range of case processing time;

(10) a schedule showing the number of enforcement actions taken, excluding civil penalties, during the two prior fiscal years, including total number of violations cited, and the number of cited violation cases closed by certificate suspension, certification revocations, warnings, and no action taken; and

(11) schedules showing the aviation industry's safety record during the fiscal year for air carriers and general aviation, including the number of inspections performed where deficiencies were identified compared with inspections where no deficiencies were found and the frequency of safety deficiencies per carrier as well as an analysis based on the data of the general status of air carrier and general aviation compliance with Federal Aviation Regulations.

(b) **LONG-RANGE NATIONAL TRANSPORTATION STRATEGIC PLANNING STUDY.**—The Department of Transportation shall undertake a long-range, multi-modal national transportation strategic planning study. This study shall forecast long-term needs and costs for developing and maintaining facilities and services to achieve a desired national transportation program for moving people and goods in the year 2015. The study shall include detailed analyses of transportation needs within six to nine metropolitan areas that have diverse population, development, and demographic patterns, including at least one interstate metropolitan area. This study shall be submitted to Congress on or before October 1, 1989.

Sec. 318. Within seven calendar days of the obligation date, the Urban Mass Transportation Administration shall publish in the Federal Register an announcement of each grant obligated pursuant to sections 3 and 9 of the Urban Mass Transportation Act of 1964, as amended, including the grant number, the grant amount, and the transit property receiving each grant.

Sec. 319. None of the funds appropriated in this Act may be used to prescribe, implement, or enforce a national policy specifying that only a single type of visual glideslope indicator can be funded under the facilities and equipment account or through the airport improvement program: *Provided*, That this prohibition shall not apply in the case of airports that are certified under part 139 of the Federal Aviation Regulations.

Sec. 320. Notwithstanding any other provision of law, funds appropriated in this or any other Act intended for studies, reports, or research, and related costs thereof including necessary capital expenses, are available for such purposes to be conducted through contracts or financial assistance agreements with the educational institutions that are specified in such Acts or in any report accompanying such Acts.

Sec. 321. The Secretary of Transportation shall permit the obligation of not to exceed \$4,000,000, apportioned under title 23, United States Code, section 104(b)(5)(B) for the State of Florida for operating expenses of the Tri-County Commuter Rail Project in the area of Dade, Broward, and Palm Beach Counties, Florida, during each year that Interstate 95 is under reconstruction in such area.

[Sec. 322. (a) Notwithstanding any provision of this or any other law, none of the

funds provided by this Act for appropriation shall be available for payment to the General Services Administration for rental space and services at rates per square foot in excess of 102 percent of the rates paid during fiscal year 1988; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1988 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act.

[(b) Notwithstanding any other provision of law, fiscal year 1989 obligations and outlays of "General Services Administration, Federal Buildings Fund" are reduced by an amount equal to the revenue reduction to such Fund pursuant to subsection (a).]

Sec. [323] 322. Notwithstanding any other provision of law, section 144(g)(2) of title 23, United States Code, shall not apply to the Virginia Street Bridge in Charleston, West Virginia.

Sec. [324] 323. Notwithstanding any other provision of law, the Secretary shall make available \$250,000 per year for a national public information program to educate the public of the inherent hazard at railway-highway crossings. Such funds shall be made available out of funds authorized to be appropriated out of the Highway Trust Fund, pursuant to section 130 of title 23, United States Code.

Sec. [325] 324. (a) The waters described in subsection (b) are declared to be nonnavigable waters of the United States for purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

(b) The waters referred to in subsection (a) are a drainage canal which—

(1) is an unnamed tributary of the creek known as Newton Creek, located at block 641 (formerly designated as block 860) in the city of Camden, New Jersey;

(2) originates at the north bank of Newton Creek approximately 1,200 feet east of the confluence of Newton Creek and the Delaware River; and

(3) terminates at drainage culverts on the west side of Interstate Highway 676.

[Sec. 326. TEXAS TOLL ROAD PILOT PROGRAM.—Section 129(j) of title 23, United States Code, is amended—

[(1) in paragraph (6) by inserting "(and, in the case of the State of Texas, the Texas Turnpike Authority)" after "State highway department"; and

[(2) by adding at the end of such section the following new paragraph:

["(10) **SPECIAL RULE FOR FUNDING OF TEXAS PROJECT.**—Upon request of the Texas Department of Highways and Public Transportation and subject to such terms and conditions as such Department and the Texas Turnpike Authority may agree, the Secretary shall reimburse the Texas Turnpike Authority for the Federal share of the costs of construction of the project carried out in the State of Texas under this subsection in the same manner and to the same extent as such Department would be reimbursed if such project was being carried out by such Department. The reimbursement of funds under this paragraph shall be from sums apportioned to the State of Texas under this chapter and available for obligation on projects on the Federal-aid primary system in such State.".]

[Sec. 327. (a) **INTERNATIONAL ZARAGOSA BRIDGE.**—For 50 per centum of the total expenses necessary to construct the International Zaragosa Bridge in El Paso, Texas, \$3,000,000 is hereby appropriated to remain available until expended: *Provided*, That,



notwithstanding any other provision of law, the Secretary shall make these funds available to the City of El Paso to pay for 100 per centum of the cost of the U.S. portion of the bridge, the construction of which shall be carried out in the same manner as other similar Federal-aid highway projects: *Provided further*, That funds appropriated under this section shall not be available until an agreement has been reached between all involved entities to repay the U.S. Treasury over a 30-year time period for the amount appropriated herein, plus interest, out of any tolls collected.

**[(b) RESCISSION.—**Notwithstanding any other provision of law, there is hereby rescinded, effective October 1, 1988, \$3,000,000 of the funds apportioned to the State of Texas pursuant to section 157 of title 23, United States Code: *Provided*, That this rescission shall have no effect on any take-downs or limitations already made from these funds.

**[Sec. 328.** The Secretary of Transportation shall transfer the Coast Guard Cutter "Ingham" to the Intrepid Sea-Air-Space Museum in New York, New York, for use as a Coast Guard museum and display, appropriate with the character of the long military service of the "Ingham." The Secretary shall transfer the "Ingham" along with such equipment and in such condition as the Secretary considers appropriate. The Secretary shall make the transfer upon the decommissioning of the "Ingham" or at a later time as determined appropriate by the Secretary.]

**Sec. [329] 325.** Notwithstanding any other provision of law, none of the funds provided by this Act or any previous or subsequent Act shall be used to [plan, design,] construct, or approve an interchange or any other highway facility providing access to or from I-66 between the existing United States Route 29 interchange at Gainesville (I-66 exit numbered 10) and the existing Route 234 interchange (I-66 exit numbered 11); nor shall any funds provided by this Act or any previous or subsequent Act be used to [plan, design,] construct, or approve an interchange or any other highway facility providing access to or from United States Route 29 between the existing I-66 interchange at Gainesville (I-66 exit numbered 10) and the existing Route 234 intersection; nor shall any funds provided by this Act or any previous or subsequent Act be used to [plan, design,] construct, or approve an interchange or any other highway facility that provides access to or from adjacent properties and the proposed Route 234 Bypass between I-66 and United States Route 29: *Provided*, That this section shall not apply to the use of Federal funds necessary to make safety-related improvements to existing roads.

**[Sec. 330.** The Urban Mass Transportation Administration shall permit nonprofit social service agencies with clear needs for affordable and/or handicapped-accessible equipment to seek bids for charter services from publicly funded operators: *Provided*, That the public operator will be required to identify to the chartering organization any private operator that has notified it of its willingness and ability to provide comparable charter service: *Provided further*, That these nonprofit agencies shall be limited to government entities and those entities subject to sections 501(c) 1, 3, 4, and 19 of the Internal Revenue Code: *Provided further*, That an exemption from this rule (49 CFR Part 604—charter service) shall also be provided to those public transit authorities

which purchased charter rights entirely with non-Federal funds prior to enactment of the Urban Mass Transportation Act of 1964.

**[Sec. 331.** Of the funds made available under "Discretionary Grants" for fiscal year 1989 or prior fiscal years the Secretary of Transportation shall, on or before January 1, 1989, transfer \$10,000,000 from the Urban Mass Transportation Administration to the Federal Highway Administration to cover the cost of the Federal share of the transit element of the Acosta Bridge Replacement Project in Jacksonville, Florida.

**[Sec. 332.** That (a) section 408 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1378) is amended by adding at the end the following new subsection:

**["FAIR TREATMENT OF EMPLOYEES**

**["(g)** In any case in which the Secretary determines that the transaction which is the subject of the application would tend to cause reduction in employment or to adversely effect the wages and working conditions including the seniority of any air carrier employees, labor protective provisions calculated to mitigate such adverse consequences, including procedures culminating in binding arbitration, if necessary, shall be imposed by the Secretary as a condition of approval, unless the Secretary finds that the projected costs of protection would exceed the anticipated financial benefits of the transaction. The proponents of the transaction shall bear the burden of proving there will be no adverse employment consequences or that projected costs of protection would be excessive.".

**[(b)** That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

**["Sec. 408. Consolidation, merger, and acquisition of control."**

is amended by adding at the end the following:

**["(g) Fair treatment of employees."**

**[Sec. 333.** No funds appropriated under this Act shall be expended in any workplace that is not free of illegal use or possession of controlled substances which is made known to the federal entity or official to which funds are appropriated under this Act. Pursuant to this section an applicant for funds to be appropriated under this Act shall be ineligible to receive such funds if such applicant fails to include in its application an assurance that it has, and will administer in good faith, a policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances by its employees.]

**Sec. 326. (a)** The Federal Aviation Administration shall satisfy the following air traffic controller work force staffing requirements by September 30, 1989:

(1) total air traffic controller work force level of not less than 16,800;

(2) total full performance level air traffic controllers of not less than 10,832; and

(3) at least 70 percent of the air traffic controller work force, at each center and level 3 and above terminal shall have achieved operational controller status.

(b) The Secretary may waive any requirement of this section by certifying that such requirement would adversely affect aviation safety: *Provided*, That such a waiver shall become effective 30 days after the Committees on Appropriations of the Senate and the House of Representatives are notified in writing of the Secretary's intention to waive and reasons for waiving such requirement.

**Sec. 327.** Notwithstanding any other provision of law, the Secretary of Transportation shall make payment of compensation under subsection 419 of the Federal Aviation Act of 1958, as amended, only to the extent and in the manner provided in Appropriations Acts, at times and in a manner determined by the Secretary to be appropriate, and claim for such compensation shall not arise except in accordance with this provision.

**Sec. 328.** The authority conferred by section 513(d) of the Airport and Airway Improvement Act of 1982, as amended, to issue letters of intent shall remain in effect subsequent to September 30, 1992. Letters of intent may be issued under such subsection to applicants determined to be qualified under such Act.

**Sec. 329.** Section 347(d) of Public Law 100-202 is amended by striking out "(8)" each place it appears and inserting in lieu thereof "(9)" and by striking out "State of Georgia" and inserting in lieu thereof "States of Georgia and West Virginia".

**Sec. 330.** Notwithstanding any other provision of law, the Rail Passenger Services Act (45 U.S.C. 501 et seq.) is amended by inserting immediately after section 581(c)(3) the following new subsection: "581(c)(4) commuter authorities shall be exempt from the payment of any taxes or other fees to the same extent as the Corporation is exempt: *Provided*, That the commuter authority could have contracted with Amtrak Commuter, is a direct operator of commuter service, and that the direct operation of such service was initiated on January 1, 1983; and, such exemption shall be effective as of January 1, 1983".

**Sec. 331.** Notwithstanding any other provision of law, when a commuter rail service has been suspended for safety reasons, and when a statewide or regional agency or instrumentality commits to restoring such service by the end of 1989, and when the improvements needed to restore such service are funded without Urban Mass Transportation Administration funding, the directional route miles of such service shall be included in the 1988 Section 15 Report as well as subsequent years. If such service is not restored by the end of 1989, the money received as a result of the inclusion of the directional route miles shall be returned to the disbursing agency, the Urban Mass Transportation Administration.

**Sec. 332.** Notwithstanding any other provision of law, discretionary bridge funds allocated by the Secretary of Transportation for the Main Avenue Bridge in Cleveland, Ohio for fiscal year 1989 and each fiscal year thereafter shall not be included in any calculations made under section 157 of title 23, United States Code.

**Sec. 333.** Notwithstanding any other provision of law, the Secretary of Transportation shall grant a request by respective local officials to redesignate funds authorized by section 149(a)(105) of Public Law 100-17 to carry out a project in the City of Las Vegas to construct interchanges at Craig Road and U.S. 95 and, Lake Mead Boulevard and U.S. 95, the Olan Gragson Expressway, and Cheyenne Avenue and U.S. 95; as well as grade separations at Vegas Drive and U.S. 95 and Smoke Ranch Road and U.S. 95.

**Sec. 334.** For the purpose of carrying out emergency repairs to airports sustaining storm-related damage, \$100,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, to be disbursed by the Secretary of Transportation pursuant to the Federal Grant

and Cooperative Agreement Act of 1977: Provided, That in no event shall the total Federal share provided for such repairs exceed 50 per centum of the total cost of such repairs.

SEC. 335. The Secretary of Transportation is authorized to transfer appropriated funds under "Office of the Secretary, Salaries and expenses": Provided, That no appropriation shall be increased or decreased by more than 4 per centum by all such transfers: Provided further, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 336. Such sums as may be necessary for fiscal year 1989 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act.

SEC. 337. Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating is authorized to transfer without consideration all rights, title, and interest of the United States in six and one-half acres of land, as determined by survey to be paid for by transferees, and improvements thereon, which comprise what is known as Station Gloucester City to City of Gloucester City, New Jersey.

SEC. 338. The Secretary of Transportation shall enter into negotiations with the Jacksonville Transportation Authority to revise the existing full funding contract to provide for the expeditious release of \$1,800,000 made available for the Automated Skyway Express project in fiscal year 1985 (House Report 98-1159): Provided, That the revised contract will provide for the completion of the 2.5 mile Automated Skyway Express Project and will cover full project costs for completion of the project including Federal financial participation consisting of fiscal years 1988 and 1989 discretionary grants funding and future funding as made available by Congress: Provided further, That the Secretary shall commence negotiations with the Jacksonville Transportation Authority to enter into such revised contract no later than 30 days after enactment and shall conclude such negotiations no later than 90 days after enactment.

SEC. 339. For the purpose of making grants under section 3 of the Urban Mass Transportation Act of 1964, as amended, the requirements of section 3(a)(2)(A)(i) shall not apply to the Caltrain project specified in House Report 100-202, and the Urban Mass Transportation Administration shall release the amounts for that project.

SEC. 340. There is hereby appropriated \$8,000,000 for a grant by the Secretary of Transportation to the Soo Line Railroad Company to be available only for construction, rehabilitation, renewal, replacement, or other improvements to maintain railroad passenger service between La Crosse and Milwaukee, Wisconsin.

SEC. 341. Sections 1601 (a)(8) and (b)(3) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1551(a)(8) and (b)(3)) and section 4(c) of the Civil Aeronautics Board Sunset Act of 1984 (Public Law 98-443), are each amended by striking out "January 1, 1989" wherever it appears and inserting in lieu thereof "January 1, 1999."

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1989".

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the

privilege of the floor be granted to Joseph McGrail, who is detailed to the subcommittee from GAO, during the consideration of H.R. 4794.

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

Mr. LAUTENBERG. Thank you, Mr. President.

Mr. President, I am pleased to bring before the Senate the fiscal year 1989 Transportation appropriations bill (H.R. 4794). That a sound transportation system is essential to the well being not only of our economy but our social system as well goes without saying. Today we face a double challenge in transportation. We must catch up to today's needs and repair our deteriorated infrastructure. And we must prepare for the expansion we expect in the future. I believe that this bill reflects the best efforts of the committee to meet these challenges and to deliver the funds, direction, and the other support needed to sustain a healthy, growing, transportation system. The bill takes a balanced approach to the myriad transportation-related needs of our Nation within the restrictions of today's budgetary realities.

Aside from the limitations imposed through the budget summit agreement, however, the task of developing this bill was made even more difficult by the administration's budget. Once again, the administration put slavish adherence to a myopic and failed ideology ahead of the national interest in a sound transportation network. The administration once again provided zero funding for our national passenger rail system and proposed that mass transit programs be gutted.

The Congress has steadfastly rejected this ideological crusade in the past and the committee's recommendations in this bill are faithful to that consensus. I might add that the House recently sounded a loud "no" to the administration's approach when it passed H.R. 4794 by a vote of 371 to 40. I hope we in the Senate will do the same and turn aside any veto threats.

The bill before us restores funding to Amtrak and mass transit. At the same time, it provides the operations and capital funds needed to improve our aviation system and the Coast Guard's multimission performance capabilities. Overall, the bill provides a total of \$10.5 billion in new budget authority. This is an increase of approximately \$1.8 billion over the budget request and is below the House level by \$240 million.

The bill is below its 302(b) allocation by \$259 million in budget authority and it is right at the limit for outlays, according to Congressional Budget Office scoring.

In addition to appropriated amounts, the bill also contains about \$14.3 billion in obligation limitations for programs funded with contract au-

thority. Therefore, the committee's recommendations would provide total budgetary resources of \$24.8 billion for transportation programs and related agencies in fiscal year 1989.

Let me briefly address some of the highlights of the bill.

#### AVIATION

Today our aviation system is still struggling to adapt to deregulated industry with its tremendous growth in aviation activity and to recover from the air traffic controller strike. These difficulties have been compounded by shortsighted budgetary policies. At the same time, we are also required to support substantial funding increases to modernize our air traffic control system and increase airport capacity.

This bill provides the resources needed to address these problems. It includes an increase of \$426 million for the FAA over the fiscal year 1988 level.

It requires an expansion of the air traffic controller work force by 900 positions above the level required in fiscal year 1988.

It will add 300 more safety inspectors and 50 more aviation security personnel.

It will add 318 field maintenance technicians.

It provides \$210 million for an advanced air traffic control automation system and \$161 million for long-range radar.

And it provides more funds than were requested for airport improvement grants and airport capacity research.

#### COAST GUARD

The bill recognizes the importance of the Coast Guard's multimission responsibilities. Overall, it provides about \$2.8 billion which will be supplemented with another \$200 million in fuel and supplies and \$50 million for facilities construction from the Department of Defense. The program level funded in the bill represents an increase of \$331 million over the fiscal year 1988 enacted level.

The bill also gives specific recognition of the need to sustain the important role the Coast Guard plays in drug interdiction and marine environment protection. The bill earmarks \$492 million and \$147 million respectively for these missions. I would add that these are the minimal amounts the committee expects to be expended in carrying out these important missions.

#### FEDERAL-AID HIGHWAYS

In the highway area, the committee found it necessary to set the obligation ceiling for the Federal-Aid Highway Program at \$11.4 billion which is about \$382 million below the fiscal year 1988 level. It is, however, the same level that the administration requested. In the highway safety area



the operations program received a modest increase of 3.6 percent.

#### TRANSIT

In the mass transit area, the committee has had to reduce funding below what was provided in fiscal year 1988 in order to fit within Transportation's 302(b) allocation. In the section 9 formula grants program, the overall level was reduced by \$146.5 million, an 8.4-percent reduction from the 1988 level. Despite the reductions, the committee did provide \$75 million for the small urban-rural program and fully funded the rural transit assistant program at \$5 million.

Funding from the transit trust fund was increased by 18.4 percent—\$20 million over the 1988 level. These funds, however, come from the transit trust fund which is supported by the 1-cent-per-gallon excise tax. Of this amount, \$35 million is for the elderly and handicapped program and \$402 million for the "new start" category that funds projects from Florida, to Missouri, to Colorado, to Washington.

#### RAIL

In the rail area, the bill contains \$580.8 million for Amtrak. This is the same as the 1988 level. However, the rail safety, research and development, and Northeast corridor accounts were increased specifically to address a wide gamut of issues. The programs funded would address human error, tank car integrity, track inspection, and structural and signalization work. All of these increases were dictated by the need to continue rail safety improvements in the wake of deadly accidents.

Mr. President, I believe I have fairly and accurately summarized the contents of the bill.

Before proceeding further, I know that my distinguished colleague, the ranking member of the Subcommittee on Transportation, my friend from New York, Senator D'AMATO, has some comments that he would like to make. But before I yield for that purpose, I want to take a moment to thank him for his cooperation and support in the development of this legislation. He has been a staunch ally in the effort to achieve a sensible and balanced transportation program. I believe that we all owe him a vote of thanks for his hard work on behalf of a sound transportation system.

Mr. D'AMATO. Mr. President, I rise in support of H.R. 4794 which will provide the funds needed for the Department of Transportation and related agencies during fiscal year 1989. Given the tough funding constraints of the bipartisan budget summit agreement, I am pleased that the Transportation bill is \$254 million under our 302(b) allocation in budget authority and does not exceed our cap in outlays.

Mr. President, let me thank Chairman LAUTENBERG not only for his cooperation but for his willingness to work out the difficult problems that we

have had given our limited resources. Also, let me say, as it relates to the professional staff, that we are indeed very fortunate in having the kind of professionalism that was demonstrated in the drafting of this bill. Jerry Bonham, Patrick McCann, and Joseph McGrail, all of them have done an outstanding job.

Let me take the opportunity to say that Anne Miano has contributed tremendously in bringing together both the staff and the Senate in this endeavor.

The Transportation Subcommittee has the responsibility for funding DOT's eight modal administrations covering aviation, highways, mass transit, railroads, and maritime, as well as for funding DOT's related agencies. Our task is especially difficult due to the administration's budget which includes no funds for Amtrak, and nearly \$2 billion less than is required to continue the Nation's mass transit program.

In fiscal year 1988, the same kind of administration budget policy forced us to cut about \$72 million from Coast Guard operations in order to avoid violating the budget summit agreement. Other factors, such as fluctuations in foreign currency rates and Government pay raises, increased that cut to about \$103 million. We all know what happened next—the closing of Coast Guard facilities, such as search and rescue [SAR] stations, and a 50 percent cut in drug interdiction patrols. I had predicted this outcome in 1987, when I argued on the Senate floor that the fiscal year 1988 budget resolution would shortchange the Coast Guard by \$100 million. We never got the help we were promised at that time by the Budget Committee.

This year, we are holding Coast Guard operations together with a \$200 million transfer from Defense. Coast Guard capital programs are maintained by an inflow of \$50 million from military construction. The House is relying on even more non-Transportation funding for Coast Guard—a total of \$410 million from Defense. If these steps were not taken, we could not fund the Coast Guard and still provide the basic funds needed for other transportation programs. However, the Coast Guard's fiscal year 1989 funding will now depend on the outcome of House and Senate conferences on three separate appropriations bills.

We need a more stable means of appropriating the funds desperately needed for Coast Guard drug interdiction, search and rescue, as well as environmental and safety functions. That is why the Coast Guard should be taken out of the Transportation function, where it competes for funds against Amtrak, mass transit, aviation, and highways. If that cannot be done

this year, this bill provides the only realistic alternative.

Unfortunately, OMB continues to play the same tired song. OMB has recommended a veto of this bill because it provides funds for Amtrak—\$580.8 million, the same as fiscal year 1988—and provides \$1.6 billion in general funds over the administration request for mass transit. The administration asked for only \$1.4 billion of trust funds for transit, we have provided \$2.73 billion for formula and discretionary grants—5 percent less than fiscal year 1988. Moreover, OMB objects to the use of Defense and military construction funds for Coast Guard.

Mr. President, let me conclude by saying that this bill presents a sound and prudent funding plan for the Nation's network of transportation programs. Also, let me say, Mr. President, that assure that the Coast Guard, which is our vital defense as well as rescue mission, as it relates to our war against drugs, has received the funds it needs. In fiscal year 1989, the Coast Guard will be able to continue that war unabated without the kind of cuts that we have seen take place; the layoffs; the reduction by as much as 50 percent in its drug interdiction mission.

Mr. President, I have some very real qualms about the methods of funding the Coast Guard. I hope that we would begin to establish the kind of priority funding and the mechanism for doing this that is totally needed. In the future we do not want to make raids on mass transportation, or on Amtrak, as the administration previously has forced us to do. And, we do not want to have to turn to the military side and say, as supplicants, "Please, will you make available these resources?"

I also wish to commend the chairman for seeing to it that these resources, \$250 million that comes from the Defense side of the budget for operations and capital program, were made available in this important battle.

Mr. President, again, this bill represents a sound and prudent funding plan for the Nation's network of transportation programs. I hope that the administration will reconsider its objections to it. I urge my colleagues to support this bill.

Once again, I wish to commend the chairman of the subcommittee, Senator LAUTENBERG, for his tireless efforts in bringing this bill to the floor in its present form.

Mr. LAUTENBERG. Mr. President, I thank the Senator from New York.

At this point, I yield to the distinguished chairman of the Appropriations Committee, who has asked for the opportunity to make a statement.

Mr. STENNIS. Mr. President, I am pleased that the Senate will consider today the Department of Transportation and related agencies appropriation bill for fiscal year 1989. This bill, which provides approximately \$10.6 billion in total budget authority for fiscal year 1989, reflects the diligent care and able effort which our entire committee has rendered. In particular, however, it is evidence of the hard work and excellent leadership of the Subcommittee Chairman LAUTENBERG and the ranking minority member, Senator D'AMATO. I also wish to compliment the highly skilled work of the staff of their subcommittee: Mr. Jerry Bonham, Mr. Patrick J. McCann, Ms. Joyce C. Rose, Mrs. Anne Miano, and Miss Dorothy Pastis.

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

First and foremost, I am pleased to report that this bill is within the 302(b) allocation for budget authority and outlays. Similarly, this bill complies with the budget summit agreement reached between the administration and the Congress on November 20, 1987.

Second, the bill as reported to the Senate is approximately \$1.8 billion above the President's request and approximately \$240 million below the House-passed bill.

Mr. President, I admire greatly the work that has been done. This bill is not what we consider a large bill, but this bill is highly important. It carries more money than we might think just on the surface. I know these gentlemen have worked hard and had a great volume of work to do to bring forth the bill in such good shape.

Again, I commend highly the chairman of the subcommittee, who has not only put in a volume of work but he put in the time. I also commend the Senator from New York, Mr. D'AMATO, who added his usual skill and energy to help us. It all went to make, with our staff assistance, for a fine product and I am glad to support the matter all the way through.

I really wish there was more money available on some of these items, but I am here to back them up in every way that I can in their presentation of this bill.

In conclusion, I firmly support this bill and ask that it be adopted so that we can proceed to conference with our House counterparts in a timely manner. It remains my sincere desire to complete Senate action on all 13 regular appropriation bills as soon as possible.

Mr. President, I yield the floor.

Mr. LAUTENBERG. I thank the distinguished chairman of the Appropriations Committee, not only for his comments and his encouragement, but for his support through a very difficult process. All of the functions were

starved for resources. He kept us with an even hand throughout the process.

I would also have to say that the ranking member of the Appropriations Committee, Senator HATFIELD, was also very helpful in getting us through a difficult set of conditions as we developed this bill and the others, some of which have already passed in the Senate.

I will also just take a moment more to say that I was pleased to have worked with Senator STENNIS, as he reviews one of the last of the appropriations bills with which he will have to deal. It has been a pleasure and an honor to work with him.

Mr. President, I move to adopt the committee amendments en bloc, with the exception of the committee amendment relating to the Coast Guard expenses and the committee amendment relating to the labor protection provisions.

Mr. TRIBLE. I object.

The PRESIDING OFFICER. Objection is heard to the unanimous-consent request.

Mr. LAUTENBERG. 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. LAUTENBERG. 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. LAUTENBERG. Mr. President, the Senator from Arkansas, I believe, has an amendment that he would like to offer at this time.

The PRESIDING OFFICER. The Senator will need consent to offer that amendment unless it is to the first committee amendment.

Mr. LAUTENBERG. This is not to the committee amendment.

I ask unanimous consent that the committee amendments be set aside to hear other amendments.

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

The Senator from Arkansas.

#### AMENDMENT NO. 2549

(Purpose: To reduce certain appropriations for consulting services)

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 2549.

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

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

The amendment is as follows:

At the end of the bill, add the following:

#### CONSULTING SERVICE

SEC. . (a)(1) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and professional services; special studies and analyses; technical assistance; and management review of program funded organizations; in excess of an amount equal to 85 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(2) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and support services for research and development activities; engineering development and operational systems development; technical representatives; training; quality control, testing, and inspection services; specialized medical services; and public relations; in excess of an amount equal to 95 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(b) The Director of the Office of Management and Budget shall take such action as may be necessary, through budget instructions or otherwise, to direct each department, agency, and instrumentality of the United States to comply with the provisions of section 1114 of title 31, United States Code.

(c) Notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1989 is reduced by an amount equal to—

(1) 15 percent of the amount expended by such department, agency, or instrumentality during fiscal year 1987 for purposes described under subsection (a)(1); and

(2) 5 percent of the amount expended by such department, agency, or instrumentality during fiscal year 1987 for purposes described under subsection (a)(2).

(d) As used in this section, the term "consulting services" includes any service within the definition of "Advisory and Assistance Services" in Office of Management and Budget Circular A-120, dated January 4, 1988.

Mr. PRYOR. Mr. President, I deeply appreciate the distinguished Senator from New Jersey allowing me to offer this amendment at this time. It is my hope that this particular amendment that I am offering, Mr. President, will be accepted. But I would like, if I might, a very few moments of explanation.

Some weeks ago, I announced to my colleagues that on each of the respective appropriation bills I would be offering an amendment to cut a percentage amount from those appropriation bills, dealing with consulting services. The General Accounting Office, Mr. President, has furnished me with a list of the consulting contracts for each of



the respective agencies and on each of the legislative appropriation bills I am attempting to cut certain amounts.

For example, in the Department of Transportation appropriation bill before the Senate at this time we have four categories that definitely, according to the General Accounting Office, involve consulting contracts. In this particular Department, those definite consulting contracts that have been identified by the General Accounting Office amount to the sum total of \$227,807,000. That, Mr. President, is a lot of consulting.

However, in the other category, the so-called category 7 of consulting contracts, and that is only the possibility of other consulting relationships, we find an additional \$21,864,000; giving us the sum total of, having been spent in fiscal year 1987, \$249,671,000 in consulting agreements.

In the category 4 contracts, my amendment simply would take 15 percent from that figure. I would take 5 percent from the category 7 contracts, Mr. President, giving us a sum total of dollar savings in this one bill of \$35,264,250 that we would be saving the taxpayers.

In addition, we would be forcing the Department of Transportation to establish a priority of those consulting arrangements and those contracting out arrangements which would have a high priority. Perhaps some of these arrangements would not have to be renewed, and many of these dollars would not have to be spent.

Mr. President, I rise today to offer an amendment to the Department of Transportation appropriations bill to reduce expenditures for consulting services. As many of my colleagues know, I have pledged to offer similar amendments to each and every appropriations bill which comes before the Senate.

On June 22, I offered a similar amendment to the Treasury, Postal appropriations bill on the Senate floor. I was pleased that after some discussion and modification the amendment was accepted. On July 7, the distinguished managers of the Foreign Operations Appropriation Subcommittee accepted my amendment also. I believe that these amendments are an important first step in requiring accountability in this area of invisible government procurement.

All of us are concerned with the procurement scandal unfolding over in the Pentagon. But I want to assure my colleagues that the buddy system which is at work in the defense industry is well entrenched in the civilian agencies as well.

At a June 13 hearing of the Federal Services Subcommittee—which I chair—the Office of Management and Budget [OMB] testified that Federal agencies spent up to \$26 billion in fiscal year 1987 on consultant services.

These same agencies only reported spending \$243 million for the same time period. The agencies are obviously using a narrow definition of consultants.

In fact, within this appropriations bill, the Department of Transportation reported spending only \$529,000 on consultants in fiscal year 1987. When I asked GAO to determine how much DOT actually spent on consultants using categories identified by a 1984 Reagan administration study, GAO came up with nearly \$250 million in spending. While DOT only reported one-half a million dollars in consulting services, they actually spent nearly \$250 million. My colleagues will recognize that there is something going on here that deserves intense scrutiny.

I ask unanimous consent to insert in the RECORD a letter I recently received from Joseph R. Wright, Jr., chairman of the President's Council on Integrity and Efficiency, and Deputy Director of the Office of Management and Budget, acknowledging the poor job that the executive branch is doing in monitoring these contracts.

Mr. President, I asked the General Accounting Office [GAO], to calculate the savings that would accrue from my amendment. GAO determined, using these agencies' fiscal year 1987 expenditures, that if my amendment becomes law, it will save the taxpayers an estimated \$35 million. While this is certainly a meaningful effort at deficit reduction, I would note that this would leave over \$210 million to be used by DOT for consulting services.

This amendment uses both a Cabinet Council on Management and Administration, [CCMA], study and the new OMB Circular A-120, to establish the universe of contracts we are limiting. I asked GAO to use the CCMA study to produce estimated figures for agency expenditures within this appropriation function for these kinds of contracts in fiscal year 1987.

I should note that GAO supplied two sets of figures. One set includes everything that could be construed as consultant services. In this category, which includes some unknown level of consultant activity, such as contracts for technical representatives and quality control studies, I am requiring that agencies limit their spending to 95 percent of what they spent in fiscal year 1987, a 5-percent savings.

The second category, which GAO, OMB, and I all agree consists of consultant contracts, involves management and professional services, special studies and analyses, technical assistance and management reviews of program-funded organizations. Here I am requiring the agencies to limit their spending to 85 percent of what they spent in fiscal year 1987, a 15-percent savings. Also, I should note that the agencies, with OMB's guidance, will be required under my amendment to cal-

culate their own fiscal year 1987 cost data, to which the cuts will be applied.

Mr. President, some have questioned whether this formula actually will produce savings. In order to respond objectively, I ask the Congressional Budget Office, [CBO], to do a formal cost estimate of my amendment. CBO's conclusion is that the savings are real. I ask unanimous consent that the CBO response be made a part of the RECORD.

I hope my colleagues will join me in supporting this effort. In doing so I believe we will restore some modest control to an area of procurement that has taken on a life of its own.

Also, Mr. President, I state to my distinguished friend from New Jersey, the manager of this transportation appropriations bill at this moment before the Senate, my debt of gratitude to him for looking at this amendment and, hopefully, accepting it and saving the taxpayers some \$35 million in consulting arrangements.

Mr. LAUTENBERG. I thank the Senator from Arkansas. His efforts to reduce unnecessary Government spending and save the taxpayers money is something that we all recognize as being a very valiant and constructive effort.

I am concerned about the effects of this amendment, however. I realize the basis of this amendment is a recent, June 1988, GAO report regarding Federal agencies and their spending on consulting services. This report, however, did not evaluate the need or program value of these services.

I raise this not in opposition to the amendment, per se, but to point out to the distinguished Senator from Arkansas that a simple dollar calculation alone does not always tell the full story regarding the necessity of such types of contracts.

I hope that the Department of Transportation will be able to better describe to us the effect of the \$35 million reduction associated with this amendment and its effect on the workings of FAA and other programs, like the Coast Guard and highways, before I need to defend this in conference with the House.

Mr. D'AMATO. Mr. President, we have no objection to the amendment. Certainly it is a laudatory effort in the manner in which the Senator looks to save taxpayer dollars.

Mr. PRYOR. Mr. President, if I may respond briefly to my distinguished friend from New Jersey and the Senator from New York, on June 14, I received from OMB, Joseph R. Wright, Jr., Deputy Director and Chairman of the President's Council on Integrity and Efficiency, a letter wherein Mr. Wright wrote to the fellow members of the President's Council on Integrity and Efficiency. He stated in a letter to this council, Mr. President, one: "We

are not doing a good job of reviewing this area"; two, "There is too little competition and there are too many follow-on contracts"; three, "No good management information and financial accounting system exists to tell us how much we are spending." No. 4: "Some of the IG's are not carrying out their responsibilities under section 1114(b) of Public Law 97-258 to evaluate agency controls over consultant services."

Let me say that in this particular Department, the inspector general of the Department of Transportation is one of the few inspectors general who are furnishing us very good and updated information with regard to the consulting contracts in that Department. Of the 19 inspectors general across the entire spectrum of the Federal system, if my information is correct, only about 9 of the inspectors general are actually complying with 31 U.S.C., section 1114.

I would like to pay a special commendation to the inspector general of the Department of Transportation for coming forward with some of the best figures of the various Departments that we are challenging and that we are trying to cut back at this time.

Mr. President, I yield the floor. I thank the distinguished managers.

Mr. LAUTENBERG. Mr. President, I urge the adoption of the amendment.

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

The amendment (No. 2549) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, the floor is open for amendments. I understand the Senator from Iowa has an amendment he wants to offer.

The PRESIDING OFFICER. The Senator will need consent to set aside the pending business.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to set aside the pending committee amendments.

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

The Senator from Iowa is recognized.

#### AMENDMENT NO. 2550

(Purpose: To provide appropriations for local rail service assistance)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. EXON, Mr. PRESSLER, Mr.

DURENBERGER, and Mr. BUMPERS, proposes an amendment numbered 2550.

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

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

The amendment is as follows:

On page 33, insert between lines 18 and 19, the following:

#### LOCAL RAIL SERVICE ASSISTANCE

For local rail service assistance, \$14,321,000 for necessary expenses, notwithstanding any other provision of law, for rail assistance under section 5(q) of the Department of Transportation Act, as amended (to remain available until expended) of which \$12,521,000 shall be made available for use directly under sections 5(h)(3)(B)(ii) and 5(h)(3)(C) of the Department of Transportation Act, notwithstanding any provision therein to the contrary: *Provided further*, That each State shall be entitled to, and no more than, \$36,000 under the combined provisions of section 5(h)(2) and section 5(i), notwithstanding any provision therein to the contrary: *Provided further*, That no State may apply for fiscal year 1989 funds available under section 5(h)(2) until such State has obligated all funds granted to it under section 5(h)(2) in the fiscal years prior to the beginning of fiscal year 1984, other than funds not expended due to pending litigation: *Provided further*, That a State denied funding by reason of the preceding proviso may still apply for and receive funds for planning purposes.

On page 34, line 19, strike out "\$580,800,000" and insert in lieu thereof "\$575,800,000".

Mr. HARKIN. Mr. President, I am offering this amendment on behalf of myself and Senators EXON, PRESSLER, DURENBERGER, and BUMPERS, to provide \$14.3 million for the local rail assistance program. Of that amount, \$12.5 million would be for assistance for individual rail lines to be allocated at the discretion of the Federal Railroad Administration. The remainder would be divided among the States, each receiving \$36,000.

The funds equally distributed to each State are generally used for rail planning. I believe the amendment has been worked out with both the chairman and the ranking member.

I just want to say a few words, Mr. President, about the local rail service assistance program. It has, since its adoption in 1973, provided assistance to rehabilitate rail branch lines and to purchase these lines in 47 States that could have otherwise been abandoned.

Mr. President, without these railroad branch lines, farmers would have to move their grain by truck, which is more costly. Small coal companies and many small manufacturers would have to do the same. For many of them, the loss of rail service can mean the loss of their ability to operate economically.

In addition, Mr. President, to the higher cost of business when we use roads instead of rail, the Government also incurs higher costs for additional repairs and maintenance. For every

100 railroad cars filled with corn that we take out of commission, our deteriorating roads will have to endure 387 more trucks.

Mr. President, this is a program that has worked marvelously well since its creation in 1973. Let me just give an example in my own State of how the small amount of money put in by the Federal Government ratchets to a great amount of money in the States.

In fiscal year 1988, my State of Iowa received \$900,000 from the Federal Railway Administration under this program. The State of Iowa will match that amount, \$900,000, and the Chicago Central & Pacific Railroad will match the resulting \$1.8 million with \$2.7 million. In this way, the initial Federal funds have multiplied five times to a total of \$4.5 million. This money will be used to rehabilitate a branch line between Le Mars and Fort Dodge, IA.

Again, Mr. President, it is the farmers, it is the shippers along that line who will suffer a great deal if we do not have this local rail service assistance. So a small amount of money can go a long way in this program for keeping these local rails in existence.

It is used for rehabilitation, for local shippers to purchase branch lines, and I might add it also puts money in farmers' pockets to the tune of anywhere from about 3 to 12 cents a bushel more when they ship by rail instead of truck.

So, Mr. President, this has been a great program. I think it has the enthusiastic support of shippers, railroads and State departments of transportation. I appreciate the concurrence of both the chairman and ranking member on this amendment. I thank them for their help and their assistance in working out this agreement. I thank them for their willingness to accept this amendment.

Mr. LAUTENBERG. Mr. President, I am willing to accept the amendment offered by the Senator from Iowa. It was the position of the full committee when it reported the bill that an amendment funding local rail service assistance programs was desirable. But because the transportation bill was at its 302(b) allocation for outlays to fund the program, it was necessary to find offsets from other programs, and that is what this amendment does. It funds local rail services programs at \$14.3 million by providing budget authority at that level and to keep the bill within its 302(b) outlay allocation it reduces the committee-reported budget authority level for Amtrak by \$5 million.

I do not support necessarily the offset that the Senator from Iowa has chosen, but I understand the position that he was in and the support that there is to fund the local rail services program. This program is important to



States throughout the country. Again, though I am concerned about any reduction of the resources necessary to support Amtrak fully, I do understand what the Senator from Iowa is trying to accomplish and have had comments from many of our colleagues in support of that. For management of the bill, I am willing to accept the amendment.

Mr. D'AMATO. Mr. President, we have no objection to this amendment. As a matter of fact, I commend the Senator from Iowa for his perspicacity in addressing this problem of local rail service assistance. As the manager of the bill has indicated, Senator LAUTENBERG from New Jersey, it is not a question of not wanting to do this. It is a question of seeing scarce funds from other necessary programs are made available. And so certainly we are not going to oppose it. There are many of these small lines that will and do need this assistance. Without it they may terminate. The lack of this aid is the death knell to many of the small businesses and communities that depend on it. So again I commend him and we are supportive of this amendment.

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

Mr. HARKIN. Mr. President, I again thank the distinguished Senator from New York and the Senator from New Jersey for their help in this matter. I want them both to know that I am a strong supporter of Amtrak, and I am hopeful that in the conference we can not only restore the Senate figure, but move close to the House figure. I also feel strongly about keeping money for Amtrak as do the two Senators who are leading this bill, so I do really appreciate their help in this matter.

Mr. BUMPERS. Mr. President, I am pleased to be a cosponsor of the amendment offered by my colleague, Senator HARKIN, to restore approximately \$12 million to the Local Rail Service Assistance Program. Funding for this program in fiscal year 1989 is crucial for the country's infrastructure, and is especially important to Arkansas.

The Local Rail Service Assistance [LRSA] Program, which has been in existence since 1978, is used to provide Federal assistance to rehabilitate railroad lines—usually short lines—that would otherwise be abandoned. In many cases, these lines are vital to the communities they serve.

In Arkansas, we presently are experiencing a situation in which LRSA funds are essential if service on a crucial short line is to be maintained. Union Pacific has filed an abandonment request on its line from McGehee, AR, to Vidalia, LA, and the Interstate Commerce Commission is expected to rule favorably on that request very soon. If that line is abandoned, shippers and communities along this

162-mile line will be seriously affected. Many jobs would be lost.

However, a short line operator is ready to purchase this line, but this is economically feasible only if the line is rehabilitated. Approximately \$1.5 million in Federal funds are needed from McGehee to the Arkansas State line, and an estimated \$3 million from the State line to Vidalia.

So, Mr. President, the contained economic health of this region depends heavily on our action here today. I intend to work closely in conference to ensure that LRSA funds are appropriated in fiscal year 1989, and that a portion of these funds are provided to rehabilitate the McGehee-Vidalia line.

Mr. BURDICK. Mr. President, I would like to thank my colleagues on the Appropriations Committee for their cooperation in supporting the Local Rail Service Assistance [LRSA] Program. I have enjoyed working with my good friend Senator HARKIN on what I believe is a program essential to the survival of rail service in our rural States.

Sometimes it seems as though there are overwhelming forces working against our farmers and farm communities. The drought we are experiencing comes at a time when many farmers simply can't survive one more hard knock. In my State of North Dakota, the loss of rail service to more than 50 communities in the past 8 years has had a similar crippling effect on the grain industry and related farm businesses.

The Local Rail Service Assistance Program serves to help States retain service on necessary branch lines. This is especially important in rural areas where grain, seeds, fertilizer, and farm equipment are shipped by rail. The continuation of rail service on some of these branch lines can keep our rural communities alive.

I believe that States with the incentive to plan for the future of our rail system should have funds available to carry out important rehabilitation projects. North Dakota has submitted detailed applications on every occasion that LRSA funds were made available. As a result of the State's commitment to careful rail system planning and with help from the LRSA Program, North Dakota has upgraded more than 200 miles of line. The State has plans to rehabilitate another 80 miles of line, but without LRSA grant funds, I am told that these ambitious plans would have to be abandoned.

I appreciate the efforts of the subcommittee staff and thank my colleague Senator LAUTENBERG for his consideration of funding for this important program. I would also like to commend the distinguished chairman of the Commerce Committee, Senator HOLLINGS, for his committee's recent action to reauthorize the Local Rail Service Assistance Program.

The allocation of funds to the Local Rail Service Assistance Program reaffirms our commitment to a strong national rail system. I am pleased to support Senator HARKIN's amendment today, and I look forward to the continued implementation of a successful, efficient Federal rail program.

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

The amendment (No. 2550) was agreed to.

Mr. D'AMATO. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2551

(Purpose: To allow a highway project involving the relocation of an Interstate highway to be eligible for interstate discretionary funding)

Mr. LAUTENBERG. Mr. President, on behalf of Senators HOLLINGS, THURMOND, SANFORD, and HELMS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for Mr. HOLLINGS (for himself, Mr. THURMOND, Mr. HELMS, and Mr. SANFORD) proposes an amendment numbered 2551.

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

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

The amendment is as follows:

At the end of the bill, add the following: Sec. . Section 139 of the Highway Improvement Act of 1982 (23 U.S.C. 101, note) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of this section or of any other provision of law, any project involving the relocation of any Interstate route or segment that is approved by the Secretary of Transportation under subsection (a) shall be eligible for discretionary funds made available under section 118(b)(2)(B) of title 23, United States Code."

Mr. HOLLINGS. Mr. President, on behalf of myself and my distinguished colleague from South Carolina, Senator THURMOND, as well as Senators SANFORD and HELMS from North Carolina, I rise to offer an amendment relating to the relocation of interstate highway projects in our two States.

Very simply, this amendment would allow the States of South and North Carolina to be able to apply for interstate discretionary funds for the I-85 relocation project in Spartanburg, SC, and the I-40 project in Winston-Salem, NC. This amendment does not

require the expenditure of additional funds. It is budget neutral.

During consideration of the 1982 Federal Highway Act, a provision was included which allowed our two States to relocate these interstate segments; however, they currently are not eligible to apply for interstate discretionary funding. As such, both States are short of the funds needed to complete these two critical projects. In the case of the I-85 relocation project in Spartanburg, this shortfall is close to \$40 million. This amendment would correct that situation, allowing our States to compete equally with others for these discretionary funds.

Again, Mr. President, let me emphasize that this amendment is budget neutral. It does not require any additional expenditures, and would not require an increase in the current estimate of the cost to complete the Interstate System.

And, I am pleased to report that the Federal Highway Administration is not opposed to this amendment.

Mr. President, I urge my colleagues to support this amendment and its adoption.

Mr. LAUTENBERG. Mr. President, this amendment has been cleared by our side, and I understand there is no objection from the other side. It has been cleared with the authorizing committee which also has jurisdiction in this area. The amendment does not add any money to the bill. It simply clarifies that two particular projects, Interstate 40 in North Carolina and Interstate 85 in South Carolina, are eligible to participate in the Interstate Discretionary Grant Program. I urge adoption of this amendment.

Mr. THURMOND. Mr. President, I, along with Senator HELMS, rise to offer the following amendment. Senators HOLLINGS and SANFORD also joined as cosponsors.

Mr. President, during the consideration of the Highway Improvement Act of 1982, North and South Carolina were allowed to relocate portions of Interstate 40 in Winston-Salem, NC and Interstate 85 in Spartanburg, SC. To ensure the cost of completing the entire interstate system would not be increased, regularly apportioned interstate construction funds for both projects were "capped" at amounts equal to the cost of upgrading the interstates in their existing locations.

Unfortunately Mr. President, this cap was later interpreted to exclude the two relocation projects from eligibility for interstate discretionary construction funds—despite the fact the projects are otherwise eligible.

Mr. President, our amendment would correct the misinterpretation of the 1982 cap. The amendment is budget neutral and merely states that the 1982 cap has no bearing on the ability of the two relocation projects to compete—on an equal basis—with

all other States for interstate discretionary construction funds. The cap continues in effect relative to all regularly apportioned interstate construction funds for the two projects.

Mr. President, I reiterate that this amendment would simply allow North Carolina and South Carolina to apply for interstate discretionary construction funds. It is critical to the ultimate completion of our States' interstate relocation projects because I am confident both projects will be approved if allowed to compete. I urge the adoption of our amendment.

Mr. D'AMATO. Mr. President, we are supportive of this amendment.

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

The amendment (No. 2551) was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote by which the amendment was agreed to.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, my colleague, Senator McCAIN, who wants to offer an amendment along with me, is on his way to the Chamber. The Senator from Iowa wanted to make a statement for about 3 or 4 minutes. I told him I thought I was going to do my amendment, but I would like to defer to him if it is agreeable with the managers.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator from Arizona and the chairman for letting me proceed for just a couple minutes on an issue. It is not an amendment but a statement I wanted to make on the floor and to ask unanimous consent to insert some material in the RECORD.

The Appropriations Committee adopted report language noting that the Department of Transportation is considering the reclassification of anhydrous ammonia as part of an extensive review underway regarding a proposed rulemaking to amend hazardous materials regulations to conform them to U.N. standards. In related action, Mr. President, the House Appropriations Committee inserted similar language in the report accompanying the 1989 fiscal year appropriation bill for DOT.

The committee noted the Secretary of Agriculture's concern about the potential negative impact of this proposed rule on U.S. farmers and many other segments of the agricultural community, and urged the Department to retain the present classification of this important plant nutrient. The committee noted that anhydrous accounts for over half of the U.S. fer-

tilizer supply and has been safely used by farmers for many years.

If the proposed rule were to be finalized in its present form, it could generate excessively higher insurance rates, severely affect insurance availability, and cause transportation difficulties because of local restrictions. Further, the proposed standard simply does not meet DOT's or EPA's proposed inhalation toxicity criteria.

I would also note that the underlying reason for the rule, a standard U.N. classification to promote trade simply does not make sense in this case. Canada, our major trading partner in regard to anhydrous ammonia has not accepted this standard. And, European countries which have adopted the standard does not generally use anhydrous for farming and we export almost no anhydrous ammonia to them.

During full committee markup, I and Senator COCHRAN announced our intention to take further action so as to remove the economic uncertainty that this proposed rule poses for our Nation's farmers, and to prevent a burdensome regulatory requirement on the agricultural community unless we received some assurance that there would be no change in the classification of anhydrous ammonia during the coming fiscal year.

On June 29, Senators BUMPERS and KARNES and myself met with the Administrator of Research and Special Programs to discuss the rulemaking which could affect the classification of anhydrous ammonia. Following that meeting I sent Ms. Douglass a letter requesting certain information from the Department.

I have just received an answer from the Administrator which clearly indicates that we will not see a rule changing the classification of anhydrous ammonia during the coming fiscal year.

Mr. HARKIN. Mr. President, I am pleased to learn that we will not see a change in anhydrous ammonia in the coming year and I assure my colleagues that I will do what I can to assure that there is no adverse change after that.

Mr. President, I would like to say at this point that I am joined in my concern over this rulemaking by a large number of Senators.

Major farm organizations including the National Corn Growers Association, National Association of Wheat Growers, National Farm Bureau Federation, American Agriculture Movement, National Farmers Union, National Farmers Organization, the Fertilizer Institute, and the Arkansas Poultry Federation all oppose reclassification.

I would like to include in the RECORD copies of letters signed by my distinguished colleagues and material con-



cerning the position of certain farm organizations.

Iowa is one of our Nation's largest producers of corn, and corn is a highly nitrogen-dependent crop. Mr. President, for the record, I want my colleagues to know that anhydrous ammonia is the major and most practical form to distribute nitrogen to crops. Anhydrous ammonia is produced by combining nitrogen from the air with a source of hydrogen, usually from hydrocarbons. Farmers prefer to apply anhydrous ammonia directly to the soil because it is the highest available nitrogen-content fertilizer and, therefore, is the most cost effective for our Nation's farmers.

Mr. President, the United States has a well-developed infrastructure to produce and distribute anhydrous ammonia. There are 20 U.S. companies with a total of 44 manufacturing plants which make anhydrous ammonia. There are approximately 5,000 anhydrous ammonia retailers throughout the United States serving farmers. This infrastructure is especially well-developed through the corn producing areas where nearly all of the 1 million-plus farmers use direct application of anhydrous ammonia.

The proposed rulemaking which could affect classification of anhydrous ammonia would dramatically impact fertilizer shipping rates, insurance costs, safety, and marketing.

#### SHIPPING RATES

The proposed rulemaking could produce higher transportation rates which would ultimately result in higher production costs for the U.S. farmer. Handling restrictions that could be imposed by carriers could increase rates by 50 percent—according to some estimates. For example, a study of the cost of shipping by rail conducted by G.W. Fauth and Associates, showed that shipping materials classified by DOT as a poison costs significantly more than shipping anhydrous ammonia classified as a non-flammable gas, as it is presently classified. The study found that the cost of shipping anhydrous ammonia within the United States was 53 percent above the railroad's cost for providing the service and the cost of the shipping materials classified by DOT as a poison was 136 percent above the railroad's cost for the service.

#### INSURANCE

Obtaining insurance at reasonable rates for shipping is a challenge, if the insurance is available at all. DOT regulations require a minimum of \$1 million of liability insurance for nurse and applicator tanks, essential for transporting anhydrous ammonia from farm service centers to the farm. This requirement applies to both farmers and fertilizer retail dealers. Though rates vary, one estimate shows an annual cost of \$1,500 per tank to maintain the required insur-

ance. In the United States, there is an estimated 300,000 anhydrous ammonia nurse and applicator tanks in operation. Using the above estimate, the annual cost for fertilizer dealers in the United States to maintain insurance for their applicator tanks is roughly \$450 million. No one can be sure what the increase in rates would be if the proposed rulemaking were implemented but a conservative estimate of 20 percent would add an annual cost of \$90 million to an industry already struggling to survive.

#### REGULATIONS

Almost without exception, Federal, State and local restrictions for hazardous materials are keyed to product classification. If anhydrous ammonia, now classified as a nonflammable gas, were reclassified as a poison gas, it would come within the scope of many State routing laws and could be prohibited from transport through many farming communities dependent upon the product for maximum crop production efficiency.

#### SAFETY

Anhydrous ammonia is used safely by farmers as a fertilizer product. Farmers participate in a continual education program of the hazards associated with anhydrous ammonia, and procedures to use for those who handle the material. The use of anhydrous ammonia as a fertilizer is treated with the greatest degree of respect and caution in the agricultural community.

DOT advocates that change in the classification of the product will improve the safety or emergency response effectiveness in the event of an incident. This is not so. Emergency response is keyed to product, not product classification. Emergency response for anhydrous ammonia would remain the same regardless of the product classification.

#### PRODUCT CHARACTERISTICS

Anhydrous ammonia does not meet EPA's proposed inhalation toxicity criteria. It is not a systematic poison. In fact, anhydrous ammonia is added to farm silage to supplement protein levels in silage livestock feed, and it is used directly on poultry in a fast-freeze process.

Mr. President, I am very hopeful that the Department of Transportation would take note of the committee's report language concerning anhydrous ammonia and determine that there is no need to reclassify this gas and that such a reclassification could be very damaging to agriculture and the economy as a whole.

Mr. President, I ask unanimous consent to have both letters printed at this point in the RECORD, along with other materials pertaining to the issue of the reclassification of anhydrous ammonia.

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

U.S. SENATE,

Washington, DC, June 30, 1988.

CINDY DOUGLASS,  
Administrator, Research and Special Program Administration, U.S. Department of Transportation, Washington, DC.

DEAR CINDY: I want to thank you for meeting with me and several of my colleagues yesterday to discuss the rulemaking which would affect the classification of anhydrous ammonia. I very much appreciate your time, as do, I'm sure, Senators Bumpers and Karnes.

As you know, the proposed rulemaking on anhydrous ammonia is of considerable interest to me and to many other senators. As we contemplate what action we should take in response to the concerns of our constituents, I'd appreciate your providing me with certain information.

(1) What is the likelihood that a final rule to modify the classification of anhydrous ammonia will be finalized before the end of the coming fiscal year?

(2) I've enclosed a copy of the draft language from the Senate Transportation Appropriations Committee report which directs the Secretary to provide the Committee with 30 days notice prior to the issuance of a final rule. Can the Committee be assured that this report language will be followed?

(3) Will your office be willing to provide, at least 30 days prior to finalization of the rule, an analysis of the effect that a reclassification of anhydrous ammonia would have on insurance rates?

Thank you again for your time yesterday. I look forward to hearing from you on the above questions at your earliest convenience.

Sincerely,

TOM HARKIN,  
U.S. Senator.

U.S. DEPARTMENT OF TRANSPORTATION,  
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION,

Washington, DC, July 8, 1988.

Hon. TOM HARKIN,  
U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: Thank you for your letter following up on our recent discussion of the research and Special Programs Administration's (RSPA) current rulemaking proposal to reclassify anhydrous ammonia as a poisonous gas. I appreciated the opportunity to discuss that proposal with you and your colleagues and staff.

Your letter posed three questions concerning our plans for the anhydrous ammonia proposal in relation to the larger rulemaking of which it is part (Docket Number HM-181). Each of your questions is addressed separately below:

1. What is the likelihood that a final rule to modify the classification of anhydrous ammonia will be finalized before the end of the coming fiscal year [September 30, 1989]?

It is highly unlikely that HM-181 could be adopted as a final rule prior to October 1, 1989. The proposals in HM-181 are extensive, complex, and significant. They have generated more than 1,000 comments which require thorough technical review and evaluation. Furthermore, the procedural steps applicable to a rulemaking of this significance are extensive and time-consuming. In fact, our required status reports to the Sec-

retary and the Office of Management and Budget currently show December 1989 as the earliest likely date for completion of the rulemaking. Efforts now ongoing to move from the Notice stage to preparation of a final rule confirm this projection.

2. Can the Senate Transportation Appropriations Committee be assured that its report language, directing the Secretary to provide the Committee with 30 days notice prior to issuance of the final rule, will be followed?

As a practical matter, it is not possible for the current leadership of the Department to bind the next Administration to such an assurance. Nevertheless, it is our conviction that the Committee's direction should be followed because it expresses the will of the Congress. Certainly, complying with the Committee's direction would work no hardship on the Department.

3. Will your office be willing to provide, at least 30 days prior to finalization of the rule, an analysis of the effect that a reclassification of anhydrous ammonia would have on insurance rates?

My response to this request depends largely on two considerations. First, depending on the action we ultimately take on the proposal, an analysis of its effects on insurance rates may be moot. Second, by the very nature of the rulemaking process, we rely heavily on the information supplied in the comments to the docket. We have been actively soliciting precise factual comments on the insurance issue so that we can determine the full extent of any potential adverse effects of the proposal. These comments will enable us to prepare the best possible regulatory evaluation of the proposal (as required by the Regulatory Flexibility Act). The regulatory evaluation is a part of the docket and is available to any interested party. Consequently, although I cannot give assurances that will bind my successor, the information you desire should be readily available to you 30 days prior to finalization of the rule.

Of course, as we proceed in our development of the final rules under HM-181, I will keep your office informed of relevant developments.

Sincerely,

M. CYNTHIA DOUGLASS.

U.S. SENATE,

Washington, DC, April 14, 1988.

HON. JAMES BURNLEY,  
Secretary, Department of Transportation,  
Washington, DC.

DEAR SECRETARY BURNLEY: We were quite pleased to hear that you have decided to extend the comment period, regarding the reclassification of anhydrous ammonia. This chemical is essential for agriculture. The impact of reclassifying it is too great for the farming community to allow a decision to be reached without hearing from all those concerned.

Apparently, the Department decided to reclassify anhydrous ammonia in order to bring its hazardous material regulations in line with those of the International Civil Aviation Organization and the International Maritime Organization. We feel this is a misguided proposal in view of unresolved questions about the actual magnitude of the danger involved in the transportation of the compound and American Agriculture's heavy economic dependency on anhydrous ammonia.

The uncertainty surrounding the actual hazard presented by anhydrous ammonia is important in light of its economic impor-

tance to our struggling agricultural industry. Approximately 45 percent of all nitrogen fertilizer used by American farmers is applied as anhydrous ammonia. It is used widely because it is inexpensive. Spreading nitrogen with anhydrous ammonia is 50 percent cheaper than performing the same activity with other compounds.

Reclassifying this compound as poisonous will drastically increase the cost of nitrogen fertilizer for the American farmer. Insurance costs for transporting the chemical would be prohibitive and it is also conceivable that, in some cases, insurance would become unavailable.

There is some question as to how anhydrous ammonia, if classified as a poison, could be transported to American farms. In addition, many foreign markets, which our farmers are already struggling to penetrate, would be closed because of legal restrictions on foods treated with poisonous chemicals.

We believe that if there is a reclassification of anhydrous ammonia, the reclassification should be as a corrosive product, rather than as a poison. Canada, our largest trading partner in the compound, already identifies it in this manner. This type of classification would alert anhydrous ammonia's users to the possible dangers inherent in the use of this product as well as avoiding the negative economic impact on our American farmers resulting from labeling it as a poison.

Thank you for your consideration of our request.

Kindest personal regards.

Sincerely,

Alan J. Dixon, John C. Stennis, Don Nickles, Paul Simon, Mitch McConnell, Nancy L. Kassebaum, Quentin N. Burdick, James A. McClure, Larry Pressler, Tom Harkin, David L. Boren, Terry Sanford, Donald W. Riegle, Jr., Rudy Boschwitz, Phil Gramm, Lloyd Bentsen, Dennis DeConcini.

U.S. SENATE,

Washington, DC, February 26, 1988.

Re Docket No. HM-181, Notice No. 87.4

HON. JAMES H. BURNLEY,

Secretary of Transportation, U.S. Department of Transportation, Washington, DC.

DEAR MR. SECRETARY: We would like to express our concern to you about one aspect of the proposed rulemaking of the Research and Special Programs Administration regarding Performance-Oriented Packaging Standards. Our specific concern is the reclassification of anhydrous ammonia and the negative impact it is likely to have on our national farm economy.

Anhydrous ammonia is an important source of nitrogen fertilizer for American farmers, especially corn producers. The United States is the largest producer and exporter of corn worldwide. Corn farmers rely on anhydrous ammonia to produce this nitrogen-intensive crop. The proposed reclassification of this gas from a non-flammable to a poisonous substance would result in a price increase to farmers due to higher shipping and insurance costs without any assurance of improved safety in handling and distributing this fertilizer. This question of safety improvement is best addressed in the position paper of the American Farm Bureau Federation regarding this issue:

"The use of anhydrous ammonia as a fertilizer has always been treated with the greatest degree of respect and caution in the agricultural community. Changing the classification of the product will not improve

safety or emergency response effectiveness in the event of an incident. Emergency response is keyed to the product, not product classification."

We do not object to the Department of Transportation's (DOT's) aim to create regulations that are consistent with international standards for transporting hazardous materials; we do, however, object to these regulations being adopted without fair consideration of the following factors:

The U.S. is the largest user in the world of anhydrous ammonia for fertilization purposes. Our farms therefore have the greatest stake in any decision to reclassify this gas on a national and international scale.

Canada, our largest trading partner in anhydrous ammonia, classifies this substance as a corrosive gas. With Canadian exports to the U.S. amounting to nearly one million tons per year, it would be in DOT's interests to consider creating a classification that is consistent with Canada's. The DOT's proposed change is likely to have a negative impact on this trade relationship.

A DOT proposal, prepared for presentation at the upcoming session of the Group of Rapporteurs, a subcommittee of the United Nations Committee of Experts on the Transport of Dangerous Goods, would classify anhydrous ammonia as a poisonous gas in the international community. We urge you to consider changing your recommendation in light of the fact that adoption of this international standard would impact your current domestic rulemaking.

Lastly, those of us who have grown up in and around agriculture and have frequently used, transported and applied anhydrous ammonia for fertilizer purposes, as most farmers and handlers do, have great respect for this product and act accordingly in handling it. We do not believe the reclassification you request is necessary, but we would like to hear specifically of the problems in handling and transportation of this substance that the Department believes justifies this significant change in farming operational practice.

We understand that the Hazardous Materials Advisory Council has proposed creating a new classification for hazardous materials at the DOT. Under this proposal, anhydrous ammonia would be considered a corrosive gas—this classification would create a greater awareness of the risks posed by exposure to this material but would not instill unnecessary fear in the minds of those who transport it. As mentioned above, this would help continue our good trade relations with Canada.

We certainly hope you will seriously reconsider your proposed action and will take a look at all viable alternatives, especially in light of the impact that any change would have on American farmers.

With best wishes,

Sincerely,

DAVID K. KARNES,  
JESSE HELMS,  
RUDY BOSCHWITZ,  
CHRISTOPHER S. BOND,  
ROBERT DOLE,  
THAD COCHRAN,  
HOWELL T. HEFLIN,  
U.S. Senators.

U.S. SENATE,

Washington, DC, February 24, 1988.

HON. JAMES A. BURNLEY,  
Secretary, U.S. Department of Transportation,  
Washington, DC.

DEAR MR. SECRETARY: We would like to express our concern about the effect on agri-



culture of the proposed reclassification of anhydrous ammonia from a non-flammable gas to a poisonous gas. This action is part of a proposal to adopt the classification scheme of the UN Committee on Experts on the Transportation of Dangerous Goods.

Reclassifying anhydrous ammonia as a poisonous gas would disrupt the economy in our farming sector without conferring any tangible benefits. We are concerned that this action would result in increased costs for shipping, handling and marketing ammonia—costs that would likely be passed on to the farmer. It would also impose unnecessary burdens on handling ammonia on the farm and could result in farmers discontinuing the use of ammonia as a fertilizer.

Our farmers have an excellent safety record in handling ammonia and need no further regulation. We encourage you to carefully consider any change in the classification of anhydrous ammonia. The potential adverse impact on agriculture deserves serious examination before any changes are made.

Sincerely,

QUENTIN N. BURDICK,  
KENT CONRAD,  
U.S. Senators.

NATIONAL CORN GROWERS ASSOCIATION,  
Washington, DC, February 24, 1987.  
Docket No. HM-181, Notice No. 87-4.

DOCKETS BRANCH,  
Research & Special Programs Administration,  
U.S. Department of Transportation,  
Washington, DC.

DEAR DOCKET MANAGER: The National Corn Growers Association (NCGA), representing the Nation's 1.2 million corn farmers, are deeply concerned about the proposed re-classification of anhydrous ammonia from a non-flammable gas to a poisonous gas and attempts to regulate the transportation of nitrogen fertilizer solutions as hazardous material.

The NCGA is supportive of the Department of Transportation's efforts to ensure safe transportation of hazardous materials. However, we believe that re-classifying anhydrous ammonia from a non-flammable gas to a poisonous gas would place a tremendous financial burden on American agriculture and specifically U.S. corn growers.

Anhydrous ammonia is the most widely utilized low cost nitrogen fertilizer source for the majority of corn growers, and has been credited with improving corn yields by more than 200 percent over the last 20 years. Anhydrous ammonia accounts for approximately 45 percent of U.S. nitrogen fertilizer needs and is some 25 percent lower cost than other substitutable nitrogen or urea solutions. Subsequently, any unnecessary transportation regulations which would restrict the supply of anhydrous ammonia to corn farmers would have a tremendous adverse impact on their financial viability and productivity.

In addition to the negative economic and productive impacts on farmers, the re-classification of anhydrous ammonia solely as a poisonous gas may well significantly increase the cost of liability insurance for farmers, impede the exportation of corn to foreign countries which restrict the importation of foods treated with "poisonous" chemicals, as well as greatly increase the problems and costs associated with the transportation and storage of poisonous gases. All of these additional impacts would clearly be passed on to the farmers—at his expense.

In conclusion, the National Corn Growers Association supports the safe transportation of known hazardous materials. However, we strongly feel that re-classifying anhydrous ammonia as a poisonous gas is unwarranted, and would create a significant economic hardship to the Nation's corn growers.

We strongly urge your rejection of this proposed rule to re-classify anhydrous ammonia as a poisonous gas.

Thank you for your consideration.

Sincerely,

KEITH HORA,  
President,

National Corn Growers Association.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I want to ask the chairman and ranking member. I believe my colleague from Arizona and myself are ready to proceed with an amendment. I yield to the junior Senator from Arizona.

#### AMENDMENT NO. 2552

Mr. McCAIN. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. McCAIN] for himself, Mr. DECONCINI, Mr. EXON, and Mr. HARKIN proposes an amendment numbered 2552.

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

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

The amendment is as follows:

At the end of the bill, insert:

Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall institute a rulemaking proceeding to consider the need for changes to the existing regulation concerning the allocation and transfer of "slots" held by air carriers and commuter operators at each of the four airports covered by the final rule regarding Slot Allocation and Transfer Methods at High Density Traffic Airports, published in the Federal Register on December 20, 1985. Included among the issues that shall be considered in this proceeding are (1) the overall effect of the existing buy-sell regulation upon new entry or limited incumbents at these four airports, (2) the effects of the recently-approved mergers and acquisitions upon the operation of the buy/sell program at these airports, (3) the competitive and fare implications of the utilization of slots for providing services to and from hub airports and on monopoly routes, (4) the effect of short-term leases of slots upon the ability of new entrants or limited incumbents to purchase slots at these airports, (5) the effect of the use of air carrier slots by commuter operators upon entry by air carriers at these airports, and (6) the variation in prices paid for slots since adoption of the buy/sell program. The Administrator shall take final action in this proceeding, including the promulgation of any resulting final regulations, not later than 270 days after the date of enactment of this Act.

Mr. McCAIN. Mr. President, on behalf of myself, Senator DECONCINI, Senator EXON, and Senator HARKIN, I propose this amendment. Basically, it is an amendment that would make appropriate at this time a rulemaking on the competitive access issue resulting from the buy-sell rule concerning slots at high density airports.

Mr. President, this amendment has been cleared on both sides. I think it is an important way to carry out the spirit of deregulation which characterized the airline industry in the late 1970's. Unfortunately, we are faced with a situation today where slots are concentrated in the hands of the largest air carriers with, for example, more than half of the slots at Washington National and LaGuardia held by Texas Air carriers and USAir, and United and American holding well over 50 percent of the slots at O'Hare.

The concentration levels have increased significantly at these airports, with the Herfindahl-Hirschman index at National and LaGuardia being in the concentrated range under the Justice Department's merger standards.

It has proven essentially impossible for a new entrant carrier to purchase a sufficient number of slots to initiate a viable service pattern at the high density airports. Indeed, no slots have been sold to new entrants at either LaGuardia or National in the last 2 years.

Virtually all of the slot transactions at these airports are short-term leases—that is, leases of less than 6 months, with most less than 3 months—which permit the incumbent carriers to retain control of the slots among themselves rather than surrendering them to the FAA under the use-it-or-lose-it rule.

Very few slots are ever forfeited to the FAA for reallocation to new entrants. In fact, there has not been a reallocation lottery in about a year, and the last lottery had very few slots for reallocation at either National or LaGuardia.

A petition seeking rulemaking on the competitive and access issues resulting from the buy-sell rule has been pending at the FAA for over 1 year, but the FAA has taken no action on the petition.

Under these circumstances, it is imperative that the FAA initiate a rulemaking proceeding to review the operation of the buy-sell rule and to assure that new entrants can obtain access to these airports.

I would like to thank my colleague from New York, Senator D'AMATO, Senator HARKIN, and Senator DECONCINI, especially, for his assistance and efforts on behalf of this, I think, important amendment.

Let me say that Senator DECONCINI and I have been concerned about the process of de facto reregulation. If,

Mr. President, all of the slots in major airports across this country, are concentrated in the hands of the major airlines, over time we will see de facto reregulation. Deregulation has had many problems associated with it.

Ask any person who has spent a night in the Chicago airport, as I have on several occasions; ask any person who has seen their flights delayed time after time, and they will tell you that there are problems associated with deregulation. At the same time, I know of no one who would want to go back to the reregulated atmosphere that prevailed in the sixties and seventies because indeed millions more Americans have flown on commercial airliners at a far lower cost than during regulation.

I believe this amendment will ensure that we continue the path toward deregulation and allow all airlines, whether they be new or established airlines, the ability to compete in these very important markets.

With that, Mr. President, I yield, and again I appreciate the cooperation and assistance of the chairman of the authorizing committee, Senator HOLLINGS, chairman of the Aviation Subcommittee, Senator FORD, and others who have been helpful in making this amendment become a reality.

Again, my appreciation to my friends from New Jersey and New York who have agreed to this amendment.

I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I thank my distinguished colleague from Arizona for the amendment and the compliments. I also want to particularly thank Senator HOLLINGS, Senator FORD, and Senator DANFORTH for clearing this amendment. The amendment would require the FAA to begin rulemaking within 90 days of enactment of the DOT appropriation bill and complete the rulemaking within 270 days.

As the Senator from Arizona pointed out, it is an equitable way to go. It is not taking or doing anything drastic, just directing the FAA to proceed with what they ought to do.

This amendment is identical to one offered by Senator McCAIN in Commerce Committee 2 weeks ago and unanimously adopted as part of S. 1600.

When the Transportation Department decided to permit airlines to buy and sell landing rights at the four capacity-controlled airports—JFK, O'Hare, LaGuardia, and National—many argued that the slots would remain in the hands of the large incumbent airlines and new entrants would have a very difficult time obtaining entry at these airports.

Indeed, the Senate voted at that time, 82 to 12, to repeal the buy/sell regulation.

Unfortunately, the worst fears have been realized. The lion's share of the slots are held by the major airlines. In fact, the carrier's slot holdings at National and LaGuardia are classified as concentrated within the meaning of the Justice Department's guidelines. And, new entrants simply cannot obtain a sufficient number of slots to begin a viable service pattern to these airports.

In the face of the compelling need to review the operation of this rule, the Transportation Department's response has been to stonewall. Over a year ago, a petition seeking the institution of a rulemaking proceeding to reevaluate the buy-sell rule was filed, and no action has yet been taken. In October, the Appropriations Committee, in its report accompanying the DOT appropriations bill, expressed its concern with respect to this problem, and urged DOT to give immediate attention to the slot situation at these airports. The issue was also raised during Secretary Burnley's confirmation process. And, Senators FORD, McCAIN, EXON, KARNES, and myself have written to Secretary Burnley on several occasions to inquire as to the status of the petition and each time the response from DOT has been the same—we are studying the petition.

Mr. President, the time for studying this petition has long since passed. DOT must be required to conduct a rulemaking proceeding to consider the effects of this rule. I urge the Senate to adopt this amendment.

Mr. President, I particularly want to thank the distinguished chairman from New Jersey for his cooperation, the staff, Jerry Bonham, and others, and the distinguished Senator from New York [Mr. D'AMATO] for helping us work this problem out. I hope the chairman and managers can accept the amendment.

Mr. LAUTENBERG. Mr. President, I believe this is the same language that the Commerce Committee included in their markup of S. 1600.

Mr. DECONCINI. The chairman is correct. It is exactly the same language.

Mr. LAUTENBERG. As I believe the Senator mentioned, the chairman of the Commerce Committee, Mr. HOLLINGS, and the chairman of the Aviation Subcommittee, Mr. FORD, are aware of this amendment.

Mr. DECONCINI. They are aware of it and they have no objection, I am advised.

Mr. LAUTENBERG. I believe it has been cleared with the other side.

Mr. D'AMATO. Mr. President, that is correct. We are prepared to accept the amendment.

Mr. LAUTENBERG. There are no other objections to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Arizona [Mr. McCAIN].

The amendment (No. 2552) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 2553

(Purpose: To prohibit the closing of certain search and rescue operations of the United States Coast Guard prior to certain evaluations and recommendations with respect thereto)

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

The PRESIDING OFFICER (Mr. FOWLER). The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON], for himself and Mr. SIMON, proposes an amendment numbered 2553.

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

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

The amendment is as follows:

At the end of the bill, add the following:  
Sec. . Notwithstanding any other provision of this Act, no funds appropriated to the Department of Transportation or the United States Coast Guard by this Act shall be used to carry out the closing of any search and rescue operation of the United States Coast Guard until after the expiration of the 90-day period following the date on which the Comptroller General of the United States reports to the Congress the results of his evaluation of the criteria used by the United States Coast Guard in determining whether or not to close out or curtail such operations, and his recommendations with respect thereto.

Mr. DIXON. Mr. President, earlier this year, the Coast Guard published a list of air and rescue stations they intended to shut down unless we in the Congress decided to increase the Coast Guard's funding. Although I was unfamiliar with most of the stations listed, I was intimately familiar with the only air rescue station on the list, Air Station Chicago commonly known as the Glenview Air Rescue Station. Quite frankly, I was extremely disappointed,



although not surprised, to find Glenview's name on the list.

I was disappointed because Glenview provides essential safety protection for the Chicago area's skies and waters. In total, its helicopters are responsible for protecting a 10,000-square-mile area. Every year, the brave men and women of Glenview save over 20 lives from the often perilous waters of Lake Michigan.

I was not surprised by the Coast Guard's decision because they have threatened to close down Glenview before. They claim that the Chicago area can be just as well served by helicopters stationed in Traverse City, MI. Chicago, they assert, just does not have the case load necessary to justify its existence.

Their argument ignores the fact that it takes a helicopter over 2 hours to travel to the Chicago area from Traverse City. Two hours makes a big difference to a downed pilot or sailor struggling to keep from drowning in the lake. Their argument also ignores the fact that Chicago is home to the world's busiest airport, O'Hare International Airport, and to two other very busy airports—Midway and Meigs Field.

The majority of commercial flights to and from these airports, at some point pass over the lake. Their argument ignores the continuing increase in boating slips for the Chicago, Indiana, and Wisconsin area. Air and boat traffic in the Chicago area are growing. Finally, their argument ignores the fact that the Chicago Fire Department, which has operated several rescue helicopters of its own, can no longer afford to continue its air rescue operations. There will be substantially less air rescue capability in the very near future. The area's need for the Glenview Air Rescue Station is increasing dramatically.

Why, then, does the Coast Guard claim that the Glenview station is no longer necessary? They base their claim on Glenview's case load or performance. Due to various factors, Glenview's case load has dragged behind other air rescue station case loads. Fortunately, Glenview's personnel are not called upon, as often as other stations, to rescue downed pilots and boaters in trouble.

I understand and sympathize with the Coast Guard's budgetary dilemma. Like many other parts of the Government, they are expected to do more and more with less. In fact, I have strongly supported providing adequate funding for the Coast Guard. However, I am unmoved by the argument that Glenview should be the first air rescue station closed because their case load is too low. While an air station's case load should be a factor, other criteria, such as the area's population, air traffic, and economic and geographic needs for such a station

should be included in the Coast Guard's final determination.

Consequently, I am offering an amendment, along with my distinguished colleague from Illinois, Senator SIMON, which would direct the General Accounting Office to evaluate the criteria used to determine whether or not to close down an air rescue station and to make recommendations as to how to make this criteria more compatible with the mission of air and rescue stations—that is, their ability to prevent injury and to save lives.

Mr. President, I do not want to be disappointed by the Coast Guard's decisions in the future. Hopefully, this amendment will help the Coast Guard make better and more informed decisions. I urge my colleagues to support this needed measure.

Mr. President, this amendment has been agreed to by the managers of the bill, the distinguished Senator from New Jersey [Mr. LAUTENBERG] and the distinguished Senator from New York [Mr. D'AMATO].

Mr. SIMON. Mr. President, in accordance with the amendment submitted by my good friend and colleague, the senior Senator from Illinois, Senator DIXON, regarding Coast Guard Air Station Chicago; I want to say once again I am reminded that lives will be lost if Admiral Yost of the Coast Guard decides to close Coast Guard Air Station Chicago.

Coast Guard Air Station Chicago is the only on-the-water helicopter rescue service in the southern Lake Michigan region. It covers roughly 10,000 square miles of Lake Michigan in four States: Michigan, Illinois, Indiana, and Wisconsin. Not only is there a surge in recreational boating in the region, but it is under the most crowded airspace in the world. It is the most densely populated area in the Midwest with 10½ million people.

Recently, the Coast Guard's HH-52A helicopter, responding to a distress call in 15 minutes, must have been a welcome sight to the pilot downed in Lake Michigan. Contrast that with over 2 hours of helicopter launch and flight time from Traverse City, MI, the next nearest Coast Guard air station. Since the cold Lake Michigan water is a year round hazard, the Traverse City helicopter would be virtually useless when minutes count.

The purpose of a Coast Guard air station is to be ready for potential emergencies, to provide that rapid response coupled with the unequalled ability to locate and rescue distressed persons in all types of weather and visibility. I wish we had had Coast Guard Air Station Chicago on August 16, 1965 when a United Airlines Boeing 727, within 15 minutes of landing at O'Hara Airport, went down in Lake Michigan near Highland Park. All aboard that plane were lost.

The decision to close the air station and to use its funds for other purposes remains entirely in the hands of the administration. According to the Washington Post—Friday, June 3—it costs the Coast Guard an average of \$2 million per vessel for one drug seizure. It only costs the Coast Guard \$2.78 million to operate Air Station Chicago for an entire year.

The Coast Guard has served us well in the past, and the costs of military salaries, enlarging the drug interdiction mission, and operating new facilities have grown considerably; but safety of life at sea is still the Coast Guard's primary peacetime function. In this case, safety seems to have taken a back seat in the administration's budget priorities.

I have supported a transfer of funding from the Department of Defense to the Coast Guard operations in fiscal year 1989. It amounted to \$108 million for fiscal year 1988. However, the President only requested \$6 million for the Coast Guard operations from DOD and assumed, even though Congress provided for additional Coast Guard funding that the closures of Air Station Chicago and other essential search and rescue and support facilities would be permanent.

Senator DIXON and Congressman PORTER have joined me in requesting a General Accounting Office study of the Coast Guard's rationale for closing this station without considering factors such as the 10½ million population affected; a surge in recreational boating activity in southern Lake Michigan; helicopter response time; and the increasingly dangerous airspace in the Chicago region, the second busiest in the Nation.

We have been supporting the additional operating funds which the Coast Guard needs at this time without any guarantee from the Coast Guard that Air Station Chicago will remain open. An active auxiliary among the thousands of local boaters and a better safety record last year should be a reason to celebrate, not to close the only Coast Guard air station in the region.

Mr. LAUTENBERG. Mr. President, we have worked with the two Senators from Illinois on developing this amendment. We think it is a good amendment and know of no objection. I urge its adoption.

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

The amendment (No. 2553) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, I thank the managers.

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

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

The PRESIDING OFFICER. The Senator from New Jersey [Mr. LAUTENBERG] is recognized.

AMENDMENT NO. 2554 TO THE COMMITTEE  
AMENDMENT ON PAGE 5, LINES 1 THROUGH 3

Mr. LAUTENBERG. Mr. President, I sent to the desk an amendment to the committee amendment on page 5, lines 1 through 3, and ask for its immediate consideration in that connection.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. HATFIELD, Mr. METZENBAUM, Mr. MITCHELL, Mr. PELL, Mr. COHEN, Mr. WILSON, Mr. CHAFEE, and Mr. PROXMIER, proposes an amendment numbered 2554 to the committee amendment on page 5, lines 1 through 3.

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

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

The amendment is as follows:

On page 5, at the end of the Committee amendment beginning on line 1 relating to Coast Guard environment protection activities, add the following: "Provided further, That, within available funds, the Coast Guard shall reopen and maintain the Coast Guard search and rescue stations located at Shark River, New Jersey; East Port, Maine; Block Island, Rhode Island; Ashtabula, Ohio; North Superior, Minnesota; Lake Tahoe, California; Kennewick, Washington; Kauai, Hawaii; and Mare Island, California and reactivate the Coquille and Rogue River Patrols in Oregon: *Provided further*, That within available funds, the Coast Guard shall maintain the Coast Guard search and rescue station located at Bayfield, Wisconsin on a year-round basis.

Mr. LAUTENBERG. Mr. President, that amendment is sent to the desk is on behalf of myself and Senators HATFIELD, METZENBAUM, MITCHELL, PELL, COHEN, WILSON, CHAFEE, and PROXMIER.

Mr. President, this amendment reactivates certain Coast Guard river patrols and the nine search and rescue stations closed by the Coast Guard this fiscal year. It also restores the station at Bayfield, WI to 12-month operations. These cutbacks are assumed in the President's fiscal year 1989 budget.

There has naturally been a great deal of concern about the safety impact of the decommissioning of these facilities. I know from direct personal experience how important many

of my constituents consider Station Shark River, notwithstanding the Coast Guard's assurances that equivalent coverage is being provided from adjacent stations. I have also heard from several of my colleagues about the problems these closures have caused in their States.

Fortunately, it now appears that the total funding that the Congress is going to provide the Coast Guard, in this and other bills, will make it possible to reactivate these installations and the Oregon River patrols. Of all the cost cutting measures assumed in the budget, these are clearly the most directly related to the Coast Guard's safety mission. So these services should be restored as soon as possible from anticipated savings from deployment slippages and tighter management.

The House addressed this matter in a floor amendment to the Coast Guard capital account. My amendment provides directly for the restoration of these activities under the operating expenses appropriation, where they are usually funded.

Mr. President, I know of no objection to this amendment and I ask that it be adopted.

RESTORATION OF EASTPORT, ME COAST GUARD  
STATION

Mr. MITCHELL. Mr. President, I am pleased to join the Appropriations Committee as a cosponsor of the proposed amendment to reopen in fiscal year 1989 the group of especially important Coast Guard search and rescue stations which were closed earlier this year.

The amendment includes the Coast Guard station in Eastport, ME, and fulfills a pledge I made to residents of Washington County to do everything necessary to restore for them a vital Coast Guard presence.

The Eastport, ME station is uniquely and strategically located near the Canadian border, and is critical both to marine safety and drug interdiction. Without the Eastport station, the nearest Coast Guard search and rescue facility is over 4 hours away.

When the station was closed this past year, Maine's northernmost coast became the only area along the contiguous coastline of the United States which could not be reached by rescue boats, in the event of an emergency, within 2 hours. That condition is unacceptable.

The Eastport Coast Guard Station is important to Maine's fishermen, and to significant commercial shipping traffic in the area. In particular, large vessels travel through the area enroute to the Canadian port of Bayside. The rugged coastline contains many remote sections, which are often shrouded in heavy fog. There is an urgent need for constant vigilance, and a need for quick response in case of any emergency.

The Eastport Coast Guard Station represents the difference between life and death, and safe passage or disaster, at any given time. Closing the facility was hardly worth the estimated \$327,000 in budget savings which occurred earlier this year. These savings are not worth the risk to human life.

I am pleased to join the committee in cosponsoring this amendment to correct the shortsightedness of the administration in closing these Coast Guard stations. I urge the amendment's adoption.

COAST GUARD OPERATIONS STOPS

Mr. HATFIELD. Mr. President, I rise in support of the amendment offered by Senator LAUTENBERG, the chairman of the Transportation Subcommittee. Recent tragic events in my State compel me to urge the adoption of this amendment.

Like many other Senators, I was dismayed to learn last January that the Coast Guard was curtailing 52 operations at various sites around the country. While I understood the Coast Guard's reasons, I feared that the action could have tragic consequences. Unfortunately, that has proved to be the case.

Two of the operations canceled this year were summer patrols on the Coquille and Rogue Rivers in Oregon. The two communities most affected by this action were Bandon and Gold Beach, respectively.

Over the past decade, patrols on these rivers had been drastically cut from 24-hour summer service to just 12-hour-per-day service on weekends and holidays between July 4 and Labor Day. At the same time as the Coast Guard was reducing its service, the number of vessels using the Port of Bandon increased dramatically following the opening of a new boat basin in 1984.

As we all know, the Coast Guard has been recruited to fight the war on drugs. Because of dwindling resources, most drug interdiction activity has come along our southern borders. However, Oregon ports have witnessed a dramatic increase in drug trafficking in recent years. A resumption of river patrols will act as a deterrent to those who would move drugs through Bandon and Gold Beach, sites of two of the largest drug busts in Oregon history.

The main function of the river patrols was to provide search and rescue missions, but in addition, the Coast Guard river patrols took steps to prevent accidents from happening.

These activities included observation of the bar, prevention of initial hazardous crossings of the bar, assistance during the bar crossings and providing weather forecasts and alerts. While the Coast Guard provided alternative search and rescue service following the cutback, there is no substitute for



having trained personnel at proven hazardous locations.

In eliminating the river patrols, the Coast Guard continued to provide search and rescue service using helicopters based in Coos Bay. There is no question that helicopters can respond relatively quickly to emergencies, but with the cold waters of the Pacific inducing hypothermia within 30 minutes, there is little margin for error. In fact, the Coast Guard did save two Bandon residents in March when their boat capsized while trying to cross the bar. Not everyone is as lucky.

Last month five Oregon residents died in two separate accidents; one near Bandon and the other near Gold Beach. While some may argue that even the river patrols may not have been able to save the victims, we will never convince the boaters there that a Coast Guard presence in the area is unnecessary.

Perhaps the greatest tragedy of these two incidents is that it took five deaths to bring this matter before the Congress. Although I do not wish to micromanage Coast Guard activities, I cannot stand by and watch more Oregonians die knowing that we did not do all we could to prevent future accidents. For that reason, I support this amendment, as well as adequate funding for Coast Guard operations in fiscal year 1989, and urge other Senators to do the same.

Mr. PELL. Mr. President, I strongly support and am very pleased to cosponsor the amendment offered by my distinguished colleague from New Jersey [Mr. LAUTENBERG], which would require the U.S. Coast Guard to shift \$4.8 million in funding to reopen the nine Coast Guard search and rescue stations, including the station on Block Island, RI, that were closed because of budgetary constraints earlier this year.

When the U.S. Coast Guard announced in January their plans to close the search and rescue stations, I strongly opposed this action, and on several occasions urged the Coast Guard to reverse their decision on the basis of the threat these closings would have on thousands of Americans who enjoy recreational boating and fishermen who depend greatly upon the Coast Guard on a daily basis.

I was very pleased when the Coast Guard agreed at my suggestion, to mothball the Block Island station instead of stripping it of equipment and selling it, so that the facility could be reopened when more Federal funding would be available.

Mr. President, the impact of the Coast Guard search and rescue closings was felt immediately in Rhode Island, most specifically by the many fishermen and recreational boaters who navigate the waters surrounding Block Island, as well as the residents of Block Island who rely upon the

Coast Guard for emergency transportation to the mainland when weather conditions prevent aircraft from flying.

The impact of the Block Island USCG station closing is even more dramatic when one considers that the island provides safe harbor for more than 1,000 pleasure craft during the busy summer months. This activity alone generates more than 200 calls for Coast Guard search and rescue assistance. Most importantly, the Block Island station has over the years been responsible for saving the lives of approximately 12 individuals annually.

Mr. President, I recognize that the Coast Guard like many other Federal agencies is under significant fiscal pressure especially as a result of the Gramm-Rudman Act, and the budgetary cuts required by the Congress late last year. At the same time, the administration and the Congress in earlier years continue to assign additional responsibilities to the Coast Guard, particularly in the drug enforcement area without providing the appropriate level of funding for these added responsibilities.

It was certainly understandable that the Coast Guard would have to make reductions in spending. As a retired captain in the Coast Guard Reserve however, I do not believe these funding cuts should have been in the critical search and rescue area.

Therefore, Mr. President, I strongly support the efforts of the chairman of the Appropriations Subcommittee on Transportation and Related Agencies (Mr. LAUTENBERG), to require the U.S. Coast Guard to reopen after October 1, 1988, the nine search and rescue stations, including the facility on Block Island, that were closed earlier this year.

I urge my colleagues to support this amendment as part of the fiscal year 1989 transportation appropriations. The reopening of these facilities will contribute immeasurably in the saving of lives of commercial fishermen and recreational boaters, as well as the residents of isolated areas including Block Island who rely heavily upon U.S. Coast Guard search and rescue operations during emergencies.

Mr. CHAFEE. Mr. President, earlier this year I was extremely disappointed to learn that, due to budget cuts, the Coast Guard was planning to close nine search and rescue stations, including the Coast Guard search and rescue station on Block Island in Rhode Island. Senator PELL and I met with the commandant of the Coast Guard, Admiral Yost, for more than an hour to determine if any way could be found to avoid closing these stations. The answer, unfortunately, was that given budgetary constraints, that was the only viable alternative.

Since that time, Mr. President, I believe that Congress and the general

public have reassessed the importance of the Coast Guard. Not only does the Coast Guard play a critical role in providing aids to navigation and in rescuing troubled mariners, but also they are instrumental in interdicting drug traffickers invading our country. Accordingly it has been recommended by the administration that the Coast Guard receive full funding so it can accomplish its many missions.

The amendment being offered by my distinguished colleague from New Jersey, Senator LAUTENBERG, will require the Coast Guard to take \$4.8 million from operating expenses to reopen the nine search and rescue stations which have just recently been closed. For the people of Block Island, this is very good news. This means that during inclement weather, a Block Islander suffering a medical emergency will be able to rely on the Coast Guard for transportation to the mainland. Ships experiencing trouble in the vicinity of Block Island will not have to wait 45 minutes or longer for a Coast Guard cutter to arrive from Newport or Point Judith.

I am delighted that this amendment, which mirrors a similar amendment in the House appropriations bill, will reopen the Block Island Coast Guard Station and other stations. This amendment will make a difference in the lives of those people who rely on the Coast Guard for safe passage on our coastal waters.

I am pleased to be a cosponsor of this amendment.

Mr. PACKWOOD. Mr. President, I rise today in support of the Lautenberg amendment to the fiscal year 1989 transportation appropriations bill (H.R. 4794) which proposes to reopen six Coast Guard stations nationwide and restore two search and rescue [SAR] patrols on the Coquille and Rogue Rivers in my home State of Oregon.

When agency budgets are drafted and appropriation bills passed to fund various functions in agencies, many important decisions are made as to what should be funded and by how much. In a decade of belt-tightening and budgetary red ink, there is not one legislator who can claim that his or her State or district has remained untouched by these decisions. What you do hope, however, is that a claim can be made that your State wasn't disproportionately affected by those decisions. So, while we may not like a decision at one time or another, we believe the system is fair. And, Mr. President, I have a lot of respect for this system.

For several years past, I have worked closely with the U.S. Coast Guard in times of reduced budgets to ensure Oregon would not be disproportionately affected. I was greatly concerned and disappointed when the

Coast Guard ultimately decided to stop the Coquille and Rogue River patrols early this year. While one life lost is too many, we were told that the numbers of lives saved and/or rescued by the Coast Guard in those areas represented "an exceedingly low level of activity for Coast Guard facilities and, it represents an unacceptably poor use of resources at a time when these resources are so badly needed elsewhere." Efforts were made to see that the numbers used to make these decisions were consistent in the eyes of the local community and the Coast Guard. I appreciate the professionalism of the Coast Guard and the understanding of my constituents during that difficult process.

Nothing brings home the need for this amendment more than the fact that five of my constituents drowned in the affected areas within the last month. Two died trying to cross the Bandon Bar at the Coquille River, and three others drowned after their skiff capsized just south of Gold Beach. Each time, the Coast Guard made unsuccessful rescue attempts. Upon hearing of the accidents, I requested that the Coast Guard provide me with information surrounding the drownings.

There can be no comparison between the cost of keeping local search and rescue patrols open with the loss of human life, particularly when such losses may have been preventable. Having a local patrol on hand could mean the difference between life and death in boating mishaps, situations in which every second counts.

If there is any one responsible action we can take today, it is to approve this amendment which will help save the lives of Oregonians and others around the country. I sincerely hope the Senate will see fit to adopt this legislation. Thank you.

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

The amendment (No. 2554) was agreed to.

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

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I move the adoption of the committee amendment, as amended.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

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

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

The Senator from New York, Mr. MOYNIHAN, is recognized.

#### AMENDMENT NO. 2555

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk for myself and Mr. D'AMATO and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for himself and Mr. D'AMATO, proposes an amendment numbered 2555.

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

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

The amendment is as follows:

Notwithstanding any other provision of law, none of the funds appropriated in this, or any other act, shall be available for obligation by the Secretary of Transportation, unless the Secretary implements a program not to reduce apportionments under section 154, Title 23, United States Code for non-compliance with subsection (f) of such section during fiscal years 1987 and 1988, and until September 30, 1989."

Mr. MOYNIHAN. Mr. President, this is an elemental matter on which I believe there will be agreement on both sides; from my distinguished colleague from New York, who is managing the bill on the one side of the aisle and Senator LAUTENBERG, and from my friend and fellow committee member on the other side.

An anomaly exists in present law, Mr. President, which is, in the Highway Act of 1987, we allowed States to raise their speed limits on rural sections of the Interstate Highway System from 55 to 65 miles per hour at their option, we omitted to change the law which says that the Department of Transportation will see whether States are complying with the higher speed limits and would be penalized if they failed to do so.

It happens that three large States—New York, North Dakota and California—have been sanctioned under the existing program, while States that have gone to 65 have escaped any requirement to comply on those roads posted at 65 miles per hour. New York has chosen for reasons of safety not to go to 65, and is being penalized for it. Recent and quite questionable measurements, if that is the word, by the

Department of Transportation indicate show that these three States are not in compliance with the 55-mile-an-hour speed limit and, therefore, they are subject to a loss of 10 percent of their highway funds from certain highway accounts, when they have the complete option to move their speed limit to 65, in which event their present behavior would be entirely in conformity.

Mr. President, this is a matter that the Subcommittee on Water Resources, Transportation, and Infrastructure has to straighten out. My good friend from Idaho, Mr. SYMMS, is very active on that subcommittee. He is concerned about the States, particularly large Western States, who have difficulties with the present arrangement. I am concerned about the methodology. We have asked the General Accounting Office to give us their assessment of the methods by which these average speeds are assessed.

In the meantime, I mean to hold hearings. If all goes well this fall I should be, once again, ranking member of the committee and chairman of this subcommittee, and I mean to hold hearings and try to get a rational policy. We have had the complete understanding from the Department of Transportation officials that the present arrangement makes no sense, although they have been of little help in fixing it.

So what this small amendment does, it simply suspends the penalties for a year in order that the Congress can work its will with respect to this present mixed regime where you have States with speed limits of 55 and 65.

I should comment that New York is presently facing the threat of losing \$22 million in highway funds for non-compliance with the currently used system. California may lose \$28 million, and North Dakota, \$3 million. Other States are also quite close to noncompliance—Florida, for example, showed 49.9 percent of cars measured on roads posted at 55 were speeding. They are alright for now, but who can say about next year?

I wish to express in advance my appreciation for the cooperation of my friend and colleague, Senator D'AMATO, in this matter and, of course, of our neighbor and friend, Mr. LAUTENBERG.

Mr. D'AMATO. Mr. President, let me at this time thank our distinguished colleague from New Jersey who, while not cosponsoring this legislation and having some of his own concerns, has worked out what I think to be a tremendous compromise.

Senator MOYNIHAN has stated very articulately the unfairness and the unevenness of the application of law as it now stands. This will give us an opportunity, and his subcommittee in particular, to deal with that deficiency



and, by the same token, not cost the State of New York \$22 million in Federal highway aid if it were to be carried out in what is a most unfair and illogical manner.

We are deeply appreciative of Senator LAUTENBERG's movement in this area to make this opportunity so that New York is not penalized \$22 million, also I have to recognize Senator SYMMS. Senator SYMMS is to be congratulated for making it possible to forge this compromise which has been advanced today by Senator MOYNIHAN.

Mr. LAUTENBERG. Mr. President, it is, I think, well known that I oppose increases in speed limits. The 55-mile-an-hour speed limit saved 36,000 lives since 1974. It prevented between 2,500 and 4,500 serious injuries each year. The statistics show that speed kills. The unfortunate situation is that a majority in this body does not agree but, nevertheless, that is my view.

However, I believe that this amendment will give the Congress a chance for a serious review of the process of enforcement. It will allow the authorizing committees to review the situation and take appropriate action. Toward that end, I have introduced legislation to improve speed limit enforcement. I am not a cosponsor of this amendment but, I agree that Senator MOYNIHAN and Senator D'AMATO have made a proposal that, although I object to any weakening of speed limit laws, ought to get fair consideration, and I have no objection.

Mr. MOYNIHAN. Mr. President, may I make the point, which the distinguished managers would confirm, that California and North Dakota are also in this anomalous situation. We will work it out.

With great thanks to the distinguished managers, Mr. President, I ask for the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from New York [Mr. MOYNIHAN].

The amendment (No. 2555) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. We are presently waiting for Senator RUDMAN, Senator WARNER, and Senator BUMPERS. They expect to be here at 11:30. Without any requests for the floor, 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. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### AMENDMENT NO. 2556

(Purpose: To amend the Federal-Aid Highway Act of 1987 to establish a priority project)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 2556.

At the appropriate place in the bill add the following new section:

Sec. . . Section 149(k)(1) of the Federal-Aid Highway Act of 1987 is amended by adding paragraph (U) as follows:

"(U) EASTPORT TO HOMEDALE, IDAHO.—The Secretary is authorized to carry out work on the United States Route 95 highway in the State of Idaho from Eastport, Idaho, to Homedale, Idaho".

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, this amendment will cost no additional funds, any more than Idaho would be appropriated under the regular formula process. It would only add to the flexibility of the Idaho Department of Transportation to be able to prioritize this very important section of road in our State.

I thank the distinguished managers of the bill for accepting the amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, as the Senator from Idaho indicates this has no cost involved with it and we have no objection on this side.

Mr. D'AMATO. Mr. President, as the distinguished manager has indicated there are no objections on this side.

Mr. SYMMS. The authorizing committee has no objection to this.

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

The amendment (No. 2556) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, parliamentary inquiry. Are we at that point in proceedings where the Pastore rule kicks in?

The PRESIDING OFFICER. The Chair will consult with his counsel before rendering the ruling.

We are checking the time. The Pastore rule is in effect.

Mr. LEAHY. Mr. President, in any event I ask unanimous consent that I might be allowed to proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Mr. President, reserving the right to object, I wonder whether the distinguished Senator from Vermont might be able to make his statement in less than 10 minutes if required to move the transportation appropriations bill?

Mr. LEAHY. I understand. Mr. President, I will try to be as brief as I can but I know the distinguished Senator from Indiana also wishes to speak on the same subject. The subject is the drought. It is for the purpose of introducing drought relief legislation which will be the subject of a hearing this afternoon on whether to have expedited procedures. This is why I wanted to step in at this point, if the two of us might, for just a very few minutes.

Mr. LAUTENBERG. If that is the case, Mr. President, I do not think I would object. We have an 11:30 commitment from those who want to speak to an issue on the transportation appropriations bill. But knowing that I will have the cooperation of the Senator from Vermont and if necessary we will take the opportunity to try to interrupt, I otherwise have no objection.

The PRESIDING OFFICER. Hearing no objection, the Senator from Vermont, Mr. LEAHY, is recognized for 10 minutes.

Mr. HEFLIN. If the Senator will yield, I would like about 2 minutes. I want to praise the bipartisan effort on the part of the chairman and ranking Republican member relative to the drought legislation.

Mr. LEAHY. I am sure the distinguished Senator from Indiana and I would be most happy to give you time for that express purpose. In fact, if you needed more time than that we would be happy to have you do that.

The PRESIDING OFFICER. The Senator from Vermont controls.

(The remarks of Mr. LEAHY and others pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would be happy to yield to the manager if he wished to make a comment. Otherwise, I would like to initiate a colloquy on certain provisions in this bill which I understand the managers will join, the Senator from Arkansas and my distinguished colleague from Virginia, Mr. TRIBLE.

Mr. President, last week I brought to the Senate's attention certain

thoughts on the controversy surrounding the development of a parcel of land known as the William Center adjacent to the Manassas National Battlefield Park. I would like again today to discuss this question in the context of the language in the transportation appropriation bill.

There are five main interests, as I view it, in this controversy.

First, the State of Virginia which has authority to determine its own transportation priorities and which has jurisdiction over Interstate 66 and Routes 29 and 234 that bisect the park; I recently wrote the Governor of Virginia advising him of the pending legislation in the Senate and the House.

At this point in the RECORD, Mr. President, I ask unanimous consent to have printed the letter to the Governor of Virginia.

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

U.S. SENATE,  
June 28, 1988.

HON. GERALD BALILES,  
Governor, Commonwealth of Virginia, Richmond, VA.

DEAR JERRY: As you are no doubt aware, considerable controversy has arisen regarding planning options for varied types of development on a parcel of property known as William Center adjacent to the Manassas National Battlefield Park (Park).

In the FY 1989 Transportation Appropriations bill, H.R. 4794, the House of Representatives has included language which broadly states:

"... none of the funds provided by this Act or any previous or subsequent Act shall be used to plan, design, construct or approve an interchange or any other highway facility providing access to or from certain highways in the vicinity of Manassas Battlefield Park." (p. 134, House Report 100-691)

On June 15, 1988 I requested that the Senate Subcommittee on Transportation Appropriations include \$40 million for the planning, design and construction of the Route 234 Bypass and an interchange with Interstate 66. On July 24, 1988 I requested that the Senate Committee on Appropriations recommend \$2.8 million for planning and design of the Route 234 Bypass, interchange with Interstate 66 and lane improvements on Interstate 66. Both of these amendments were to serve as a substitute to the above referenced House language. I enclose for your information a copy of my letter to Chairman Lautenberg and the amendment before the full Appropriations Committee.

In my judgment, I failed to receive support for these amendments because the record on this issue before the Senate is inadequate. I am endeavoring to build a record in the Senate on the William Center tract adjacent to the Manassas National Battlefield Park.

The Senate Appropriations Committee has slightly modified this language by deleting the prohibition on planning and design of these transportation improvements, but maintains the legislative restriction on the Commonwealth of Virginia's use of Federal highway funds for constructing or approving any such improvements near the Manassas National Battlefield Park.

Please find enclosed a copy of the pertinent bill and report language for your analysis.

Today I am writing to Senator Dale Bumpers, Chairman, Senate Subcommittee on Public Lands, National Parks and Forestry to request hearings on the proposed Manassas National Battlefield Park prior to consideration of the Transportation Appropriations bill by the full Senate. A copy of my letter to Chairman Bumpers is enclosed. I intend to take an active role in the debate on the Transportation Appropriations bill as it related to Manassas, and I believe it is vital that a Senate hearing be conducted prior to the debate.

The Transportation Appropriations bill is expected to come before the full Senate in the next few weeks, and I would appreciate your comments on the effect of this provision on the Commonwealth's ability to meet Prince William County's most pressing transportation needs.

With kind regards, I am  
Sincerely,

JOHN WARNER.

Mr. WARNER. Mr. President, as yet, I have not heard back from the Governor. But I stand as a Virginia Senator, together with my distinguished colleague, Mr. TRIBLE, to point out that the State has very definite interests as affected by this particular provision in the bill.

The second main interest is Prince William County, an integral part of State government which has the authority to expand its tax base to provide services to its citizens, and to determine its own economic future.

The third interest is the historic and scenic integrity of a national park which must be protected, and that is a trust that all of us share equally.

The National Park Service and other experts is in the field of historic preservation must have an opportunity to discuss the significance of this property.

The fourth interest is the Federal taxpayer as represented not only by the Congress but the Department of the Interior, the Department of Transportation, as that Department has jurisdiction over the costs of our roads. They must present to the Senate their opinions on the priority, land acquisitions, and transportation needs of the Manassas Battlefield National Park.

The fifth interest—the owners of the property who have exercised their rights within the American free enterprise system to purchase the property and plan its development in accordance with Federal, State, and local relations.

Given that there are these five parties, I have undertaken an intense study of this problem. I have been involved in it since I first came to the Senate in 1979. But in the context of the one that I term, and others, "the third battle of Manassas," I recently made two on-site inspections, the second with the distinguished chairman from Arkansas, and I have listened to representatives of each of the

five basic interest groups that I have outlined. I have had many consultations with Members of this body, and several with the House.

I believe it is the responsibility of the Senate to compile a complete record on the complex issues involved, analyzing all legislative options including acquiring part or all of the property, restricting the scope of development on the property, allowing development of part or all of the property, and preserving the historical value of this treasured national park.

I have consulted with the distinguished chairman of the subcommittee of the Energy Committee and I have asked by letter that a hearing be held.

I ask unanimous consent that my letter to the chairman be printed in the RECORD.

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

U.S. SENATE,  
June 28, 1988.

HON. DALE BUMPERS,  
Chairman, Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to follow-up on our conversations regarding the extensive controversy which has arisen regarding planning options for varied types of development on a parcel of property known as the William Center adjacent to the Manassas National Battlefield Park (Park). In my judgment, Congress must act promptly, and I outline herein the options as I see them.

You will recall that in 1980, with your assistance as Chairman of the Subcommittee on Public Lands, National Parks and Forest, we were successful in resolving a longstanding stalemate over many proposals to expand the Park's boundaries. With your assistance, my bill providing for the addition of some 20 percent more land to the Park passed the Senate and became law (P.L. 96-442).

It is important to note that in 1980 the William Center parcel of land was not included in either the House or Senate-passed legislation, or in the conference report which became Public Law 96-442, October 1980. Although considered, this parcel was specifically excluded from legislation at the request of the Prince William County Board of Supervisors, which expressed its strong desire to retain this tract for development, in a manner compatible with the integrity of the Park. The record reflects no strong opposition from the National Park Service or preservationists to the exclusion of this tract at the request of the County government.

In addition to enlarging the size of the Park to a total of 4,520 acres, a key feature of the 1980 legislation was to address the need to provide a reliever route to reduce or eliminate traffic on Routes 29 and 234 through the Park (Sec. 2(c), P.L. 96-442). This proposed reliever route, the Route 234 Bypass, was specifically included with the idea in mind of protecting the Park from traffic degradation not due to visitation. Regrettably, the construction of the Route 234



Bypass north of Interstate 66 to Catharpin has not occurred to date.

This second major controversy revolves around options concerning the William Center tract. The County refers to this tract as the "centerpiece" of their future plans for economic development. The controversy, in part, over this parcel can be traced back to the decision of the County Board to rezone the property for mixed-use commercial development in October, 1986. It is pursuant to the County's action that the current plan for developing a shopping mall, office park and residences has proceeded.

Opposition to this development has brought forth a number of legislative proposals in the House of Representatives. One approach was to include language in the FY 1989 Transportation Appropriations bill prohibiting the Commonwealth of Virginia from using any Federal highway funds for transportation improvements in the vicinity of the Manassas National Battlefield Park.

In responding to the House Appropriations Committee action on June 15, 1988, I suggested that the Senate delete the House language and include \$40 million for the planning, design and construction of the Route 234 Bypass and an interchange with Interstate 66 within the framework of a negotiated settlement. Enclosed is a copy of the proposed amendment and my letter to Chairman Lautenberg.

I was advised informally that this could not be accepted, so on July 24, 1988 I suggested a modified approach to this complex problem. I requested that the Senate Committee on Appropriations recommend \$2.8 million for planning and design of the Route 234 Bypass, an interchange with Interstate 66 and lane improvements on Interstate 66 again, within a framework of a negotiated settlement. Since the Appropriations Committee did not have time to review the entire magnitude of this controversy, I declined to act on my amendment.

In final action, the Senate Appropriations Committee, as you well know, slightly modified the House prohibition of funds. In my judgment, however, this bill language continues to restrict improperly the right of the State of Virginia to address its most urgent transportation needs and further, the prohibition fails to address directly the appropriate use of this property.

Virginia's Governor Gerald Baliles has made transportation issues a high priority of his Administration, and I have worked with him to achieve the State's goal. Therefore, I must oppose the language in both the Senate and House versions of the Transportation Appropriations bills which would prevent the State of Virginia from moving ahead to meet the urgent transportation needs around the Manassas National Battlefield Park.

If this language becomes law, and it remains the only action the Senate takes on this problem, then the development of the William Center could occur without any transportation improvements. The result would be increased traffic on Route 29 and Route 234 within the Park boundaries, which are already over-burdened as commuter arteries.

Also, if this language becomes law, then the development of the William Center tract would have occurred without the Senate injecting its judgment on the options and how each option will impact on the integrity of the Manassas Battlefield Park. Both of these results, in my judgment, would be unwelcome.

A second approach under active consideration by the House of Representatives is a

bill providing for a legislative taking of the property. It is scheduled for mark-up before the House Interior Subcommittee on National Parks and Public Lands on June 30. I am advised that one current estimate for acquisition of the William Center tract as sited by the National Park is between \$50 to \$70 million, and it could easily go higher. As you know, this amount approximates the total funds available for land acquisition by the National Park Service for the entire nationwide park system.

The bottom line is that the Federal taxpayer would be forced to come up with this money. In light of the Federal budget deficit and the pressing need to acquire park land nationwide, I ask the Senate, Mr. Chairman, what is the likelihood of approving such a financial commitment to just one national park?

The Senate, therefore, must address these issues. I believe it imperative the Senate being immediately to create its own record.

I respectfully request that the Subcommittee on Public Lands, National Parks, and Forests promptly hold a hearing on these issues prior to Senate consideration of the Transportation Appropriations bill so that there can be a full discussion of the legislative options available to accommodate the protection of the Park and the ability of the local government to determine its own economic future.

As you can see, this is a complex issue, involving, as I see it, five main interests each of which should be weighed equally. The first interest is the Commonwealth of Virginia in which state the Park exists and which has jurisdiction over the roads in and around the Park and the obligation to improve them.

Second, Prince William County must be able to reasonably protect and expand its tax base to finance needed services for its citizens, and to formulate its plans for the same roads in the area, over which its shares jurisdiction with the state. Prince William is one of the fastest growing counties in the nation with an annual population increase of 14,000. Despite one of the highest property tax rates in Virginia, Prince William County faces a growing problem of having an adequate tax base to provide basic services to its citizens and to enhance their lifestyles.

Third, the historic and scenic integrity of the Park must be protected. Without doubt, at least a portion of the William Center tract is significant to the Second Battle of Manassas. A hearing before your Subcommittee would allow experts in the field of historic preservation to be consulted on this point.

Fourth, the federal taxpayer, and his representatives in federal government in the Department of the Interior and the Department of Transportation must deliberate carefully over the many issues this case provides.

And, fifth, developers who have exercised their rights within our American free enterprise system to purchase property and plan its development must be given consideration.

In order to devise an equitable solution to this problem, a proper balance must be achieved among the historic, economic and environmental interests—no single one of which is more important than the other.

Would it be fair for the Senate to take any action without hearing from all interests? I believe not.

In my judgment, a hearing will provide an opportunity for the Senate to create a

public record on this extremely important and complex public policy issue. We must chart a course to being all the parties to the bargaining table including the Governor of Virginia, the Prince William County Board of Supervisors, the developer, the preservationists, the Department of the Interior and the Department of Transportation. Our responsibility is to provide a framework within which the parties can negotiate a settlement and to provide such federal funding as we deem appropriate.

I look forward to working with you to devise an equitable solution to this problem, and I stand ready to discuss the various legislative options in greater detail.

Sincerely,

JOHN WARNER.

Mr. WARNER. We will soon hear from the distinguished chairman. I know he has tried to be cooperative on this in every respect. But I anticipate that as yet working with the Senate leadership he has not found it possible to hold this hearing. I have felt all along it would be to the advantage of the Senate to have such a hearing to compile a record before we try to address any part of this complex problem. I await the response from the distinguished chairman and the manager of this bill before I shall address further that issue.

There are significant gaps of information in my judgment on this issue which I believe should be satisfied before the Senate approves a provision of this particular bill. I am still awaiting information which I requested from the Governor of Virginia on the impact of the appropriation language as proposed in this bill on the State transportation issues.

I ask the chairman again: What is the basis for the language in the bill? Did the National Park Service request it? Did the State of Virginia request it? Did the Prince William County government request it?

Did the historic preservation groups request it? If not, to what extent was the Committee on Appropriations able to hear, listen, and learn from any of these five interest groups before incorporating this language?

To me, that is a fundamental series of questions that should be answered before this body can adopt it.

This language falls short of, I assume, its intended goal of stopping development of the William Center—assuming that that is an intended goal.

If this language becomes law, it will restrict the development's access to Interstate 66; but development on the property could still occur and the end result could be development that relies on existing roads which travel through the park that are already inadequate.

Mr. President, I hoped that the Senate would begin to compile its own record on this complex situation with the benefit of the views of the State of Virginia before taking action as proposed by the managers of the bill.

I renew my request for hearings before the Committee on Energy and Natural Resources before this issue is decided finally by the Senate—certainly, by the House-Senate conference committee.

I stand ready to continue to work with my colleagues to devise an equitable solution to this problem.

Mr. LAUTENBERG. Mr. President, in response to the inquiry of the distinguished Senator from Virginia, no, we did not hear from the parties. We in the committee simply struck what is believed to be the requisite number of words to make this an item of conference with the House. Otherwise, we would not have had an agreement, and we are not getting involved in the discussion that rightfully belongs in the State of Virginia, with the Federal highway people and whatever other agencies are involved. We are not getting into that at all.

I understood that the question of the Senator from Virginia was addressed to the Senator from Arkansas.

Mr. WARNER. Mr. President, before the distinguished manager yields to the Senator from Arkansas, I have to respectfully disagree. The language does impact on the ability of the State of Virginia to take actions with respect to these arterial rights. So I believe it does impact on the State's transportation decision process.

Mr. LAUTENBERG. Mr. President, in response, I again am not challenging that at all.

What we are saying is that if we did not take the action we did, the House language presently in the transportation bill would have appeared in our bill, and we would not have even had a conference. In fairness to the Senator from Virginia, who made several requests of the committee, and we thought they were reasonable requests. Our objective is to permit the various parties to get together, to have the hearing that the Senator from Virginia requested—I understood that he talked to the Senator from Arkansas about that.

So I am simply making the point that the committee took what it considered prudent steps to permit all the parties to engage in a discussion and negotiation and resolve the problem to the satisfaction of the State of Virginia.

Mr. WARNER. That is a good clarification. As I understand the manager of the bill, he took certain action to delete certain words.

Mr. President, I ask unanimous consent to have printed in the RECORD section 325 of the bill.

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

Sec. 325. Notwithstanding any other provision of law, none of the funds provided by this Act or any previous or subsequent Act shall be used to construct, or approve an

interchange or any other highway facility providing access to or from I-66 between the existing United States Route 29 interchange at Gainesville (I-66 exit numbered 10) and the existing Route 234 interchange (I-66 exit numbered 11); nor shall any funds provided by this Act or any previous or subsequent Act be used to construct, or approve an interchange or any other highway facility providing access to or from United States Route 29 between the existing I-66 interchange at Gainesville (I-66 exit numbered 10) and the existing Route 234 intersection; or shall any funds provided by this Act or any previous or subsequent Act be used to construct, or approve an interchange or any other highway facility that provides access to or from adjacent properties and the proposed Route 234 Bypass between I-66 and United States Route 29: *Provided*, That this section shall not apply to the use of Federal funds necessary to make safety-related improvements to existing roads.

Mr. WARNER. Mr. President, section 325 would then become a conferenceable item.

Do I correctly understand the manager to indicate that before such conference will take place, the distinguished Senator from Arkansas and his subcommittee will have had the opportunity to hold a hearing, at which time the various parties will be able to express their interests and that information, somehow, then will become available to members of the Appropriations Committee as they address the conference decision on section 395? Is that the purport of the manager's statement?

Mr. LAUTENBERG. I cannot commit the Senator from Arkansas to a hearing. But it is the intention of the managers of the bill to give the parties a chance to have a thorough review, so that we can have a decision or information with us when we ultimately go to conference on this bill.

Mr. WARNER. I thank the Senator.

Mr. LAUTENBERG. I yield the floor.

Mr. BUMPERS. Mr. President, I appreciate all the words that have been delivered by the distinguished senior Senator from Virginia this morning on the increasingly volatile situation regarding what he appropriately calls the Third Battle of Manassas.

First of all, I agree with an English philosopher who once said something that was very profound, and I thought about it a lot: There is nothing more utterly impossible than undoing that which has already been done.

One of the reasons I am a very strong conservationist, preservationist, and environmentalist is not that I do not think we ought to take some actions; but I think we always ought to say, "wait just a minute until we are sure of what we are doing, because we may be doing irreversible damage."

This is a very difficult issue. I dare say that it is a difficult issue for the Senator from Virginia.

I detect, rightly or wrongly, a ground swell of support across the

Nation and, to a large extent, I think, even in Virginia, that this development should not go forward. I have reserved judgment on that final decision until we hold a hearing in the Public Lands Subcommittee of the Energy and Natural Resources Committee.

So that the Members of the Senate will know what we are discussing today, this bill changes the House language ever so slightly, but the net effect of both the House and the Senate versions is that there will be no interchange built at the site of this proposed development on 542 acres of land which adjoins the Manassas National Battlefield Park.

One hundred and fifty thousand Americans fought in the second battle of Manassas in 1862; 3,300 men were killed and another 16,000 were injured—a very important battle. It was the battle that General Lee won so convincingly that he got up the courage to decide now is the time to invade the North and try to encircle Washington, or at least cut off Washington from the rest of the country, and, ultimately, the fatal Battle of Gettysburg.

This brings me to another point: Gettysburg has been reserved pretty much intact. But those of you who have visited the battlefield park at Gettysburg know that the first thing you see are a lot of McDonald's and Wendy's hamburger places—one of the worst cases of strip zoning I have ever seen in my life. It takes away the whole aura of the sorrow that one should experience when he or she visits Gettysburg.

In 1980, the Federal Government acquired a lot of additional lands to add to the battlefield at Manassas, and I regret that we did not purchase this land at the time. We could have bought it for \$5 million in 1980. The present owner of the land bought it in early 1986 for a total of \$10 million. It is now listed on the tax books at about \$13.6 million. Property values in Prince William County, which is one of the fastest growing counties in America, are booming—about 25 percent a year.

I do not want to get too far afield, and I do not want to get too far into the merits of this, except to say that I think there is a measure of appropriateness to the language of this bill. It reserves some time. The developers, the people who would propose to develop this, say that they might go ahead with this development even though the interchange off Interstate 66 is not built. That is hard for me to believe, but it is their judgment.

So, in one sense, this bill does not preclude the developers from going ahead with their development.

Most people in this business will tell you they would be very foolish to build a \$40 to \$60 million shopping



center if people cannot get off I-66 to get into it.

But I will also say that there are times when there are overriding national concerns about the preservation of something as important to our heritage, our traditions, and our history as is Manassas, and it is this: A lot of people think that you literally ruin Manassas Battlefield National Park if you allow this development to take place.

I am not going to prejudge that here except to say I wish we had bought the land back in 1980 when we could have acquired it for \$5 million. The argument is made that we have no choice but to let the development go forward because it will cost us \$50 million to buy this property. And \$50 million is about \$11 million more than we spent in the entire United States last year for all park acquisitions. In other words, if we wanted to take a total year's allocation of appropriated money for national park acquisitions and put it in this 542 acres we have to decide that this is of such overriding national importance and so clearly superior in our priority list to all the rest of the country, then that is what we are going to wind up doing. This is a decision Congress will have to make.

Continuing with where we are right now, the House has passed a provision on the transportation bill. Incidentally, the language in the transportation bill in the House say that no transportation moneys may be used for the plan, design, construction or an approval of an interchange on Highway 66 at this particular location. Now the House has since that time, at least in the Interior Subcommittee that deals with national parks, my counterpart in the House, passed, I think rather overwhelmingly, a bill which literally takes the property. This has not been used often. Incidentally, I can only remember one instance where this procedure has been used since I have been in the Senate, and that was to preserve the Redwoods of California. And I believe that was in 1978 where the House and the Senate passed a bill, and the minute the bill was passed the land belonged to the United States.

And then we start negotiating with the owner on the price, and if we cannot negotiate an acceptable price then we go to court.

As the Senator from Virginia knows, in a standard condemnation case where the United States condemns property, files an action in the U.S. Federal court and puts up a deposit of money on what the Government says is the fair market value, the owner whose land is being condemned can take that money—it is his own decision at that point—or file a lawsuit. And in this case, let us say the United States puts up \$15 million and we say that is the fair market value for this land. Obviously, the owners do not agree

with that and they contest the taking and the amount of value. They can contest both. They can contest the taking. That would be foolish if Congress had ordered it.

But what you argue about is the price. Then let us assume they get \$40 million from a jury. They get an additional \$25 million on top of the \$15 we put up, plus interest from the date it is condemned until the day it is paid. That is just procedurally the way these things work.

But getting back to the House, it is my understanding that the House is almost ready to act on the bill which will actually take this land and make it the property of the United States conditioned on proper payment to the owners.

I have been hesitant to hold a hearing on the particular provision we are discussing today simply because I am not chairman of the Transportation Subcommittee. The distinguished Senator from New Jersey is the chairman of that subcommittee. But I have been trying to cooperate with my distinguished colleague from Virginia, Senator WARNER. He has been most forthcoming. We have discussed it many times. We took a helicopter flight down there last week, flew over it, discussed it with the Park Service people, and I want to be as accommodating to him and the junior Senator from Virginia as well and hold hearings as soon as possible.

But I believe, based on the information I am getting from the House, the House is going to pass a bill. We are trying to get ready for the hearings. So we can hold them as quickly as possible after the bill comes over here and give both Senators from Virginia and all other interested parties an opportunity to testify by.

I want to say to my friends in the Senate, the key question is very simple: Is it worth the amount of money it is going to cost the U.S. Government to preserve 542 acres on which General Lee had his headquarters during the second battle of Manassas? There is not any question about the historical value of the land. In other words, the question is: "Do we want to put up that kind of money to keep a shopping mall, condominiums, apartment houses and whatever else may be planned for that development from being constructed there; do we want to spend that kind of money to preserve that small parcel of land for Manassas Battlefield Park?"

As I pointed out earlier, I would like very much to do that. But we have to resolve this larger question.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. BUMPERS. I am happy to yield for a question.

Mr. WARNER. Mr. President, I thank my distinguished colleague from Arkansas. Indeed, he has been

entirely responsive to this. I know the leadership and the manager of the bill are trying as best they can to get the Senate to have the opportunity to prepare its own record so the Appropriations Committee can have that record prior to working on the reconciliation and conferences of this language.

The distinguished Senator from Arkansas has brought up this unique proposal in the House which may well be passed and brought over to the Senate very shortly.

But I would like to ask two points from my distinguished colleague from Arkansas, who has had many years on the Senate Energy Committee, is well familiar with this procedure which he outlined is the one followed once before when we took the redwoods.

There are 334 national parks or national park sites. I want to just be careful that we do not raise the expectations of the Senate about this procedure being a solution.

Quite frankly, from my perspective as a Virginian it might well be the best solution, that this land is purchased, it is contributed to the park and then for the moment that development in that particular area goes away and the park is enhanced.

I might also point out that there is only one section of this 542 acres on which there is uniformity of historical value, and that is where Lee had his headquarters on Stuart's Hill. The remainder of the land, and I do not know whether you subdivide it as 100 acres associated, but approximately it was Stuart's Hill; the remainder of the land perhaps has some questionable historical value, but that is a subsidiary issue that will be addressed by the subcommittee.

But going back to the issue of the procedure in the House bill, given that there are 334 national parks and national park sites, and it is my understanding—and I learned this from the distinguished chairman during the course of our trip—there are approximately \$1 billion or \$1.5 billion or \$2 billion in backlog of authorized acquisitions to the national park which this piece of legislation literally would have to leapfrog over and take precedence, and I wonder if my distinguished chairman—and I think it is important for the Senate to understand—would address that particular fact.

Mr. BUMPERS. Let me say to the Senator as he will recall as we discussed this on our trip down to Manassas, I said that I thought the figure was \$1½ to \$2 billion, and do not hold me to it.

I came back and checked with my staff and the figure is about \$2 billion in authorized acquisitions of parklands across the country of money that we are appropriating about \$50 million a year, so the Senator can see that he

and I will long since be dead veterans also before all that land is acquired.

Mr. WARNER. But the effect of the House provision would in a sense leapfrog this particular parcel of land over that entire backlog which represents the judgment collectively of this body and the House over a period of what, 4 or 5 years?

Mr. BUMPERS. Let me just make one observation: I keep reading in the press that the value of this land is estimated to be somewhere between \$50 million and \$70 million, and I do not want to prejudge that.

As an old trial lawyer who tried a lot of condemnation cases I do not want to prejudge on the Senate floor in the event there is a taking what the owners will get for their land. They are entitled to a trial by a jury of their peers for that determination.

As I pointed out this morning, they bought it 2½ years ago for \$10 million and it is listed on the tax books at \$13.6 million. I must say that the \$50 million figure sounds a little high to me, but I am not going to prejudge that.

But if that is true, that would be all of the 1 year's appropriation, based on the way we have been appropriating money.

Now, in the late 1970's and 1980, if I am not mistaken, we were buying about \$500 million worth of acquisitions a year. You will recall that Secretary Watt, when he was named Secretary of the Interior, his first pronouncement was, "Not another acre; not another acre." And so the President recommended no funding for the acquisition of any land for any purpose. And that is the reason the \$3 billion figure has gotten there. We just kept authorizing additions but cutting back on the appropriations because we appropriate very little money now for park acquisitions.

Mr. WARNER. Mr. President, as the distinguished chairman will recall, I was privileged to be a member of that committee for some several years and I am familiar with that policy and indeed disagree with it myself. It was predicated, however, on the fact that there was only sufficient funds to try and improve existing park structures and until that was achieved to a level that was acceptable, it was questionable whether we should add more parkland. But that is a subsidiary question.

I come back to the point that you raised about the classic case of the Redwoods. If we were to follow that procedure, in effect, it would take this parcel of land and, again, I use the phrase leapfrog the \$3 billion, as the chairman now points it out, of parcels that have been previously authorized by the Congress. I think, in fairness, we have to point that out to our colleagues.

Mr. BUMPERS. The Senator is absolutely correct.

Mr. WARNER. And I also, in closing, just as part of the colloquy, would say, speaking for myself, obviously, I would like to see as much as possible of this land acquired for the national park. I was privileged to be the sponsor of the legislation in 1980-81, which the good Senator from Arkansas and many others helped me on, which added 20 percent new lands to this park. At that time, as the chairman has pointed out, the subject of acquiring this land was discussed. But we did not experience, according to the records and my recollection, the tremendous outpouring of sentiment in favor of acquiring that land during the 1980-81 timeframe that we are now experiencing.

I do not wish to fault the historians and others interested in it, but at that time it was not brought to the attention of the appropriate committees of Congress of the strong sentiment with respect to Stuart's Hill and the historical significance of that parcel of land. It is too bad that it was not. We could probably have subdivided it.

I am hopeful that out of this, at a bare minimum, we can preserve that portion known as Stuart's Hill on which General Lee had his headquarters during the second battle of Manassas.

Mr. BUMPERS. Mr. President, I say to the Senator that in 1980, when we were deciding what lands to add to the battlefield park, we had rather grand and glorious schemes then, but it turned out money was a factor then. Obviously, it was, because we felt that we could not afford the \$5 million that would be required to buy this tract of land. We decided between it and the so-called Brawner farm, which lies just north of this tract, that the Brawner farm had considerably more historical value and significance. So we opted for that, to the exclusion of this, not because we would not like to have had it, but because we just did not have the money.

Mr. WARNER. Mr. President, the chairman is quite correct, and it is interesting that we should put this back before the Senate.

At that time, the established valuation of the Brawner tract was around \$800,000. In the process of going through the various procedural steps necessary to appraise the land, condemn it, and then finally the court making an award, which was contemplated, as I understand it, last year, the value went from \$812,000 estimated to a court judgment of \$4.2 million. So we might well have experienced, with this tract of land, assuming there was some correlation between the \$812,000 estimate for the value of the Brawner tract and the then estimate of \$5 to \$6 million on the tract known as the Williams tract, it might have expanded in value in a comparable

way as did the Brawner tract. So we are dealing with very significant sums of money.

Mr. TRIBLE addressed the Chair.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. TRIBLE. I am happy to yield to the majority leader.

Mr. BYRD. Mr. President, will it be possible, may I ask my colleagues, for the Senate to finish work on this bill so that the rollcall could begin on final passage at not later than 12:45 p.m. today?

Mr. LAUTENBERG. I do not see any problem with that, Mr. Leader. We are down to the last couple of items. They are relatively short. We are about to hear from the junior Senator from Virginia and then the Senator from New Hampshire has a short item. We should be able to do that.

Mr. BYRD. Very well. I thank the Senator.

I ask if the Senator will continue to yield to me.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. TRIBLE. The Senator from Virginia yielded to the request of the majority leader.

The PRESIDING OFFICER. The Chair has not recognized the Senator from Virginia.

Mr. TRIBLE. In that case, then, the majority leader definitely has the floor.

Mr. BYRD. Mr. President, I thank the Chair and I thank the Senator from Virginia.

ORDER FOR RECESS FROM 1 P.M. TO 2 P.M. TODAY

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess today between the hour of 1 p.m. and 2 p.m. to allow the Republican conference to meet.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will be in recess from 1 p.m. to 2 p.m.

Mr. TRIBLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. TRIBLE. Is the Senator from Virginia now recognized?

The PRESIDING OFFICER. The Senator from Virginia is recognized. The Chair has recognized the distinguished Senator from Virginia and the Senator has the floor.

Mr. TRIBLE. Thank you, Mr. President.

I think this colloquy has been beneficial to all parties. I would have preferred that the Appropriations Committee had struck this entire section, because I do not think it offers much and it really confuses a question the Senate has not yet judged.

The Senator from New York, in response to a question from my colleague, Senator WARNER, indicated the words "plan and design" were struck



by the committee so that the committee would have an opportunity to discuss this matter in conference. That same end would have been achieved if the entire section had been stricken.

This amendment offends my sense of the way the Senate should conduct its business and do the proper role of the Federal, State, and local governments in shaping transportation decisions. Here the Senate is taking an action that it will likely set aside at some future time. The Senate is taking an action without the benefit of committee hearings and the counsel of the Governor of Virginia, local governments, private parties, and, indeed, those many parties that object to this enterprise. That is not the way we ought to be doing business.

The most thoughtful proposal before the Congress is legislation offered by Congressman FRANK WOLF. That legislation provides for three things:

First, it provides for legislative taking of approximately 600 acres of land adjacent to the existing park boundaries. As we have heard today, under a legislative taking, title to the property is immediately transferred from the private owner to the Federal Government which then negotiates with the owner for a fair price for compensation. If Congress and others believe that this land is historically significant and should be part of our National Parks System, then the only fair and honest approach is this legislative taking.

The second pertinent part of the Wolf bill provides visual protection of the views from within the park. The battlefield is surrounded by privately owned land and steps must be taken to ensure that these parcels are not used in such a way as to destroy the views and scenery from within the park.

Third, the Wolf bill calls for closing of U.S. Route 29 and U.S. Route 234, which run through the battlefield park and for the construction of a Route 234 bypass.

That bypass is essential to accommodate the traffic that would have used Routes 29 and 234 through the park. Currently these routes are among the most heavily traveled in northern Virginia. Each day, trucks and cars pass through that hallowed ground.

If the Manassas Battlefield Park is to be preserved and protected, these two roads ought to be closed and a bypass built. The National Park Service agrees. Preservationists agree. Just about everyone who has visited the park agrees. The difficulty is, if this amendment becomes law, it cannot happen. You cannot build a bypass without this interchange. So we are going to have to come back and undo this legislation. That underscores, I think, the folly of proceeding in this fashion.

This amendment does not stop the development of this tract of land. That is going on at this very moment. The bulldozers are working. This land is being developed. This amendment does nothing. Indeed if the Congress adopts the Wolf amendment, which is working its way through the House, then this amendment will have to be undone.

The Senator from New Jersey says that we will have time to undo this amendment and he is reserving that right. It will be a conferenceable item. I only wonder whether the Senate will have the opportunity to work its will in this matter, to hear from all the parties, to make an intelligent, final disposition before this matter must be resolved by the conference committee.

This is not the way to transact business. I would hope that we would hear from the Governor of Virginia, who thus far has been very silent on this issue. I would hope that we would have the opportunity, as suggested by the Senator from Arkansas, to hold a hearing at which time all the parties can come together. We can consider the historical significance of this property and weigh that against the intended use and take what action is necessary and appropriate to protect this sacred ground where Americans, North and South, shed their blood.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the chairman of the subcommittee, the Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair. I thank the Senator from Virginia for airing the concerns. His message will not go unheeded and we will have a chance in conference to discuss it and we thank him for his contribution.

With that, apparently the Senator from New Hampshire seeks recognition.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. LAUTENBERG. Yes.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. I thank the Chair.

Mr. President, in order that the RECORD be orderly, I understand the Senator from Idaho wishes to speak and I will yield the floor but I will point out that there is a unanimous-consent agreement that we will vote on final passage on this, I believe, at 12:45? There is none on final passage?

We are going to be in session, I will ask the managers, until 1 o'clock; is that correct?

Mr. LAUTENBERG. The majority leader requested that we have the vote before then and, as far as I know, if the Senator from New Hampshire is the only business left on this, we can certainly do that.

Mr. RUDMAN. I thank my friend.

I will yield the floor and then seek recognition when the Senator from Idaho is finished.

Mr. McCURE. I thank the Senator. I did want to make these comments in conjunction with the comments that have just been made, the conversation that has been going on with respect to Manassas.

There are a couple of other issues that I think need to be at least stated. And I agree about the conversation that has taken place. I think the distinguished junior Senator from Virginia is correct in much that has been said here today. I think the Senator from Arkansas put it very well when he said in the best of all worlds, perhaps if we were dealing with a different sum of money, we might look at this differently. But I have been on both the Energy and Natural Resources Committee and, for the last several years the chairman or ranking minority member of the Interior and Related Agencies Subcommittee of the Appropriations Committee dealing with the money side of the policy question.

Very frankly, in my judgment there is not enough money to do what they are suggesting be done out there. If indeed there is not enough money to do it, are we being just to the property owners when we pretend to be doing something which we cannot do because of the lack of finances?

The Senator from Arkansas is correct. There is a tremendous backlog of unfulfilled demand for the appropriations money for park acquisitions. That is not something, by the way, that goes back 3 or 4 or 5 years. Some of those acquisitions go back 10 or 15 or more years. And Congress simply cannot keep on going the way we are, saying: Oh, this is a neat idea, let us do it; with no respect at all for the budgetary limitations that are very real.

But let us stop for a moment and think what happens out there as we are talking about buffer zones. That is what we are talking about here, the protections to the perimeters of the parks. Let us look at what happens to Manassas if this particular tract of land were acquired and let us assume that the property owners got \$50 million.

I agree with the Senator from Arkansas, we do not know that is a correct sum of money. But let us assume that the figures that have been here in this conversation today are correct, they paid \$10 million for it, they get \$50 million for it, they go to the next tract of land and buy it. And then there is an immediate hue and cry, "Oh, you have got to protect the park by protecting the area that is just outside the park." You know, pretty soon, Virginia will be in the same position my State of Idaho is. Two-thirds of

your State will be owned by the Federal Government and then you will join me in some of the concerns I have expressed about how good a manager the Federal Government is, of land.

But I very much wish to express the concern that, indeed, there is not enough money to accomplish what is suggested by people here, regardless of the merits. We can discuss merits. We can discuss what the tract owners have agreed to do with respect to the area where Lee had his camp probably one night—one night—where they are going to protect that against development and use it for a viewpoint, just as the general did.

So that the tourists and the observers there will not have high rises, will not have office buildings, will not have any kind of commercial development on the site where his tent was for one night. And they can look out over the battlefield exactly as it was, except for the fact that there are two major highways running through it, thousands of cars and trucks per hour per day, 7 days a week running through it.

No matter how much we exercise our nostalgia, you cannot go back over 100 years and recreate exactly what was there nor can you protect it. I remember a few years ago when as a freshman Senator I thought I was going to protect Valley Forge by prohibiting the development or the acquisition of property on the boundaries of Valley Forge and I ran into the realities of life called Senator Hugh Scott who said: Oh, yes, we are. And they did.

Because at some point the boundary has to be drawn. And at that boundary you have to recognize you no longer can control what happens just outside that boundary. If you want to start talking about buying up property to protect visual values, then I want to remind you that in some areas you can see miles. If you are going to try to control everything that happens, then you can see that Federal Treasury, even with unlimited debit, is not large enough to do that.

At some point we have to restrain our appetite with a sense of realism as well as, certainly, recognizing the legitimate property rights of people who invest in and own property. And it is right that if we want to restrain their exercise of those rights that we compensate them.

Those two things are on an absolute collision course. I think it is fair to say, from what little I know about this particular case, and I agree with Senator TRIBLE, it ought to benefit from hearings, it ought to have the exposure of public disclosure and input.

It should not be done in a surreptitious way on the periphery coming in through a side door, if not the back door. It needs to be handled in a way that recognizes individual rights, as well as the public interest. But from

my standpoint, having dealt with issues of this kind extensively for two decades, I can say right now that there is not enough money in the budget to accommodate all of the several demands that have been made, many of which are more meritorious than the demands being made in this instance, in my view.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. McCLURE. I will be happy to yield.

Mr. WARNER. Earlier I addressed this issue to my colleague and, indeed, over a period of 3 weeks have been petitioning for a hearing in this matter. The record is replete with my transmittals to the Appropriations Committee and the committee on which the distinguished Senator from Idaho is a ranking member and the committee on which I have had the privilege of serving with him for 4 years. So I have knowledge, as does he, about these procedures.

First, I would like to say I would discuss the historical significance and the fact that Lee's headquarters encampment was here, but we will put that aside for a moment.

Mr. McCLURE. Let me say that is one of the factual matters that perhaps can be explored, if we have an opportunity, in hearing.

Mr. WARNER. I join my distinguished colleague in urging the Senate repeatedly, before any action—and this just addresses one aspect of this complicated action—before any action is taken it is best to have a hearing. I think the value of this colloquy has been that we have received the reassurance of the managers and from the chairman of the subcommittee that they will make every effort to have that hearing prior to the conference at which time the conference will have to reconcile the differences in this particular section 395 which we are addressing today.

But let me move on to the point raised by the former chairman of the committee, now the ranking member, about this backlog because this has concerned me for some time. In my colloquy with Chairman BUMPERS, I raised this issue. He stated earlier that he thought it was \$1.5 billion when we took a trip down to Manassas. It is now up to \$3 billion.

Is there any distinction, I ask my distinguished colleague, between the approach by the Wolf bill where there is an immediate taking? That money eventually comes from the Federal Treasury, but does not that approach leapfrog over this \$3 billion in backlog?

In other words, will the chairman give us his views on how the Wolf bill would work and particularly in respect to the backlog of these many actions which you say date back more than 4 or 5 years?

Mr. McCLURE. Mr. President, I will be pleased to respond to a question.

Mr. WARNER. Is there any distinction between that approach and just coming out and trying to get the money to buy the land, as we have in most instances?

Mr. McCLURE. The distinction is, obviously, that if you do a legislative taking, they come ahead of everyone else. It avoids the appropriations process in the sense that there is no considered ranking of priorities by the Appropriations Committee as to which piece of property is more important that we make the investment in at this period of time. I do not want to suggest that since we have a backlog we can never add anything else because we do recognize that there are priorities, that there are changed circumstances, that there are new conditions and that we sometimes do ignore that backlog and put something else in ahead of what has been waiting for years.

Mr. WARNER. Mr. President, particularly whether the sense of urgency—and I think the facts can establish there is a sense of urgency with this parcel.

Mr. McCLURE. There is a sense of urgency if, indeed, it has that kind of priority. There is, indeed, a sense of urgency if it is to be done, it has to be done now.

Mr. WARNER. Yes.

Mr. McCLURE. I understand that, and I think that is what we need in terms of hearings, to try to determine the position of national interest. Does this mean that everybody else in the other 49 States and the other interests in Virginia will have to wait another year for their chance for participation in the available money? Or is this of such great urgency we should do that or is it one where perhaps, because of the budgetary pressures or for other reasons, Congress does not decide to give it that priority?

Mr. WARNER. Mr. President, it is for those reasons I have not jumped on this particular piece of legislation because I felt the Senate should work its will but only work its will after receiving all the facts necessary to reach a judgment. It seems that the House is moving forward rather expeditiously and not observing the backlog of some \$3 billion. I wonder if the chairman might give his views on that?

Mr. McCLURE. Let me respond to the distinguished Senator in this way. Congress finds it very easy to make promises and much harder to pay bills. That is why we have a \$3 trillion national debt. That is part of the reason we have such a large backlog of authorized, but unappropriated, acquisitions because we found it easier to meet the demands of individual constituencies at particular times in the past by saying, "OK, let's go ahead



and do it," well knowing we did not have the money to do it. The difference in this instance is that a legislative taking obviates that entire process. The legislative taking sees this comes first.

All I want to say to my colleagues from the other 49 States in this Union is that if this action is taken here, it means projects in their States are pushed off again.

Mr. WARNER. Mr. President, that is precisely why I have not tried to address the Wolf bill because I do not want to unduly raise expectations until such time as my colleagues from the other 49 States recognize the implications of the Wolf approach. It is a good approach, from my perspective, in my State. Indeed, I thought long and hard about introducing it myself, but then I said in a sense of fairness, we, the Senate, should make our own independent record and give all entities a chance to be heard before we jump on this.

Mr. McCURE. I will not try to characterize it as either a good or bad proposition because hearings have not been held. I have had discussions. I know something about the issue. I have not talked to the land developer. I have not talked to the people who are in opposition to it. I know what the National Society for Historic Preservation is suggesting.

I know one of the major reasons for the opposition is that one or a few landowners in the area adjacent to the park do not want the disruption of more commercial development and, particularly, they do not want the bypass built.

If you look at what the National Park Service wants, and I believe that is what we ought to be addressing, the highest priority of the National Park Service with respect to the battleground is to get those roads out of the park. You cannot get those roads out of the park and return them to gravel roads unless, indeed, you construct an additional road.

This is the typical problem that you have almost everywhere in the country, anywhere at any level of government: Yes, people want roads, but they do not want it in their backyard. That is exactly what we have happening out there right now is that the bypass is perhaps a more important and more emotional issue than the development of a shopping center which really does not impact upon the park nearly as much as the road that runs through the park.

Those are the kinds of issues that are going to have to be addressed by the Congress, in part, and by others as well.

(The following colloquy occurred at a subsequent time and, by unanimous consent, appears at this point in the RECORD.)

Mr. WARNER. Mr. President, again I wish to compliment the distinguished Senator from Idaho who has, as he stated, been on this committee for some nearly 20 years and who understands the complexity of these issues, and particularly the legislative taking process. That legislative taking process is the subject of the bill that is now being considered in the House, sponsored by my distinguished colleague, Mr. Wolf, and I wonder if the former chairman and now ranking member of the Senate Energy and Natural Resources Committee might give a little historical perspective on the time that procedure was used in case of the Redwoods National Park?

Mr. McCURE. Mr. President, I would be pleased to respond. Let me say I noted that the Senator from Arkansas made reference to the use of legislative taking with respect to the Redwoods National Park extension acquisition. One of the problems you have with legislative taking is that it is in effect a blank check. It is a statement by the Congress that we have decided we want that property to be held by the Federal Government regardless of what the cost is, and that once we have taken that action, as has already been described on the floor of the Senate, the only thing left to be done is to determine the amount of money to be paid to the owner.

We have no appraisals that are binding. We have no appraisals that are up to date. We have nothing other than conversations to indicate the value of the property or what the amount of that legislative taking would be; whether it is \$10 million that they paid for the property recently or the \$50 million that we have heard discussed here on the floor. It is simply conjectural because it will be whatever the court says it is. We will have said as a Congress we are willing to pay whatever the amount may be, regardless of what that amount might be, and that is a judgment without respect to cost.

In the Redwoods National Park acquisition the cost actually determined by the court after the legislative takings were enacted was several times the amount of the appraised value and much, much more than anybody I think in the Congress would have contemplated at the time the Congress took the action.

Mr. WARNER. Mr. President, I hope in the course of the hearings that will be held on the committee of which the distinguished Senator from Idaho is the ranking member that we can focus on this issue. I am hopeful we can resolve this, and preserve some of the historic value of this tract of land, and at the same time recognize that in this instance the Senate is really being called upon to make a decision which impacts on the Governor's right with respect to the road systems; county's

right with respect to property and the tax base; the historical perspective of the park; the rights of any citizens to own land and develop it in accordance with local law, regulations, and such Federal and State laws.

It seems to me there are many factors that have to be taken into consideration before the Senate should act.

Mr. McCURE. If the Senator will yield, there is at least one other consideration that should be added to that list that the Senator so aptly put; that is, what does it do to the acquisition of every other tract of land that we have attempted to acquire, we have authorized the acquisition for, and we have now found the money for?

Mr. WARNER. That, in the estimate of the Senator from Arkansas, is \$3 billion.

Mr. McCURE. Many of those go back many, many years.

Mr. WARNER. I urge the Senator from Idaho to join with the Senator from Arkansas in providing this hearing at a time such that the facts deduced in the hearing can be of benefit and influential on the Appropriations Committee conference as it addresses this specific provision which 395 in the bill.

Mr. McCURE. If the Senator will yield, I will be happy to lend my assistance to the distinguished Senator and his colleague from Virginia because I know it is a matter of importance to the people of Virginia, indeed a matter of importance to the people of the entire United States as to how this is resolved. I will certainly lend my support to any efforts to resolve it.

Mr. WARNER. My principal efforts thus far in this matter have been directed at trying to achieve fairness and equity for all five of the interests that I think are involved in this.

I appreciate the sentiments expressed today by the leadership, and the managers of the bill that this hearing will be held in a timely fashion.

(Conclusion of subsequent colloquy.)

Mr. CHAFEE. I wonder if the distinguished Senator from Idaho will yield for a question or statement? Is he through?

Mr. McCURE. I am through. If the Senator wants to ask a question, I will be happy to respond. If he wishes to make a statement, I will be happy to yield the floor.

Mr. CHAFEE. I will make a brief statement. I know there are people waiting here. Just let me say this, if I might.

The PRESIDING OFFICER. Does the Senator from Idaho yield the floor?

Mr. McCURE. I do.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CHAFEE. I do, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFFEE. I want to say, in some instances, there is concern that we are going to protect the border to the border to the border of some piece of property. Let me say, I think we all should be extremely grateful as citizens of our Nation that in the past, Members of this Congress, Senate or House, have stepped out as a body and purchased land that is now available for all the citizens to enjoy.

There are very few pieces of land that have been purchased by our governments, be they State, county, or national, that we are not glad we now have, whether it is Central Park in New York or whether it is Yellowstone Park or whether it is the battleground down at Fredericksburg or the Seven Days' Battlefield—or wherever it might be—Antietam, Gettysburg. So whereas we are concerned about the costs, I think we also should be grateful to those who went out and purchased these lands.

Second, there is American Heritage Trust Fund legislation that I have proposed which I hope those who are discussing this matter will think about. It is there to buy lands contiguous to our national parks or lands of importance to the Nation. The problem is getting it funded. I have a method of funding it, and I hope those involved will think about it. I thank the Chair and I thank the distinguished Senator from New Hampshire who, I was going to say, has been patient, but perhaps he has been impatient.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I thank my friend from Rhode Island. No, I have been patient and it has been very interesting but I will now go from the nostalgic and historic significance of Manassas to something of more importance, at least today for some of us in New England.

#### AMENDMENT NO. 2557

(Purpose: To ensure that the fee structure proposed by the Massachusetts Port Authority is in compliance with federal law)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. RUDMAN] proposed an amendment numbered 2557.

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

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

The amendment is as follows:

On page 14, line 10, after "Provided further," strike out all through line 23 and insert the following: That no funds appro-

priated in this paragraph shall be available to the Massachusetts Port Authority subsequent to a determination by the Department of Transportation that the landing fee structure adopted by the Massachusetts Port Authority on March 16, 1988, for Logan International Airport, is not consistent with the Federal Aviation Act of 1958, 49 U.S.C. app. 1301 et seq. or the Airport and Airway Improvement Act of 1982, 49 U.S.C. app. 2201 et seq., or with national transportation policy, if such fee structure remains in effect after such determination. Provided further, that the Department of Transportation shall make such determination prior to December 5, 1988.

Mr. RUDMAN. Mr. President, I rise to offer an amendment to the transportation appropriations bill which I believe is acceptable to the distinguished Senator from Massachusetts [Mr. KENNEDY]. This amendment strikes language in the bill which cuts off Federal funds to the Massachusetts Port Authority—Massport—if the authority fails to delay implementation of its revised fee schedule—know as the PACE plan—prior to a determination by the Department of Transportation that the fee schedule does not violate Federal law.

Under the language adopted by the Appropriations Committee, because Massport has already implemented the fee schedule, Massport would be denied Federal funds even if the Department ultimately rules in Massport's favor. I regret that Massport has declined to delay the implementation date as requested by DOT and am somewhat tempted to preserve the language adopted by the Appropriations Committee. However, I do not believe it is truly reasonable to cut off funds if the Department eventually rules in Massport's favor. My amendment would strike the committee language and insert language which cuts off funds to Massport only if the Department rules that the fee schedule is in violation of Federal aviation law or not consistent with national transportation policy, and the PACE plans remains in effect.

Mr. President, to provide some background, on March 16, 1988, Massport adopted a new fee schedule for Logan International Airport in Boston. The undisputed effect of the revised fee plan is to dramatically increase fees for smaller aircraft and decrease fees for larger aircraft. The new fee schedule means a shift of \$7.2 million in airport costs to smaller aircraft users. Under the plan, for example, the fee for landing a Beech King Air 300 at Logan would increase from \$25 to \$94, while the fee for landing an average large commercial airliner would decrease from \$228 to \$166. The clear purpose of the plan is to get small aircraft out of the airport.

In response to formal complaints, the Department of Transportation has determined that reasonable grounds exist to investigate whether the Massport PACE plan violates Federal aviation

laws. Among other things, the Department will be examining whether the proposed fees are unreasonable and discriminatory and represent a structural bias against general aviation and smaller commuter aircraft. The Department will also consider whether Massport is preempted from making regulations for the purpose of air control. This investigation should be completed in November.

Mr. President, this fee schedule poses serious problems for the surrounding New England States, and I have joined with all the Senators from Maine, New Hampshire, and Vermont in opposing this plan. Massport, with Federal funds, operates a regional airport. As such, it must meet the needs of the region. This fee schedule puts that goal in jeopardy. Already, partly due to these revised fees, two airlines have canceled flights at Logan: Business Express has discontinued service between Logan and Augusta, ME, and Allegheny Commuters terminated flights to Long Island and Scranton, PA. My office has heard from virtually all of the commuter airlines operating in New England, and most have expressed serious concern about the impact of these fees on their ability to provide economical service to Logan Airport.

Massport claims that the revised fee plan will encourage commuters to use larger planes with fewer flights. The commuter airlines tell us that small commuter operations can only be successful with a frequency of flights, making the Massport "larger plane/few flights" option uneconomical. If the Massport PACE plan remains in effect, the result may be a significant reduction in service to the many small communities in New England which are served exclusively by commuter carriers. This clearly will be detrimental to an efficient national transportation system.

Mr. President, while the Massport PACE plan is of great concern to those of us in the New England region, it also has broad implications with respect to national aviation policy and the protection of State and regional access to critical airport hubs. For this reason, my amendment calls on the Department to clearly consider national transportation policy as it reviews the Massport fee schedule. I do not believe that we should have Federal review every time a local airport wishes to adjust its landing fees. However, in the case of a critical regional airport which has received millions of dollars in Federal grants, regional needs and national transportation policy must be considered.

Federal law states that:

Artificial restrictions on airport capacity are not in the public interest and should not be imposed to alleviate air traffic delays unless other reasonably available and less



burdensome alternatives have first been attempted.

Massport has other alternatives available to it including the completion of Runway 14-32 for general aviation and commuter aircraft. Federal law also states that:

The maintenance of a comprehensive and convenient system of continuous scheduled interstate and overseas airline service for small communities is in the public interest.

The Massport plan may jeopardize this goal.

In summary, Mr. President, when the Appropriations Committee considered this bill, I introduced an amendment dealing with Federal funding at Logan International Airport in Boston. The problem, quite simply, is that Massport in its own discretion has chosen to change the landing fee structure thus making the use of that airport by commuter airlines from Maine, New Hampshire, Vermont, western Massachusetts, and Rhode Island extraordinarily expensive while reducing the cost of landing for large carriers.

This policy of Massport has very serious implications throughout the country for so-called hub airports that are fed by commuter airlines. To address that, two things are happening. First, there is a court case in which Massport has prevailed in the first instance. Second, the Department of Transportation is evaluating this measure to decide, and we hope by December 5 of this year, whether Massport has done something which is consistent with national transportation law or not.

My original amendment would deny Federal funds to Massport unless Massport agreed to delay implementation of the fee structure pending DOT review. Because Massport has implemented the fees, it appears that the amendment would deny those funds to Massport even if the Department of Transportation were to find that Massport in fact has complied with the law, although some of us might disagree with that finding.

Senator KENNEDY and his junior colleague, Senator KERRY, brought to my attention their concern regarding the impact of the language adopted by the Appropriations Committee. Quite correctly, as I told my friend from Massachusetts, the senior Senator, it is not my intention or anyone else's intention to simply punish Massport if in fact they are right. If they are right, then they ought to be entitled to the Federal funds. If they are not, they ought not.

Thus, Mr. President, that is what this amendment does and I understand it is agreeable on both sides.

The PRESIDING OFFICER. The Chair would say to the Senator from New Hampshire that his amendment is to the committee amendments which have been set aside, thus the

Senator must ask unanimous-consent request that his amendment be in order.

Mr. RUDMAN. I thank the Chair for that information. I was not aware of that parliamentary situation. I ask that consent.

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

Mr. KENNEDY. Mr. President, I support the amendment offered by Senator RUDMAN, and I am pleased to work with him on this issue, which is of major importance to both our States. The amendment addresses language in the bill designed to restrict funding to Logan Airport if the Massachusetts Port Authority implements the PACE landing fee plan. The amendment represents a satisfactory compromise between Senator RUDMAN and me.

A decade has now passed since Congress enacted airline deregulation in 1978. That measure has brought extraordinary benefits to the Nation's economy and to the traveling public, and all of us who participated in that pioneering legislation take pride in those results. But we must also address the problems created in the wake of that success.

Every major airport in the country faces increasingly serious problems of congestion. Some observers tell us that the Nation is heading for a massive gridlock—or airlock—in which backups at one airport have ripple effects on other airports, and the whole air traffic system grinds to a halt.

Massport has been in the forefront of jurisdictions urgently addressing this challenge. Obviously, any solution affects many different interests and many communities. In Boston, we are trying to be sensitive to the needs of the rest of New England. Massachusetts and Boston cannot, and should not, grow at the expense of other States and communities in our region. Similarly, we are trying to be sensitive to the needs of the business community and general aviation.

I support the Massport plan as a good faith attempt to resolve these complex issues, and I note that the 1988 Report of Economic Advisers cites Logan Airport with approval as an example of ways to deal with congestion. So I am optimistic that the Department of Transportation will agree that the Massport plan is consistent with the aviation statutes and with national transportation policy. But I understand the concerns of the Senator from New Hampshire, and I want to work with him to resolve this issue in a way that is fair to Massachusetts, to New Hampshire, and the other States of our region.

The Massport plan was recently upheld by the Federal district court in Boston. The Department of Transpor-

tation is now reviewing the plan, and the amendment will require the Department to complete its review by December 5.

This amendment provides that Massport can continue to receive its Federal aviation funds until the Department of Transportation makes its decision. If the decision favors Massport, the funding will continue to be provided. If the decision is adverse to Massport, the Federal funds will be withheld unless Massport agrees to modify the plan.

Mr. President, I thank the Senator from New Hampshire for his comity on this particular issue. We know that decisions made at Massport obviously have implications not only for the region but nationally. We want to try to work out accommodations to these varying interests, but he has been enormously constructive and very helpful and we are grateful not only for his interest but his willingness to work this out. I hope the Senate will accept this amendment.

Mr. HUMPHREY. Mr. President, I support the amendment offered by Mr. RUDMAN that would deny funds for the Massachusetts Port Authority if the Department of Transportation finds the PACE plan to be in violation of Federal law.

Massport's PACE plan would considerably increase landing fees for small aircraft while decreasing fees for large commercial planes. Under PACE, the fee for a Boeing 747 would drop to \$353 from \$739—a 52-percent decrease. A 19-seat Beechcraft that paid \$25 will now pay \$96—a 284-percent increase.

Mr. President, at issue is not a local dispute. Inasmuch as Federal funds are distributed to our Nation's national air system founded on the principle of nondiscrimination among users, the Massport plan is invariably of concern at the Federal level. Though Senators may be from States which at present are not affected by increased fees at Logan Airport in Boston, the precedent being set there is an important one.

It is my view that these fees may be inconsistent with section 511 of the Airport and Airway Improvement Act in that the proposed fees are not "fair and reasonable" and are "unjustly discriminatory."

If airports are allowed to raise fees as aggressively as Massport, it will send a message to all airports across the country. If Massport's PACE plan becomes fully operative, it could set a precedent for airport authorities nationwide. If fees are set so high as to restrict access, it would hurt the national air transportation system.

I am not opposed to adjusting fees for all aircraft. It is the fairness of the total plan which is important. The primary purpose of PACE appears to be getting smaller aircraft out of the air-

port—purportedly to reduce congestion and increase efficiency. The vice chairman of Massport publicly stated that "private planes should be restricted or eliminated" at Logan. Federal law makes it clear that Federal funding shall not be available to local airport authorities which refuse to acknowledge their obligations as participants in a national system of air commerce to avoid discrimination between users.

Massport contends that general aviation traffic is one of the chief reasons for delays at Logan, and that PACE will reduce delays by 40 percent, particularly during peak hours. However, general aviation accounts for less than 10 percent of total operations at Logan, and averages 2.8 flights per peak hour. Thus, it is unlikely that PACE will have much success in reducing congestion.

Transportation Secretary Burnley requested that Massport delay implementation of PACE pending an investigation by the Department. Massport refused. It is only appropriate that Federal funds be restricted to Massport until the Department of Transportation completes its review.

I believe that the Massport plan has not received an adequate review. The language recommended to the Senate by Mr. RUDMAN represents prudent policy. If the Department of Transportation, through their investigation, finds Massport to be in violation of Federal law, they should be denied Federal funds.

Mrs. KASSEBAUM. Mr. President, I very much appreciate the efforts of my distinguished colleagues from New Hampshire and Massachusetts, who have worked out an effective compromise to the committee amendment concerning funding for the Massachusetts Port Authority—Massport. The amendment we are considering today will take into account Massport's needs, as well as our broader interest in maintaining a national air transportation system.

The new schedule of landing fees adopted by Massport on March 16 affects all classes of aircraft. However, the effects will be felt most by general aviation and by commuter aircraft. I am told, for example, that the first phase of the fee schedule would raise the landing fee for a Beech King Air from \$25 to \$94, an increase of over 300 percent. At the same time, the landing fee for a typical large commercial airliner would decrease from \$228 to \$166. Phase 2 of the new schedule would, during peak hours, impose even higher fees and permit Massport to allocate landing and takeoff rights to aircraft based on their size, with the highest priority accorded to planes carrying the greatest number of passengers.

The Department of Transportation [DOT] has argued that there are clear

national implications to Massport's actions, and DOT therefore has begun an investigation and hearing to consider whether Massport's new fee schedule meets the requirements of the Federal Aviation Act of 1958 and the Airport and Airway Improvement Act of 1982.

The amendment under consideration prohibits Massport from receiving Airport Improvement Program funds if DOT determines that the landing fee structure adopted on March 16 is not consistent with the Federal Aviation Act, the Airport and Airway Improvement Act, or national transportation policy. The latter test is an addition to the standards contained in the two statutes, which require that airports be available on fair and reasonable terms, and prohibit unjust discrimination and exclusive rights use of landing areas. By requiring DOT to look specifically at national transportation policy, we emphasize our concern that DOT consider the needs of all those who operate aircraft, and not limit its inquiry to the effects of the new fee schedule on airlines and their passengers.

Mr. LAUTENBERG. Mr. President, I urge adoption of the amendment proposed by the Senator from New Hampshire.

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

The amendment (No. 2557) was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in the few minutes that remain, I wonder if I could continue a colloquy with the distinguished Senator from Idaho, but I do not want to infringe on the business of the manager of the bill. To what extent can we have some additional time without infringing on final passage.

Mr. LAUTENBERG. The Senate is due to go in recess at 1 p.m. We had hoped to initiate the vote before that. We have an amendment requested by Senator HELMS and Senator SANFORD that we can move very quickly. We have to adopt the committee amendments.

Mr. D'AMATO. Mr. President, if I might, let me suggest this. We have a time-honored principle from long before anybody here became a Member of the Senate to protect each other on the Senate floor. I have to suggest in the few moments allocated, that I have no objection to making an objection on behalf of a Senator if he

wants to submit an amendment. But let me tell you, he should at least have the courtesy of coming down to the floor at some point in time and submitting the amendment.

Now, that is this Senator's point of view. And by the way, I might even support the other Senator's amendment, but I do not believe that a Senator should hold up the progress on this bill by indicating, "Well, I have an amendment," and then we are supposed to sit and wait. We do not even see the amendment. If you are going to be here, let us get to the business at hand. And those people know of whom we speak. If you have an amendment, be down here, submit the amendment, and do not just hold up the bill, because otherwise I have to suggest that I am not going to manage this bill. We will let somebody else manage the bill on this side. If colleagues on my side want to offer an amendment, let them be here to offer the amendment. I am not saying they must be here within 5 minutes or 10 minutes, but certainly when you wait an hour and a half, I think that is abusing the managers of the bill.

Mr. WARNER. Mr. President, who has the floor? I believe the Senator from Virginia was recognized. I yielded to the managers of the bill. At some point do we have a minute or two remaining to finish a colloquy which I think is rather important to the bill at this point?

The PRESIDING OFFICER. The Senator from Virginia was recognized.

Mr. WARNER. I do want to accommodate the managers. Is the subject of which the managers spoke concluded?

Mr. LAUTENBERG. I would like to urge adoption of the committee amendments, if amended, as amended. We have been through a full discussion of that. I would like to have unanimous consent to move those amendments. As far as I know there is nothing else left on the committee amendments.

Mr. WARNER. Mr. President, I would have to pose an objection solely because I think my junior colleague had made the objection.

Mr. TRIBLE. I do not wish to object.

Mr. WARNER. Mr. President, I withdraw the objection. My junior colleague has withdrawn his objection.

The PRESIDING OFFICER. Does the Senator from New Jersey make a unanimous-consent request for the adoption of the committee amendments en bloc, as amended?

Mr. LAUTENBERG. I do.

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

The committee amendments were agreed to en bloc.

Mr. LAUTENBERG. I move to reconsider the vote by which the committee amendments were agreed to.



Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 2 minutes.

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

Mr. BYRD. Mr. President, I had hoped that we might be able to finish this bill before the hour's recess for the Republican conference. I wonder if we could get an agreement that would see the Senate complete this bill—I understand that there is another amendment or some amendments on the Republican side yet.

Mr. DOLE. I would hope they might disappear. Senator MURKOWSKI has one. I think the Senator from Texas, Senator GRAMM, may have an amendment or two. We had asked him to come to the floor. I think the manager on this side is correct; if you have an amendment, you better come over here. We think he is on his way and will be able to visit with him maybe during that 1 hour.

Mr. BYRD. Very well. I had hoped we could at least vote on final passage at 2 o'clock at the conclusion of the Republican conference. The Democrats will not be meeting today in conference. They will be meeting tomorrow. Mr. Dukakis, our prospective nominee, will be at the conference so we have to have our conference tomorrow rather than have two conferences this week. So I would simply say that I think we ought to alert our respective conferees that we will have late sessions today and tomorrow and Thursday in the interest of getting much work done on these appropriations bills before we go out at the close of business on Thursday.

The sooner we can expedite action on this bill, the sooner we get on the HUD appropriation bill.

ORDER FOR RECESS UNTIL 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

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

RECESS

The PRESIDING OFFICER. In accordance with the order previously entered, by unanimous consent, the Senate now stands in recess until 2 p.m.

Thereupon, at 1:06 p.m., the Senate recessed until 2 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent, in order to accommodate the Republican Party conference, the recess be extended for 15 minutes.

There being no objection, at 2 p.m. and 30 seconds, the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANFORD.)

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank the Chair.

Mr. President, I rise to note that I am distressed, and many New Yorkers share my distress, about what appears to me to be a quite gratuitous provision in the report for this bill which calls for an environmental impact statement on the proposed new terminal and parking facility at the Westchester County Airport. The existing terminal is in fact a quonset hut which was brought by American Airlines from the South Pacific in 1947, and with only minor modifications since then it now serves some 600,000 to 700,000 passengers per year.

If any airport deserves a new terminal, surely, Mr. President, the Westchester County Airport does.

The county has planned for the terminal since 1980. They will finance it without Federal money. They are ready to begin construction this year. But we have a report which calls for an environmental impact statement that will take more than 2 years. This is a serious delay, and to what effect? The project will not increase the number of flights. That is prohibited by legal agreement. It will not take wilderness or wetlands. It is elementally and simply a new and much needed public facility.

There will be some noise from bulldozers, and there will be some dust in the air we do not doubt. If that is cause for this study, we are surely in for a long and fallow period in the construction industry.

In any event, Mr. President, the laws governing environmental protection are clear in New York, and the review of the proposal under the New York State Environmental Quality Review Act found no significant impact. That study has been done. The specifics of the project are now under review by the FAA under the National Environmental Protection Act. If the review finds the need for an environmental impact study one will be ordered. That is the proper procedure. It is in place.

As a distinguished member of the Appropriations Committee has said, this report language carries no force of law, and I would like to record the judgment of the senior Senator from New York that Westchester County is in fact free to proceed as it is now doing and to pursue the best interests of the county, given of course the FAA review now in place.

I would like also to note that Mr. Don Gioffre, the Rye Town supervisor, has spoken with me on this

matter, to express the wish that the county government, ably led by Mr. Andrew O'Rourke, should be in closer touch with the towns in planning the actual project. This is a situation which has not been worked out entirely to the satisfaction of the parties involved. But I know them both and wish them well. I yield the floor.

Mr. WEICKER addressed the Chair. The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I think the distinguished Senator from New York has certainly placed on the Record his astute observations as to this particular matter, none of which I dispute. But I think that it clearly is incumbent upon all of the officials of that area to work closely together.

All of us know that the airport is of significance to residents of the State of New York and those residing in Connecticut.

Frankly, I wish that the problems attendant to the airport could stop at the State line; but, as the distinguished Senator from New York knows and as I know, when we land, we invariably come over Connecticut, noise goes into New York and goes into Connecticut. All the New York towns that border the airport obviously are impacted upon by any substantial change in the status of the airport, and the same holds true for towns in Connecticut. We also know that the terminal facilities are entirely inadequate. There is no question about that.

It seems to me that this problem should be resolved by close consultation between the local government officials involved, which should include officials from New York and Connecticut. That is where the matter should be resolved.

Let us hope it is resolved in a proper way. Unilateral decisions will not suffice in this instance because the problems are not unilateral. The problems raised by any altered status of that airport clearly become Connecticut's problems as much as New York's.

It was only the purpose of this Senator, when we put in report language, to see to it that the appropriate local officials got together in the course of determining whatever the final outcome would be. That is still my desire, and let us hope that the language in this report will keep people on that course.

Mr. MOYNIHAN. Mr. President, I thank the learned and able Senator from Connecticut, our neighbor and friend, for his wise counsel.

Let us hope we go forward. He, of course, agrees that the larger question here is whether the use of this airport will be abandoned and no such expansion is now contemplated. That is for another time, if ever.

I yield the floor.

## AMENDMENT NO. 2558

(Purpose: To designate certain projects in North Carolina as priority highway projects)

Mr. LAUTENBERG. Mr. President, I have an amendment, on behalf of Senator HELMS and Senator SANFORD, which I send to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for Senators HELMS (for himself) and SANFORD, proposes an amendment numbered 2558.

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

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

The amendment is as follows:

SEC. . Paragraph (1) of section 149(k) of the Federal-Aid Highway Act of 1987 is amended by adding at the end thereof the following new subparagraph:

(V) UNITED STATES ROUTE 23 AND THE CHARLOTTE OUTER LOOP IN NORTH CAROLINA.—The Secretary is authorized to carry out highway projects in the State of North Carolina—

“(i) from the interchange of Interstate Route 26, 40, and 240 in Asheville, North Carolina, to the border of the State of Tennessee, and

“(ii) from Interstate Route 77S east to Interstate Route 85N of the Charlotte Outer Loop.”.

(By request of Mr. LAUTENBERG, the following statement was ordered to be printed in the RECORD:)

● Mr. HELMS. Mr. President, this amendment to the transportation appropriations bill would add a section of U.S. 23 between Asheville, NC, and the Tennessee State line and a section of the Charlotte Outer Loop from Interstate 77 southeast to Interstate 85 north to the list of priority highway projects included in the Federal Aid Highway Act of 1987. The able junior Senator from North Carolina [Mr. SANFORD] is a cosponsor of this legislation.

Mr. President, North Carolina Gov. James G. Martin requested priority status for these projects based on their importance to the respective regions and their benefit to our entire State.

Passage of this bill, Mr. President, will give North Carolina access to all of its annual allotment of Federal-aid highway funds—except interstate construction and critical bridge funds—for the construction and maintenance of these two projects. Without this priority status, North Carolina's Department of Transportation would only have access to primary highway funds and a small percentage of Interstate 4R funds to expedite completion of the projects.

Mr. President, the section of U.S. 23 from Interstate 26 in Asheville to the

Tennessee line is part of North Carolina's Strategic Highway Corridor System. Improving this route will provide the economically depressed central mountain regions of North Carolina and Tennessee easy access to the Johnson City, TN, and Asheville, NC, urban areas in order to spur development and growth.

Tennessee also appreciates the importance of U.S. 23 to its mountain regions, Mr. President, and has announced plans to upgrade its portion of the highway from the North Carolina line to Interstate 81. The concerted action of both States will result in the creation of an interstate quality highway—which will eventually be redesignated Interstate 26—offering the central mountain regions of both States direct access to the Midwestern United States.

Mr. President, Charlotte, NC—like many metropolitan areas throughout this Nation—is plagued by rapidly increasing highway congestion. It has the fastest growing transportation and highway safety problems in our entire State. The most important transportation requirement in the area is an eastern connection between Interstate 77 south of Charlotte and Interstate 85 north of the city.

When completed, Mr. President, this connector will allow through-traffic to bypass the center of downtown Charlotte—alleviating the air pollution and high accident rates in the downtown area of the city.

Mr. President, providing these two projects with priority status does not give North Carolina more money. I reiterate, Mr. President, priority status does not provide a State with additional Federal funds. It merely grants a State's transportation department greater flexibility with respect to the use of its regularly apportioned Federal aid highway funds—except interstate construction and critical bridge funds—and ultimately will allow North Carolina to channel more resources into these much needed projects. A priority project designation simply affords a State more funding flexibility for whatever work it may choose to do on such highways.

Mr. President, North Carolina only seeks to meet the transportation needs of its citizens in the most expeditious manner possible. The amendment would allow the State the flexibility it needs to do that.●

Mr. LAUTENBERG. Mr. President, this amendment has been cleared by both sides. I know of no objection, and I ask for its immediate adoption.

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

The amendment (No. 2558) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which

the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 2559

(Purpose: To provide for planning studies to remove certain hazardous, unsafe, and adverse environmental conditions from certain college campuses)

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mr. Gramm, proposes an amendment numbered 2559.

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

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

The amendment is as follows:

At the end of the bill, add the following:

SEC. . From funds appropriated to the Department of Transportation by this Act, the Secretary of Transportation is authorized, notwithstanding any other provision of this Act, to make available, not to exceed \$500,000, to assist local interests in developing planning studies for the relocation of railroad tracks on college campuses to eliminate hazardous, unsafe, and adverse environmental conditions.

Mr. D'AMATO. Mr. President, the moneys called for with respect to the study and preparation of plans for the relocation of railroad tracks on college campuses are within the bill. This has been cleared by the majority and by our side.

Mr. LAUTENBERG. Mr. President, the majority side has no problems with this amendment. It has been cleared.

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

The amendment (No. 2559) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. D'AMATO. Mr. President, I ask unanimous consent that no further amendments be considered, with the exception of one by Senator MURKOWSKI.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. LAUTENBERG. Mr. President, to my knowledge—and since we just had that unanimous-consent agreement—there are no other amendments pending on this bill. We hope that the Senator from Alaska will be able to join us very soon, because we then can go to third reading and have a vote.



I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the amendment by Mr. MURKOWSKI, which has already been ordered, without further intervening action or debate, the Senate proceed to third reading, and that without any further debate or intervening action of any kind, the Senate proceed immediately to the vote on final passage of the transportation appropriation bill.

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

Mr. BYRD. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. I thank all Senators.

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

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

#### AMENDMENT NO. 2560

(Purpose: To deny funds for construction projects that use the services of a contractor or subcontractor of a foreign country that denies fair and equitable access to United States products and services in construction projects in that foreign country.)

Mr. D'AMATO. Mr. President, I send an amendment to the desk on behalf of Senator MURKOWSKI, Senator LAUTENBERG, and myself.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mr. MURKOWSKI, (for himself, Mr. D'AMATO, and Mr. LAUTENBERG) proposes an amendment numbered 2560.

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

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

The amendment is as follows:

At the end of the bill, add the following:  
SEC. . (a)(1) None of the funds appropriated by this Act may be obligated or expended to enter into any contract for the construction, alteration, or repair of any public building or public work in the United States or any territory or possession of the United States with any contractor or sub-

contractor of a foreign country, or any supplier of manufactured products of a foreign country, during any period in which such foreign country is listed by the United States Trade Representative under subsection (c) of this section.

(2) The President or the head of a Federal agency administering the funds for the construction, alteration, or repair may waive the restrictions of paragraph (1) of this subsection with respect to an individual contract if the President or the head of such agency determines that such action is necessary for the public interest. The authority of the President or the head of a Federal agency under this paragraph may not be delegated. The President or the head of a Federal agency waiving such restrictions shall, within 10 days, publish a notice thereof in the Federal Register describing in detail the contract involved and the reason for granting the waiver.

(b)(1) Not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall make a determination with respect to each foreign country of whether such foreign country—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than \$500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) In making determinations under paragraph (1), the United States Trade Representative shall take into account information obtained in preparing the report submitted under section 181(b) of the Trade Act of 1974 and such other information or evidence concerning discrimination in construction projects against United States products and services that are available.

(c)(1) The United States Trade Representative shall maintain a list of each foreign country which—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than \$500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) Any foreign country that is initially listed or that is added to the list maintained under paragraph (1) shall remain on the list until—

(A) such country removes the barriers in construction projects to United States products and services;

(B) such country submits to the United States Trade Representative evidence demonstrating that such barriers have been removed; and

(C) the United States Trade Representative conducts an investigation to verify independently that such barriers have been removed and submits, at least 30 days before granting any such waiver, a report to each House of the Congress identifying the barriers and describing the actions taken to remove them.

(3) The United States Trade Representative shall publish in the Federal Register the entire list required under paragraph (1) and shall publish in the Federal Register

any modifications to such list that are made after publication of the original list.

(d) For purposes of this section—

(1) The term "foreign country" includes any foreign instrumentality. Each territory or possession of a foreign country that is administered separately for customs purposes shall be treated as a separate foreign country.

(2) Any contractor or subcontractor that is a citizen or national of a foreign country, or is controlled directly or indirectly by citizens or nationals of a foreign country, shall be considered to be a contractor or subcontractor of such foreign country.

(3) Subject to paragraph (4), any product that is produced or manufactured (in whole or in substantial part) in a foreign country shall be considered to be a product of such foreign country.

(4) The restrictions of subsection (a)(1) shall not prohibit the use, in the construction, alteration, or repair of a public building or public work, of vehicles or construction equipment of a foreign country.

(5) The terms "contractor" and "subcontractor" includes any person performing any architectural, engineering, or other services directly related to the preparation for or performance of the construction, alteration, or repair.

(e) Paragraph (a)(1) of this section shall not apply to contracts entered into prior to the date of enactment of this Act.

(f) The provisions of this section are in addition to, and do not limit or supersede, any other restrictions contained in any other Federal law.

Mr. D'AMATO. Mr. President, this amendment is similar to others which apply to all federally funded projects. It was contained in the continuing resolution for fiscal year 1988 and passed the Senate in the transportation appropriation bill.

What we really say is this amendment prohibits foreign construction firms and suppliers from being utilized on projects funded by the act if their country denies to U.S. firms fair opportunity to participate in their public projects. The methodology to establish that fairness is contained in the amendment.

I commend Senator MURKOWSKI because we have made great strides as a result of his previous legislation in attempting to achieve recognition predictably from Japan initially in this area of construction projects, and we would hope we would be able to get some fairness by other countries as well.

Mr. LAUTENBERG. Mr. President, this amendment has been cleared. We recommend its adoption and move it.

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

The amendment (No. 2560) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

## AIRCRAFT REGISTRY

Mr. DOLE. Mr. President, the FAA has a requirement to identify and distribute important safety information on airworthiness to the owners and/or operators of every aircraft operated in the U.S. civil aviation fleet.

The FAA maintains a civil aircraft registry in Oklahoma City to meet this requirement. Recently there was a hearing in the House concerning strengthening our ability to use this information as a tool to interdict drug trafficking.

The current aircraft registry fails to meet either objective. Our ability to identify and locate the owner, and especially the operator, of any given aircraft in the civilian fleet is extremely inadequate.

The FAA is interested in developing a usable data base that will accurately assess changes in aircraft that affect airworthiness on a national basis. Likewise, our law enforcement officials will have an even greater ability to seek out and interdict those who use aircraft to smuggle drugs.

The FAA had intended to begin this project in fiscal year 1988. However, because of technical problems, it has been delayed. This project is long overdue.

The committee has included report language that will keep this project moving forward. Most importantly, this research will take place at the Aviation Safety Institute at Wichita State University, Wichita KS.

The American people want safe aircraft. The American people are tired of drugs destroying neighborhoods and the lives of our children. Mr. President, I am confident this important research will go a long way to help the FAA meet both these important objectives and I will encourage the conference committee to approve the continuation of this important work.

Mr. President, I ask unanimous consent to include a copy of a letter sent to Chairman LAUTENBERG by T. Allan McArtor on this matter.

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

DEPARTMENT OF TRANSPORTATION,  
FEDERAL AVIATION ADMINISTRATION,  
Washington, DC, June 23, 1988.

HON. FRANK R. LAUTENBERG,  
Chairman, Subcommittee on Transportation,  
Committee on Appropriations, U.S.  
Senate, Washington, DC.

DEAR CHAIRMAN LAUTENBERG: This letter addresses and provides information on an important issue for which we both have a concern.

The Federal Aviation Administration (FAA) has a requirement to identify and distribute important safety information on airworthiness to the owner and/or operators of every aircraft operated in the United States civil aviation fleet. To meet this requirement, FAA maintains an Aircraft Registry at the Aeronautical Center in Oklahoma City. In addition to meeting this safety objective, the Aircraft Registry has recently

been the subject of a hearing in the House concerning its possible use as a tool for drug interdiction.

As currently structured, the Registry is unable to meet either the safety or the drug interdiction objective. The FAA, therefore, wants to initiate a project to do research on an international civil aviation aircraft operator database. The project will involve evaluation of current sources of usable data, system/data integrity and maintainability, and development of an operational cost model. Additionally, the research should provide the type of detailed information that will enable the FAA to accurately assess changes in aircraft affecting airworthiness on a national basis.

The FAA had intended to begin this project during FY 1988; however, due to technical problems, it has been delayed. We consider this effort to be critical both from the safety point of view and as another method to combat drug trafficking.

To the effective and timely, the research should be undertaken by a party that has experience in this field and that has access to baseline information required for the project. Wichita State University (WSU), through its Aviation Safety Institute, has the ability to perform this research and could help the FAA accomplish its mission.

An identical letter has been sent to Senator D'Amato.

Sincerely,

T. ALLAN MCARTOR  
Administrator.

## REGARDING THE SPEED LIMIT—H.R. 4794

Mr. BURDICK. Mr. President, one of the most difficult and contentious highway issues during the last several years has been the national maximum speed limit. Legislation establishing the 55-mile-per-hour limit originated in the Environment and Public Works Committee more than 14 years ago. Then it became a "55 saves lives" program, complete with strict sanctions if States did not comply with its requirements.

States have been upset about the sanctions ever since, especially since up to 10 percent of a State's primary, secondary, and urban system fund apportionments could be withheld. While supporters of 55 claimed it had saved thousands of lives, opponents questioned the safety benefits, the economic costs of slower speeds, and the merits of a uniform maximum speed limit for the whole country.

In 1984, the National Academy of Sciences completed a study of the human and economic benefits of 55. Based on the Academy's findings, Congress agreed in last year's Highway Act to allow rural interstates—our safest highways designed to the highest standards—to be posted at 65. Since enactment in April 1987, 40 States have acted to post nearly 32,000 miles of roads above 55 miles per hour.

Earlier this year, Transportation Secretary Jim Burnley announced that the 1987 U.S. traffic fatality rate was the lowest in history. In my own State of North Dakota, there was a decline in fatalities on our rural interstate highways from eight in 1986 to

five in 1987. Now I am not claiming that the higher speed led to fewer deaths, but by the same token it obviously has not led to more dangerous conditions on our highways. Yet North Dakota is one of three States to be cited recently for noncompliance with the existing speed limit program, and could lose as much as \$3 million in much needed highway funds.

Several States have been in this fix over the years. A recent study from the General Accounting Office found that speed monitoring and the existing formula by which compliance is measured do not have much connection to improving highway safety. In fact, many States have had to switch their highway patrols from narrow, two-lane, rural connector roads or from areas where drunk driving is a special problem and instead station those officers on the far safer roads posted at 55 in order to certify compliance to DOT and avoid the loss of highway funds.

Walt Hjelle, the North Dakota highway commissioner, has said:

Let's make safety a real factor, not just compliance for the sake of compliance. How to measure compliance should be a moot point—how to make our highways safer is the overriding question. Each state legislature cares about its people. It is not just those in Washington who know what is best for us.

Five months ago, the Environment and Public Works Committee held a hearing on various speed limit issues. Dick Morgan, Executive Director of the Federal Highway Administration, testified:

States clearly are in the best position to determine where speed enforcement is needed to enhance safety and should be able to deploy enforcement personnel accordingly, without the threat of losing Federal funds.

I believe that the measure being offered today will move us in a more sensible and safer direction with respect to speed limit enforcement.

At present, States must show that at least 50 percent of motor vehicles are not exceeding the 55 limit. Over the years the compliance formula has been tinkered with to make even a 50-percent level of compliance possible; without these congressional adjustments 44 States would have been out of compliance in 1986. Many States have had the experience of being cited for noncompliance in previous years, and more will be in the future. Mr. President, I ask unanimous consent that a recent FHWA table be inserted in the RECORD showing by State the percent of vehicles exceeding 55.

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



Vehicles exceeding 5 miles per hour on highways with a 55-miles-per-hour speed limit for the year ending Sept. 30, 1987

State:	Percent
Alabama.....	40.1
Alaska.....	48.3
Arizona.....	45.0
Arkansas.....	38.4
California.....	50.8
Colorado.....	42.3
Connecticut.....	41.1
Delaware.....	47.8
Florida.....	49.9
Georgia.....	44.9
Hawaii.....	36.0
Idaho.....	38.0
Illinois.....	39.5
Indiana.....	45.0
Iowa.....	41.1
Kansas.....	47.9
Kentucky.....	26.6
Louisiana.....	47.4
Maine.....	33.0
Maryland.....	47.6
Massachusetts.....	49.3
Michigan.....	49.7
Minnesota.....	48.8
Mississippi.....	48.4
Missouri.....	47.1
Montana.....	41.1
Nebraska.....	47.8
Nevada.....	47.2
New Hampshire.....	41.9
New Jersey.....	46.4
New Mexico.....	37.4
New York.....	50.6
North Carolina.....	37.7
North Dakota.....	51.7
Ohio.....	44.3
Oklahoma.....	44.5
Oregon.....	46.6
Pennsylvania.....	43.7
Puerto Rico.....	32.0
Rhode Island.....	42.3
South Carolina.....	32.5
South Dakota.....	42.1
Tennessee.....	39.3
Texas.....	43.4
Utah.....	45.2
Vermont.....	44.6
Virginia.....	32.0
Washington.....	39.5
West Virginia.....	25.5
Wisconsin.....	44.3
Wyoming.....	49.0

Mr. BURDICK. We have a situation where the tail is wagging the dog. Either we emphasize compliance factors that have a direct link to safety or the Federal Government should reconsider speed limit sanctions altogether. In my view, we are duty bound to reexamine a patchwork program that emphasizes compliance over the far more important goal of safer highways.

Mr. DOLE. Mr. President, under the right-of-way revolving fund within the highway trust fund, the committee may direct the Secretary of Transportation to give priority designation to certain bridges that have extremely low rating factors and which serve as major links for both intrastate and interstate commerce and which directly impact the economic development of an area.

Mr. President, the Kansas River Bridge in Manhattan, KS, meets this criteria. This bridge, which is now over 50 years old, is a major crossing with the nearest bridges being 15 miles

both upstream and downstream. This bridge must be replaced. There was major substructure work done on the bridge in 1987. The State Department of Transportation is concerned that there will have to be further work done in the near future.

Mr. D'AMATO. Mr. President, is the State of Kansas prepared to meet all the requirements and conditions for bridge discretionary funds?

Mr. DOLE. Mr. President, the State of Kansas has made this bridge a priority project and is committed to meeting all the Departments requirements including State funding of 20 percent of the project. The State of Kansas has already submitted a full and complete application to DOT earlier this summer.

Mr. D'AMATO. Mr. President, this is a serious problem; and, with the assurances of the distinguished Republican leader has provided, I have no objection to this project.

Mr. CHILES. Mr. President, Senate Budget Committee scoring of the Department of Transportation and related agencies appropriations bill for fiscal year 1989 as reported by the full Appropriations Committee shows that the bill is under its 302(b) budget authority allocation by \$0.3 billion and under its outlay target by less than \$50 million. I commend the distinguished chairman of the subcommittee, Senator LAUTENBERG, and the ranking minority member, Senator D'AMATO, for their efforts to stay within their 302(b) allocations in crafting this bill.

Mr. President, I have a table from the Budget Committee showing the official scoring of the foreign operations appropriations bill, and I ask unanimous consent that it be printed in the RECORD.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 479—  
TRANSPORTATION, SPENDING TOTALS (SENATE REPORTED)

(In billions of dollars)

	Fiscal year 1989	
	Budget authority	Outlays
302 (b) bill summary:		
H.R. 4794, Senate reported (new budget authority and outlays).....	10.6	9.5
Enacted to date.....		17.2
Adjustment to conform mandatory programs to resolution assumptions.....	-1	+1
Scorekeeping adjustments.....		
Bill total.....	10.5	26.7
Subcommittee 302(b) allocation.....	10.8	26.7
Difference.....	-3	-1
Bill total above (+) or below (-): President's request.....	+1.8	+9
Summit cap summary:		
Domestic discretionary spending in bill.....	10.2	26.4
Allocation under domestic cap.....	10.4	26.4
Difference.....	-3	-1

<sup>1</sup> Less than \$50,000,000.

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

Mr. ADAMS. Mr. President, as the chairman knows, the House bill contains language addressing the issue of labor protection provisions in airline mergers. While the House language deals with this issue, I am not totally satisfied with the mechanism it uses. As the chairman and our colleagues may recall, the Senate addressed this issue in a more comprehensive fashion last year when it adopted, by a substantial majority, an amendment I offered. That amendment was designed to transfer responsibility for the imposition of labor protection provisions from the Department of Transportation to the Department of Labor. The motive for that change was a simple one: DOT has refused, over the last 8 years, to even consider LPP's despite the massive increase in mergers and the labor disruptions which were created. By transferring authority to DOL and giving the Secretary of Labor specific directions, I hoped to return to the system which had existed under the CAB where labor protection had been a fairly routine element in mergers.

As I indicated, the Senate had adopted that amendment last year. I had intended to offer it as a perfecting amendment to the existing House language in this bill. But it soon became clear that some in the Senate would engage in extended debate if such an amendment was offered—despite the fact that the Senate had previously adopted it and despite the fact that the House had already included language on this issue in the bill.

After discussions with the chairman and the leader, I have concluded that the best course of action for me, and for those who believe in providing basic protection to labor, is to not offer this amendment and instead deal with this issue in conference.

I have had some informal conversations with some Members of the House who agree that the approach adopted by the Senate last year is preferable to the current House language. I also understand that that is the view of the chairman. In light of that, I believe that we may be able to resolve this issue in conference and avoid the necessity for a prolonged debate on the floor. Given the importance of moving the appropriation bills along, and given the fact that we can address this issue in another context on this bill, I believe this is the best course of action.

Mr. LAUTENBERG. Mr. President, the Senator from Washington is absolutely correct, and I appreciate his willingness to allow us to address this issue in conference. I promise him, and I promise the Senate, that I will do everything I can to make sure that the position of the Senate, as expressed last year, prevails in the conference. I know, as well, that this is the position

of the ranking minority member of the subcommittee, Senator D'AMATO.

#### HUNTSVILLE AIRPORT PROJECT

Mr. SHELBY. Mr. President, Huntsville, AL, is the seventh fastest growing community in the Nation. The Huntsville International Airport is growing in activity at a rate of 20 percent annually. Its air cargo activity has increased fourfold in the last 2 years. Two all-cargo carriers are now in a position to designate and use Huntsville International as a major all cargo hub for international cargo activities.

In order to accommodate this growth, the strengthening of the east parallel runway of the airport is being accomplished under a multiyear Airport Improvement Program [AIP] grant for fiscal years 1988 and 1989. Unfortunately, funds are also needed in order to accomplish a 2,000-foot extension of this runway. The proposed runway extension would provide for direct international flights of large cargo aircraft. Through the use of fiscal year 1989 discretionary funds allocated to AIP, the proposed runway extension could become a reality.

The proposed runway extension and the concomitant increase in operations would have a number of beneficial effects on the economies of north Alabama and southern Tennessee as well as on aviation capacity and safety. An estimated 1,500 new jobs would be created. In addition, the airport could attract a hub passenger airline.

New jobs, capacity relief, and safety relief are needed now and will not occur unless this proposed runway extension is funded from fiscal year 1989 Airport Improvement Program discretionary funds. The estimated cost of the project is \$3.7 million.

Huntsville International has recently received preapplication approval from the FAA with respect to its request for discretionary funds from the AIP for fiscal year 1989 and is proceeding to complete the environmental assessment for the runway extension.

The distinguished senior Senator from Alabama, Mr. HEFLIN, and I understand that the distinguished manager of the Department of Transportation and related agencies appropriations bill now before the Senate agrees with the need for the subject Huntsville International Airport application to receive priority consideration by the Federal Aviation Administration.

Mr. HEFLIN. The extension of the east runway at the Huntsville International-Carl T. Jones Field is an urgent and critical need. This will help relieve congestion at nearby hub airports, increase safety, and create jobs.

I would like to thank the Senator from New Jersey for his assistance on this matter. I know that solely because of time constraints, the Appropriations Committee was not able to consider this application when the bill

was before the committee; and I certainly appreciate his efforts at this time.

Mr. LAUTENBERG. My good friends from Alabama are correct. I will be sure to include the Huntsville International Airport project in the report accompanying this bill to be included among those which the committee directs the FAA to give priority consideration for fiscal year 1989 AIP funds.

Mr. SHELBY. I thank my good friend from New Jersey for his assistance in addressing this important situation.

#### HIAWATHA AVENUE PROJECT

Mr. DURENBERGER. Mr. President, in reviewing the committee report accompanying the fiscal year 1989 Department of Transportation appropriations bill, I notice that the committee has not concurred in the House request that \$8.5 million be made available for the Hiawatha Avenue demonstration project. This oversight, if left uncorrected in conference with the House of Representatives, could jeopardize the tremendous progress we have made on this project over the past few years.

As the distinguished chairman and ranking member may recall, we discussed this project during last years debate on the fiscal year 1988 DOT appropriations bill. While my two distinguished colleagues could not guarantee that they would recede to the House position on this project, you did indicate that you would try and be helpful. Accordingly, when I saw that funds were included for the project in last years continuing resolution, I knew that the Senators from New Jersey and New York were indeed receptive in Minnesota's needs.

My question to the chairman and ranking member is whether they might indicate how this project is likely to fare in conference with the House.

Mr. LAUTENBERG. Mr. President, in response to the question raised by my good friend from Minnesota, I suspect that the absence of funds for this critical project has more to do with the difficulties created by the insufficient 302(b) allocation than the merits on the project. As the Senator knows, this project happens to be located in the district of a member of the House subcommittee, and I suspect that he will fight extremely hard to see that this project is retained in conference.

Mr. D'AMATO. Mr. President, I concur with the chairman's observations. As is evident from previous bills and this years extremely tight budget allocation, it was necessary for our subcommittee to avoid funding House projects in the Senate bill. However, it is likely that the Senate may accept some House projects in conference and, given the advanced stage of this project, its chances are very good. For

my part, I promise I will do everything I can to see that the Senator's request is addressed in conference.

Mr. DURENBERGER. Mr. President, I thank my two colleagues for engaging in this colloquy with me. I realize the difficult choices they had to make in putting this years bill together, and know that you will try your best to accommodate the House on this project.

Mr. BOSCHWITZ. Mr. President, I rise to join my good friend and fellow Senator from Minnesota [Mr. DURENBERGER] in support of the Hiawatha Avenue project. This endeavor, which is so important to our State, already has received nearly half of its authorized funds. To suspend funding at this critical juncture could delay and increase the cost of this important transportation project.

I am pleased to hear that the distinguished chairman and ranking member understand the importance of this project and that they will do all they can to ensure that it is addressed in the conference committee.

I, too, am well aware of the difficult decisions that they had to make in putting together the committee's recommendation and want to thank them in advance for their efforts in conference with respect to the Hiawatha Avenue project.

Mr. HEINZ. Mr. President, I rise today to engage in a brief colloquy with the distinguished chairman of the Subcommittee on Transportation, Senator LAUTENBERG. First, let me commend both the chairman and the ranking member, Senator D'AMATO, for their achievement in crafting a fine bill with a limited amount of available dollars.

I believe this bill will meet the Nation's transportation needs and particularly put increased resources where we need them.

I was particularly pleased to see that funding for Amtrak and mass transit grants have been maintained at or near current levels and that proposals to scale back these important programs have been rejected.

Nevertheless, I do want to express three concerns with provisions appropriating funds for the Urban Mass Transportation Administration.

First, I note that funding for the Section 9 Formula Program, the one that provides grants to all of the Nation's urban areas for transit vehicle and facility replacement, was reduced by more than 7 percent. I am concerned that transit authorities across the Nation, particularly ones in smaller communities, may not be able to absorb such a fiscal shock to their capital budgets without cutting back on needed services, equipment or facilities.

I understand that our colleagues in the other body did manage to produce



a slight increase in section 9. My question is: Would the chairman be willing to work in conference toward a compromise that will more closely reflect what I know is a goal we share, maintenance of program funding at at least a freeze level?

One other result of the cut in section 9 in the bill as reported is that many smaller areas of the country and in my own State of Pennsylvania will receive less in total formula apportionments from UMTA than they are entitled to receive under their operating assistance caps. This phenomenon, which we did not intend when we wrote the reauthorization bill, results in a de facto cut in operating aid, aid which is critical to meeting the day-to-day costs of providing transit service, particularly in small transit authorities.

Finally, I wanted to express concern about a provision that would, for the first time, tap the mass transit account of the highway trust fund, for funds to support interstate transfer transit projects. Mr. President, these are worthy and important transit projects, I am sure, that State and local officials have determined to build in lieu of interstate highway projects.

However, we did not intend for the trust fund to be used for these trade-in projects; rather we continued prior law that provides for their funding from general revenues. We in the Banking Committee felt that the trust fund should be reserved for important transit new starts, rail modernization and major bus projects that might not otherwise be affordable by cities, using their basic formula allocation. We also felt that, in response to the persuasive arguments of some of my colleagues here in the Senate, that some trust fund money should be distributed by formula, on an equitable basis, to urban areas in all States and to rural areas as well. We accomplished this with so-called blending concept, and I note that in this bill, Mr. President, some \$75 million will be so shared.

But I would like to solicit the views of the gentleman from New Jersey with regard to the issue of using mass transit account money for interstate transfer projects. Does he believe some accommodation can be made in conference, that would preserve the authorized use of gas tax revenues solely for section 3 projects?

Mr. LAUTENBERG. I thank the Senator from Pennsylvania for raising these important issues. Let me assure him that I share his concerns about maintaining funding for the section 9 program at the highest possible level and about preserving gas tax revenues for the section 3 program. I say to the Senator that we will work in conference to accommodate these concerns to the greatest extent possible. Given our tight budgetary constraints,

Mr. HEINZ. I thank my friend from New Jersey for his answers and for his willingness to work with this Senator to make sure that the very scarce dollars that we have for mass transit are used most prudently.

Mr. President, I want to say again that the Appropriations Committee, and the leaders of the Subcommittee on Transportation, have produced a fine bill, despite these accommodations which I know had to be made to fiscal reality. I will support the bill and I would urge my colleagues to support it as well.

Mr. WIRTH. I would like to ask the distinguished Senator from New Jersey, the chairman of the Transportation Appropriations Subcommittee, for clarification about the letters of intent that FAA is authorized to enter into with airport-sponsoring communities for projects that enhance the capacity of the Nation's airport system.

As the chairman may know, the city and County of Denver hopes to receive from the FAA during fiscal year 1989 a letter of intent for up to \$85 million annually from discretionary moneys in the Airport and Airway Improvement Program. Funds would continue each year at approximately that level until the new airport opens in the mid-1990's. I inquire of the chairman as to how he anticipates the letter of intent process will work, particularly under the clarifications to that process that he has included in the appropriations bill before us.

Mr. LAUTENBERG. If the Senator will yield, the committee intends that the new FAA letter of intent process will be used specifically to help finance important new airport capacity projects such as the new Denver airport. Under this process, the FAA can negotiate a letter of intent with an airport sponsor such as Denver, for a multiyear period covering discretionary funds available from the aviation trust fund but subject to obligational ceilings and annual appropriations.

The committee intends through this process to offer a community willing to provide an important quantity of new airport capacity a plan for the long-term Federal financing even if not at the level of annual financing that that community might wish. The committee intends that the FAA be able to issue letters of intent that extend beyond 1992 but, of course, conditioned upon an appropriate extension of the authorization law occurring during that fiscal year.

Mr. WIRTH. If I may inquire further, the committee in its appropriations bill establishes a ceiling on the total amount of AAIP funds that FAA can commit to be obligated during fiscal year 1989. But the committee does not appear to limit the amount of future year AAIP funds that FAA can informally commit in the letter of intent process for fiscal years 1990-92.

In signing letters of intent process for the out-years under this authorization, may the FAA assume that future funding under this program will continue for fiscal years 1990-92 at the final fiscal year 1989 level? In other words, can the FAA, in issuing a letter of intent, assume a straightlining of this year's AAIP funding level?

Mr. LAUTENBERG. The distinguished Senator from Colorado is correct. In issuing letters of intent under the authorization and our appropriations bill, FAA may plan for Denver and other eligible airport sponsors a level of funding for the AAIP in fiscal years 1990 through 1992 that assumes a straightlining from the fiscal year 1989 level. This is not dependent on the 1988 level. Clearly, communities such as Denver need the assurance of multiyear financial planning. Because the AAIP is funded from aviation trust fund revenues and because letters of intent are to be issued subject to authorizations, obligational ceilings, and appropriations, the FAA may assume a straightlining of this program level in entering into commitments for fiscal years 1990 through 1992.

Mr. WIRTH. I thank the Senator for his very helpful explanation. As I mentioned, Denver will soon be requesting substantial funding from FAA to help finance its new airport project. As a practical matter, Denver has received less in Federal discretionary grants than any other major airport sponsor in recent years. Because it was anticipating its new airport project, the city has not been requesting any discretionary funds from Stapleton International. With the Appropriations Committee's help, substantial levels of AAIP funds will be needed in future years for this important project. I am confident passengers who have used Stapleton Airport in past years would want their user tax contributions to be returned to our region to help finance this new project for their future use.

Again, I thank the chairman of the Appropriations Subcommittee for his very helpful clarification of the letter of intent process.

#### OFF-AIRPORT CAR RENTAL GROSS RECEIPTS FEES

Mr. FORD. Mr. President, I wish to put an inquiry to the bill manager regarding language in the committee report. On page 31, the report discusses the subject of gross receipt fees imposed by airports on off-airport car rental companies. The Subcommittee on Aviation, which I chair, held hearings on related legislation last September, and has concluded that this issue is not a proper matter for Federal intervention. This sentiment is more fully expressed in letters which Senator KASSEBAUM and I sent to both managers and which I ask unanimous con-

sent be placed in the RECORD at the conclusion of this colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered (See Exhibit 1).

Mr. FORD. Mr. President, I am pleased that the Committee on Appropriations has chosen not to include bill language relative to gross receipts fees, and addresses such fees only through report language. In that report, the committee expresses its views regarding gross receipts fees and I am compelled to seek the following clarification. Would the distinguished chairman assure us that the committee's direction to review such fees in no way implies a criticism of such fees or expresses a sense of the committee that the discretion of the airport operators to impose these fees for the purpose of generating airport revenues and to allocate, through market pricing of such fees, scarce airport landside resources, should be limited in favor of a legislative or administrative determination of what constitutes a reasonable fee upon airport-related businesses.

Mr. LAUTENBERG. Mr. President, I am pleased to respond to the inquiry from the distinguished Senator from Kentucky. The committee's action is intended to assist the authorizing committees, through a limited study, in assessing this issue. The committee's directive should not be interpreted to imply a sense of the committee that gross receipts fees imposed on off-airport car rental companies are, in any way, in and of themselves, unreasonable, unfair, or anticompetitive. Nor should the report language be interpreted to imply a sense of the committee that the discretion of the airport operators to impose these fees should be at all restricted as long as the imposition of the fees meets constitutional standards for rational governmental action as interpreted by the Federal courts.

Mr. FORD. I thank the distinguished Senator from New Jersey.

U.S. SENATE,  
COMMITTEE ON COMMERCE SCIENCE, AND  
TRANSPORTATION,  
Washington, DC, June 20, 1988.  
Hon. Alfonse M. D'Amato, U.S. Senate,  
Washington, D.C.

Dear Al: We understand that an amendment addressing the ability of airports to classify and charge off-airport businesses for the use of Airport facilities may be considered by your subcommittee when you mark-up transportation appropriations legislation.

As you may know, legislation relating to this same issue has been introduced and referred to the Commerce Committee. Hearings were held by committee members and staff with the interested parties, following which, additional hearings were held on the legislation by the Aviation Subcommittee. During the course of those hear-

ings no member of the subcommittee voiced support for the legislation.

As chairman and ranking member of the subcommittee, we concluded that the subcommittee—on a bipartisan basis—did not believe that federal intervention in this area was either wise or warranted, and subsequently, several members have asked to be notified if the issue is brought to the floor for action.

For these reasons and the fact that the courts have found that airports have the right to allocate their costs of operations to all airport businesses, including charges to off-airport businesses, we would urge your opposition to the amendment.

Sincerely,  
NANCY LONDON KASSEBAUM,  
U.S. Senate

WENDELL H. FORD,  
U.S. Senate.

U.S. SENATE,  
COMMITTEE ON COMMERCE SCIENCE, AND  
TRANSPORTATION,  
Washington, DC, June 20, 1988.  
Hon. Frank R. Lautenberg, U.S. Senate,  
Washington, D.C.

Dear Frank: We understand that an amendment addressing the ability of airports to classify and charge off-airport businesses for the use of Airport facilities may be considered by your subcommittee when you mark-up transportation appropriations legislation.

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Sincerely,  
NANCY LONDON KASSEBAUM,  
U.S. Senate

WENDELL H. FORD,  
U.S. Senate.

COAST GUARD

Mr. GRAHAM. Mr. President, I have a question for my colleague from New Jersey about appropriation provisions regarding the Coast Guard. We do not address the \$60 million reprogram-

ming, a budget shortfall that has seriously delayed important drug interdiction activities in my own State of Florida. The Coast Guard has said that this shortfall in funds has caused cutbacks in drug enforcement patrols by 55 percent.

I am very concerned that we fund the Coast Guard at adequate levels, and enhance, not diminish their ability to provide full patrols for the war on drugs. Last year alone the Coast Guard seized 1.3 million pounds of marijuana and 12,900 pounds of cocaine, an effort that is integral in protecting Florida's shoreline from drug smugglers. Equally important to the people of Florida, are the continuing diligent protection that is provided by the Coast Guard's search and rescue and boat safety functions.

I ask the Senator from New Jersey if I can get his assurance that the full \$60 million will be contained in the Senate version of a dire emergency supplemental bill that we will take up after House action, that we will act expeditiously on this bill and that as Transportation Subcommittee chairman you will support this bill?

Mr. LAUTENBERG. My colleague from Florida is correct in supporting full funding for vital Coast Guard activities, he joins many of us in the Senate in expressing his concern.

The activities of the Coast Guard are very important to New Jersey as well, and Senator GRAHAM can have my assurance that we are going to help the Coast Guard to the full extent we can by supporting and urging action on the emergency supplemental when it comes from the House and by the bill we are now considering which again provides \$1,896,116,000 for Coast Guard operating expenses, and by earmarking \$147,000,000 for Coast Guard's Environmental Protection Program and \$492,000,000 for the Coast Guard's drug interdiction programs and activities.

AMTRAK SERVICE IN THE SAN JOAQUIN VALLEY

Mr. CRANSTON. Mr. President, I would like to engage the manager of the bill in a brief colloquy regarding rail passenger service in California. Amtrak passenger service in the San Joaquin Valley, between Fresno and Stockton, is presently over the Santa Fe trackage rather than the Southern Pacific trackage that runs through the major cities of the valley. Passenger service would be enhanced and increased if this trackage switch were to occur. Amtrak studies have shown it would cost approximately \$5 million to accomplish the switch.

The ICC is presently overseeing the divestiture of the Southern Pacific Transportation Co. by the Santa Fe Southern Pacific Corp. I wonder if we could have an understanding as this bill proceeds to conference that the



ICC should take into consideration in overseeing the divestiture the fact of Amtrak's desire to switch from the Santa Fe trackage to the Southern Pacific trackage.

Mr. LAUTENBERG. Yes, I would be agreeable to that, that this matter be considered in conference.

#### INSTRUMENT LANDING SYSTEM FOR PONCA CITY AIRPORT

Mr. NICKLES. Mr. President, I thank my colleague from New Jersey for all his hard work on this legislation. I realize that it is a difficult job to provide appropriations for a balanced transportation program. I would like to thank Senator D'AMATO, the ranking member, for his assistance.

As I have discussed with the chairman and the ranking member, it is my desire to have the instrument landing system [ILS] at Ponca City Municipal Airport completed. Completion of this system is vital to the economic growth and security of the community and many of the surrounding municipalities. In 1987, between 10 and 12 million passenger miles were flown by local aircraft. This flight activity in and out of Ponca City will continue to increase.

In order to support this growth the instrument landing system must be completed. There are four component parts in the instrument landing system. Ponca City Airport requires only two components, the electronic glide-slope and middle marker, to complete their instrument landing system.

Therefore, I would like to request that language be included in the conference report to direct the FAA to place Ponca City Municipal Airport on the list for priority consideration. I thank my colleagues for their consideration.

Mr. D'AMATO. Mr. President, I would like to add my support to the request of my colleague from Oklahoma. I understand the importance of the instrument landing system to the community of Ponca City. As ranking member, I would also like to encourage the Chair to consider Senator NICKLES' request as a priority.

Mr. LAUTENBERG. I appreciate the comments of my colleagues from Oklahoma and New York. As you know, it has been difficult to provide sufficient funds for all the requests. However, I, too, understand the importance of the ILS to Ponca City. I will attempt to accommodate Senator NICKLES in conference. I ensure the Senator that I will do all I can to have language placed in the conference report to put Ponca City on the list for priority consideration.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement the clerk will read the bill for the third time.

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

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

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

The result was announced—yeas 91, nays 6, as follows:

[Rollcall Vote No. 243 Leg.]

#### YEAS—91

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

#### NAYS—6

Armstrong	Humphrey	Roth
Garn	Proxmire	Wallop

#### NOT VOTING—3

Bentsen	Biden	Helms
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So the bill, H.R. 4794, as amended, was passed.

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

Mr. D'AMATO. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. SANFORD] appointed Mr. LAUTENBERG, Mr. STENNIS,

Mr. BYRD, Mr. CHILES, Mr. HARKIN, Mr. PROXMIRE, Mr. INOUE, Mr. D'AMATO, Mr. COCHRAN, Mr. KASTEN, Mr. WEICKER, and Mr. HATFIELD conferees on the part of the Senate.

Mr. LAUTENBERG. Mr. President, I want to say in closing that working with the transportation bill through a very tough period when resources were scarce, the demands were many, I would have to tell you, Mr. President, and other colleagues here in the Chamber, that with Senator D'AMATO, my friend from the neighboring State and the ranking member of the subcommittee, the job was not only made possible but made considerably easier.

I also must say that the members of the subcommittee: Senator STENNIS, our distinguished chairman of the Appropriations Committee; Senator CHILES; our majority leader, Senator BYRD; and Senator HARKIN; and on the Republican side, Senators KASTEN, COCHRAN, and WEICKER, all participated fully and made it possible to satisfy if not all, most of the requests that came in to help our Nation achieve its objective of a balanced transportation network.

I also would like to say at this moment, Mr. President, that the staff, subcommittee staff, Jerry Bonham, Pat McCann, Joseph McGrail, and Joyce Rose, as well as Anne Miano and Dorothy Pastis, all did an outstanding job. They worked very hard. They were ready on time and we were able to get this appropriations bill passed in reasonable fashion according not only to the quality of the bill but also to the calendar.

Mr. D'AMATO. Mr. President, let me thank my distinguished colleague, the manager of the bill, Senator LAUTENBERG, and commend him and the staff on both the majority and minority side for, I think, a job well done.

It was very difficult. I want to commend them for reaching out and making it possible to forge the kind of program necessary, particularly as it related to the Coast Guard.

I said I did not think it could be done. They did it. They certainly saw to it that we put those necessary dollars to restore the areas that were severely impaired as a result of this body last year and this year moving forward in a way that does not provide those funds.

So, Senator LAUTENBERG, to you, to the staff, to all those who have worked in a bipartisan manner to fashion this bill, I want to add my congratulations.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I compliment both managers. They have demonstrated skill, good teamwork, and have been very courteous and cooperative with the joint leadership in bring-

ing this bill forward. I commend them and I personally thank them.

Mr. LAUTENBERG. I thank the majority leader.

Mr. D'AMATO. Thank you, Mr. Leader.

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES, BOARDS, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATION ACT, FISCAL YEAR 1989**

The PRESIDING OFFICER. Under the previous order, the Senate will not proceed to the consideration of H.R. 4800, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4800) making appropriations for the Department of Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes.

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

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes, namely:*

**TITLE I**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**HOUSING PROGRAMS**

**ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING  
[ (INCLUDING RESCISSION) ]**

[For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, \$7,673,765,000, to remain available until expended: *Provided*, That of the new budget authority provided herein, \$71,850,788 shall be for the development or acquisition cost of public housing for Indian families; \$343,347,300 shall be for the development or acquisition cost of public housing, including major reconstruction of obsolete public housing projects, other than for Indian families; \$1,646,948,200 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437i); \$1,020,600,000 shall be for assistance under section 8 of the Act for projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q); \$389,574,000 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f); \$584,675,000 shall be for the section 8 moderate rehabilitation program (42 U.S.C. 1437f), of which \$35,000,000 is to be used to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney

Homeless Assistance Act (Public Law 100-77); up to \$307,430,000 shall be for section 8 assistance for property disposition; and \$1,463,825,280 shall be available for the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)): *Provided further*, That of that portion of such budget authority under section 8(o) to be used to achieve a net increase in the number of dwelling units for assisted families, highest priority shall be given to assisting families who as a result of rental rehabilitation actions are involuntarily displaced or who are or would be displaced in consequence of increased rents (wherever the level of such rents exceeds 35 percent of the adjusted income of such families, as defined in regulations promulgated by the Department of Housing and Urban Development): *Provided further*, That up to \$145,462,500 shall be for loan management under section 8 and that any amounts of budget authority provided herein that are used for loan management activities under section 8(b)(1) (42 U.S.C. 1437f(b)(1)) shall not be obligated for a contract term that exceeds five years, notwithstanding the specification in section 8(v) of the Act that such term shall be 180 months: *Provided further*, That the fees for the costs incurred in administering the certificate and housing voucher programs under sections 8(b) and 8(o), respectively, shall be established or increased in accordance with the authorization for such fees in section 8(q) of the Act: *Provided further*, That of the \$7,673,765,000 provided herein, \$299,376,000 shall be used to assist handicapped families in accordance with section 202(h) (2), (3) and (4) of the Housing Act of 1959, as amended (12 U.S.C. 1701q) and \$35,000,000 shall be for assistance under the Nehemiah housing opportunity program pursuant to section 612 of the Housing and Community Development Act of 1987 (Public Law 100-242): *Provided further*, That amounts equal to all amounts of budget authority (and contract authority) reserved or obligated for the development or acquisition cost of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1989, shall be rescinded: *Provided further*, That notwithstanding the 20 percent limitation under section 5(j)(2) of the Act, any part of the new budget authority for the development or acquisition costs of public housing other than for Indian families may, in the discretion of the Secretary, based on applications submitted by public housing authorities, be used for new construction or major reconstruction of obsolete public housing projects other than for Indian families: *Provided further*, That amounts equal to recaptured amounts for housing development grants shall be made available during 1989 on the terms specified in the sixth proviso under this head in the Department of Housing and Urban Development appropriation for 1987 (section 101(g) of Public Laws 99-500 and 99-591, 100 Stat. 1783, 1783-242, and 3341, 3341-242).]

**(INCLUDING RESCISSION AND TRANSFER OF FUNDS)**

*For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, \$7,404,249,500, to remain available until expended, and, in addition, \$125,000,000 of unobligated balances shall be provided by transfer from the Flexible Subsidy Fund account, to remain available until*

*expended: Provided, That of the budget authority provided herein, \$71,850,788 shall be for the development or acquisition cost of public housing for Indian families; \$2,100,000,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437i); \$1,090,153,040 shall be for assistance under section 8 of the Act for projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q); \$45,000,000 shall be for the section 8 moderate rehabilitation program (42 U.S.C. 1437f), to be used to assist homeless individuals under section 441 of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77); up to \$307,430,000 shall be for section 8 assistance for property disposition; \$1,273,810,280 shall be available for the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)); and \$692,200,000 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f): *Provided further*, That notwithstanding the provisions of section 18(b)(3)(A)(v) of the Act, the contracts for any certificates under section 8 that are used to assist tenants of public housing projects which are sold or demolished shall be for a term of five years: *Provided further*, That up to \$145,462,500 shall be for loan management under section 8 and that any amounts of budget authority provided herein that are used for loan management activities under section 8(b)(1) (42 U.S.C. 1437f(b)(1)) shall not be obligated for a contract term that exceeds five years, notwithstanding the specification in section 8(v) of the Act that such term shall be 180 months: *Provided further*, That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b) and 8(o), respectively, shall be established or increased in accordance with the authorization for such fees in section 8(q) of the Act: *Provided further*, That of the \$7,404,249,500 provided herein, \$399,666,960 shall be used to assist handicapped families (including the deinstitutionalized mentally ill) in accordance with section 202(h) (2), (3) and (4) of the Housing Act of 1959, as amended (12 U.S.C. 1701q): *Provided further*, That amounts equal to all amounts of budget authority (and contract authority) reserved or obligated for the development or acquisition cost of public housing (excluding public housing for Indian families), for modernization of existing public housing projects (excluding such projects for Indian families), and for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1989, shall be rescinded: *Provided further*, That of the amount of new budget authority specified for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437i), 20 percent shall be used under such section 14 for major reconstruction of obsolete public housing projects: *Provided further*, That amounts equal to recaptured amounts for housing development grants shall be made available during 1989 on the terms specified in the sixth proviso under this head in the Department of Housing and Urban Development appropriation for 1987 (section 101(g) of Public Laws 99-500 and 99-591, 100 Stat. 1783, 1783-242, and 3341, 3341-242): *Provided further*, That section 17(d)(4)(G) of the Act is amended by inserting after "July 23, 1985" the following: "; and 36 months after notice in the case of projects for which funding notices were issued during fiscal year 1986": *Provided**



further, That none of the amounts made available for obligation in 1989 shall be subject to the provisions of section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439).

#### RENTAL REHABILITATION GRANTS

For the rental rehabilitation grants program, pursuant to section 17(a)(1)(A) of the Housing Act of 1937, as amended (42 U.S.C. 1437o), \$150,000,000, to remain available until September 30, 1991.

#### RENTAL HOUSING ASSISTANCE

##### (RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z-1) is reduced in fiscal year 1989 by not more than \$2,000,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts.

#### HOUSING FOR THE ELDERLY OR HANDICAPPED FUND

In fiscal year 1989, [\$478,422,000] \$537,736,000 of direct loan obligations may be made under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), utilizing the resources of the fund authorized by subsection (a)(4) of such section, in accordance with paragraph (C) of such subsection: *Provided*, That such commitments shall be available only to qualified nonprofit sponsors for the purpose of providing 100 per centum loans for the development of housing for the elderly or handicapped, with any cash equity or other financial commitments imposed as a condition of loan approval to be returned to the sponsor if sustaining occupancy is achieved in a reasonable period of time: *Provided further*, That the full amount shall be available for permanent financing (including construction financing) for housing projects for the elderly or handicapped: *[Provided further*, That to the extent that there are approvable applications for loans under section 202(h), and notwithstanding the 15 percent minimum under section 202(h)(1), the amount of direct loan obligations to be made available for development costs for housing for handicapped families shall be adequate to permit the use of the amounts of budget authority provided in this Act for assistance under section 202(h) (2), (3), and (4):] *Provided further*, That 25 percent of the direct loan authority provided herein shall be used only for the purpose of providing loans for projects for the handicapped, with the mentally ill homeless handicapped receiving priority: *Provided further*, That the Secretary may borrow from the Secretary of the Treasury in such amounts as are necessary to provide the loans authorized herein: *Provided further*, That, notwithstanding any other provision of law, the receipts and disbursements of the aforesaid fund shall be included in the totals of the Budget of the United States Government: *Provided further*, That, notwithstanding section 202(a)(3) of the Housing Act of 1959, loans made in fiscal year 1989 shall bear an interest rate which does not exceed 9.25 per centum, including the allowance adequate in the judgment of the Secretary to cover administrative costs and probable losses under the program.

#### CONGREGATE SERVICES

For contracts with and payments to public housing agencies and nonprofit corporations for congregate services programs in accordance with the provisions of the Congregate

Housing Services Act of 1978, [\$5,400,000] \$7,000,000, to remain available until September 30, 1990.

#### PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), \$1,617,508,000.

#### HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106(a)(1)(iii), section 106(a)(2), and section 106(c) of the Housing and Urban Development Act of 1968, as amended, [\$4,500,000] \$3,500,000.

#### FLEXIBLE SUBSIDY FUND

For assistance to owners of eligible multifamily housing projects insured, or formerly insured, under the National Housing Act, as amended, or which are otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z-1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, all uncommitted balances of excess rental charges [and any collections after September 30, 1988, to remain available until September 30, 1990] as of September 30, 1988, and any collections and other amounts in the fund authorized under section 201(j) of the Housing and Community Development Amendments of 1978, as amended, during fiscal year 1989, to remain available until expended: *Provided*, That assistance to an owner of a multifamily housing project assisted, but not insured, under the National Housing Act may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development.

#### EMERGENCY SHELTER GRANTS PROGRAM

For the emergency shelter grants program, as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77, 101 Stat. 482, 495), [\$65,000,000] \$35,000,000, to remain available until expended.

#### TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM

For the transitional and supportive housing demonstration program, as authorized under subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77, 101 Stat. 482, 498), [\$85,000,000] \$75,000,000, to remain available until expended.

#### INTERAGENCY COUNCIL ON THE HOMELESS

For necessary expenses of the Interagency Council on the Homeless, not otherwise provided for, as authorized by title II of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11311-11319), [\$1,200,000] \$1,000,000, to remain available until expended: *Provided*, That the Council shall carry

out its duties in the 10 standard Federal regions under section 203(a)(4) of such Act only through detail, on a non-reimbursable basis, of employees of the departments and agencies represented on the Council pursuant to section 202(a) of such Act.

#### FEDERAL HOUSING ADMINISTRATION FUND

For payment to cover losses, not otherwise provided for, sustained by the Special Risk Insurance Fund and General Insurance Fund as authorized by the National Housing Act, as amended (12 U.S.C. 1715z-3(b) and 1735c(f)), \$237,720,000, to remain available until expended.

During fiscal year 1989, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the National Housing Act, as amended.

During fiscal year 1989, additional commitments to guarantee loans to carry out the purposes of the National Housing Act, as amended, shall not exceed a loan principal of \$96,000,000,000.

During fiscal year 1989, gross obligations for direct loans of not to exceed \$103,350,000 are authorized for payments under section 230(a) of the National Housing Act, as amended, from the insurance fund chargeable for benefits on the mortgage covering the property to which the payments made relate, and payments in connection with such obligations are hereby approved.

#### NONPROFIT SPONSOR ASSISTANCE

During fiscal year 1989, within the resources and authority available, gross obligations for the principal amounts of direct loans shall not exceed \$960,000.

#### GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

##### GUARANTEES OF MORTGAGE-BACKED SECURITIES

During fiscal year 1989, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721g), shall not exceed \$144,000,000 of loan principal.

#### COMMUNITY PLANNING AND DEVELOPMENT

##### COMMUNITY DEVELOPMENT GRANTS

##### (INCLUDING TRANSFERS OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), \$3,000,000,000, to remain available until September 30, 1991, of which [\$200,000,000] \$160,000,000 shall be derived by transfer from the unobligated balances in the "Rehabilitation loan fund" [and \$150,000,000 shall be derived by transfer from the unobligated balances in the "Flexible subsidy fund"]: *Provided*, That not to exceed 20 per centum of any grant made with funds appropriated herein (other than a grant using funds set aside in the following proviso) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development: *Provided further*, That \$5,000,000 shall be made available from the foregoing \$3,000,000,000 to carry out a child care demonstration under section 222 of the Housing and Urban-Rural Recovery Act of 1983, as amended (12 U.S.C. 1701z-6 note): *Provided further*, That \$2,000,000 shall be made available from the

foregoing \$3,000,000,000 to carry out a neighborhood development demonstration under section 123 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181): Provided further, That of the funds appropriated under this head in the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (section 101(f), Public Law 100-202) not less than \$4,650,000 shall be available from the Secretary's Discretionary Fund for the special project grants listed on page 842 of House Report 100-498.

During fiscal year 1989, total commitments to guarantee loans, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), shall not exceed \$144,000,000 of contingent liability for loan principal.

For purposes of administering its community development block grant program for nonentitlement areas under section 106(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(d)), the State of Pennsylvania may, with respect to funds provided in appropriations Acts for fiscal years 1987 and 1988, continue to utilize the data on low and moderate income populations that were utilized by the State with respect to funds provided in appropriations Acts for fiscal year 1986.

Section 105(c)(2)(A) of the Housing and Community Development Act of 1974 is amended by striking out "or" immediately before "(ii)" and inserting at the end thereof before the period the following:

“; or (iii) the assistance for such activity is limited to paying assessments (including any charge made as a condition of obtaining access) levied against properties owned and occupied by persons of low and moderate income to recover the capital cost for a public improvement”.

#### REHABILITATION LOAN FUND

During fiscal year 1989, collections, unexpended balances of prior appropriations (including any recoveries of prior reservations) and any other amounts in the revolving fund established pursuant to section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), after September 30, 1988, are available and may be used for commitments for loans and operating costs and the capitalization of delinquent interest on delinquent or defaulted loans notwithstanding section 312(h) of such Act: Provided, That none of the funds in this Act may be used to sell any loan asset that the Secretary holds as evidence of indebtedness under such section 312.

#### URBAN HOMESTEADING

For reimbursement to the Federal Housing Administration Fund or the Rehabilitation Loan Fund for losses incurred under the urban homesteading program (12 U.S.C. 1706e), and for reimbursement to the Administrator of Veterans Affairs and the Secretary of Agriculture for properties conveyed by the Administrator of Veterans Affairs and the Secretary of Agriculture, respectively, for use in connection with an urban homesteading program approved by the Secretary of Housing and Urban Development pursuant to section 810 of the Housing and Community Development Act of 1974, as amended, [\$12,000,000] \$14,400,000, to remain available until expended.

#### ASSISTANCE FOR SOLAR AND CONSERVATION IMPROVEMENTS

[All funds recaptured from the amount appropriated under this head in the Department of Housing and Urban Development—

Independent Agencies Appropriations Act, 1988 (section 101(f), Public Law 100-202) to remain available until September 30, 1989, shall likewise remain available to the Department of Housing and Urban Development for obligation until September 30, 1989.]

All funds previously appropriated under this head that are recaptured or that otherwise are or become available for obligation, in fiscal year 1989 or thereafter, including all such amounts affected by an order of the United States District Court, Southern District of New York, in *Lorraine Dabney, et al., v. Ronald Reagan, et al.*, 82 Civ. 2231-CSH, dated March 20, 1985, shall be withdrawn, pursuant to 31 U.S.C. 1551 et seq.

#### POLICY DEVELOPMENT AND RESEARCH

##### RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, [\$17,000,000] \$17,200,000, to remain available until September 30, 1990.

#### FAIR HOUSING AND EQUAL OPPORTUNITY

##### [FAIR HOUSING ACTIVITIES]

[For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended, and section 561 of the Housing and Community Development Act of 1987, \$10,000,000, to remain available until September 30, 1990.]

##### FAIR HOUSING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended, \$5,000,000, to remain available until September 30, 1990.

##### FAIR HOUSING INITIATIVES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by section 561 of the Housing and Community Development Act of 1987, \$5,000,000, to remain available until September 30, 1990.

#### MANAGEMENT AND ADMINISTRATION

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed \$4,000 for official reception and representation expenses, [\$719,371,000] \$709,763,000, of which [\$381,528,000] \$371,920,000 shall be provided from the various funds of the Federal Housing Administration: Provided, That during fiscal year 1989, notwithstanding any other provision of law, the Department of Housing and Urban Development shall maintain an average employment of at least 1,365 for Public and Indian Housing Programs.]

##### ADMINISTRATIVE PROVISIONS

Section 119(d)(5) of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following:

“(C) Notwithstanding any other provision of this section, in each competition for grants under this section, no city or urban county may be awarded a grant or grants in an amount in excess of \$10,000,000 until all cities and urban counties which submitted fundable applications have been awarded a

grant. If funds are available for additional grants after each city and urban county submitting a fundable application is awarded one or more grants under the preceding sentence, then additional grants shall be made so that each city or urban county that has submitted multiple applications is awarded one additional grant in order of ranking, with no single city or urban county receiving more than one grant approval in any subsequent series of grant determinations within the same competition.

“(D) All grants under this section, including grants to cities and urban counties described in subsection (b)(2), shall be awarded in accordance with subparagraph (C) so that all grants under this section are made in order of ranking.”.

None of the funds provided in this Act for the Department of Housing and Urban Development may be used to implement or enforce regulations promulgated by the Department on June 6, 1988, with respect to the testing and abatement of lead-based paint in public housing until the Secretary certifies to the Congress that such regulations will provide for the reduction in exposure to lead in public housing in a cost-effective manner and that this program will be conducted with adequate standards and oversight to assure that abatement efforts will not result in greater exposure to lead for public housing residents.

#### TITLE II

#### INDEPENDENT AGENCIES

##### AMERICAN BATTLE MONUMENTS COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; \$15,085,000, of which \$829,000 shall [remain available until expended for the sole purpose of defraying the costs of foreign currency fluctuations] be deposited in the account known as the “Foreign Currency Fluctuations, American Battle Monuments Commission Account”, authorized by section 345, Public Law 100-322: Provided, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: Provided further, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: Provided further, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it: Provided further, That section 409 of the general provisions carried in title IV of this Act shall not apply to the funds provided under this heading: Provided further, That not more than \$125,000 of the private contributions



to the Korean War Memorial Fund may be used for administrative support of the Korean War Veterans Memorial Advisory Board including travel by members of the board authorized by the Commission, travel allowances to conform to those provided by Federal Travel regulations.

#### CONSUMER PRODUCT SAFETY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, and not to exceed \$500 for official reception and representation expenses, **[\$34,500,000]** **\$34,667,000**. *Provided*, That no more than \$308,500 of these funds shall be available for personnel compensation and benefits for the Commissioners of the Consumer Product Safety Commission appointed pursuant to 15 U.S.C. 2053.

#### DEPARTMENT OF DEFENSE—CIVIL CEMETERY EXPENSES, ARMY SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of three passenger motor vehicles for replacement only, and not to exceed \$1,000 for official reception and representation expenses; **\$13,195,000**, to remain available until expended.

#### ENVIRONMENTAL PROTECTION AGENCY SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$25,000 per project; and not to exceed \$3,000 for official reception and representation expenses; **[\$804,000,000]** **\$802,000,000**. *Provided*, That of the total sums appropriated, the amount of program activities which can be financed by the licensing and other services special fund shall be derived from that fund: *Provided further*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913).

#### RESEARCH AND DEVELOPMENT

For research and development activities, **[\$199,382,000]** **\$197,000,000**, to remain available until September 30, 1990: *Provided*, That not more than \$2,000,000 of these funds shall be available for replacement of laboratory equipment: *Provided further*, That of the funds appropriated under this head in the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (section 101(f), Public Law 100-202) not less than \$2,800,000 shall be available for the Center for Environmental Management to carry out the activities identified in the House and Senate reports accompanying said Act.

#### ABATEMENT, CONTROL, AND COMPLIANCE

For abatement, control, and compliance activities, **[\$727,500,000]** **\$708,750,000**, to remain available until September 30, 1990: *Provided*, That not more than **[\$1,500,000]** **\$2,500,000** shall be available for administrative expenses to carry out the Asbestos School Hazards Abatement Act of 1984, as amended: *Provided further*, That none of the funds appropriated under this head shall be available to the National Oceanic and Atmospheric Administration pursuant to section 118(h)(3) of the Federal Water Pollution Control Act, as amended: *Provided further*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913), or for support to State, regional, local and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than section 4008(a)(2) or 4009 (42 U.S.C. 6948, 6949): *Provided further*, That of the funds appropriated under this head in the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (section 101(f), Public Law 100-202) not less than \$16,000,000 shall be available for Boston Harbor cleanup activities and not less than \$700,000 shall be available to identify and control sources of contamination of the Spokane aquifer.

#### BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment for facilities of, or use by, the Environmental Protection Agency, **\$8,000,000**, to remain available until expended.

#### HAZARDOUS SUBSTANCE SUPERFUND

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), **[\$1,425,000,000]** **\$1,525,000,000**, to be derived from the Hazardous Substance Superfund, consisting of \$1,286,000,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and \$239,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, with all of such funds to remain available until expended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA, as amended: *Provided further*, That none of the funds appropriated under this heading shall be available for any Superfund site remedial investigation feasibility study (RI/FS) until the Regional Administrator certifies that (1) all appropriate interim measures are being taken to reduce risks to human health and the environment at such site, and (2) all RI/FS study elements are essential to making an informed decision on the remedial action: *Provided further*, That none of the funds appropriated under this heading shall be available for sections 111 (b), (c)(1), or (c)(2) of CERCLA, as amended: *Provided further*, That, notwithstanding section 111(m) of CERCLA, as amended, or any other provision of law, not to exceed \$44,500,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and

section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further*, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA, as amended, during fiscal year 1989: *Provided further*, That no more than \$190,000,000 of these funds shall be available for administrative expenses.

#### LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, \$50,000,000, to remain available until expended: *Provided*, That no more than \$5,000,000 shall be available for administrative expenses.

#### CONSTRUCTION GRANTS

For necessary expenses to carry out the purposes of the Federal Water Pollution Control Act, as amended, and the Water Quality Act of 1987, **[\$1,950,000,000]** **\$2,100,000,000**, to remain available until expended, of which **[\$934,000,000]** **\$1,050,000,000** shall be for title II (other than sections 201(m)(1-3), 201(n)(2), 206, 208, and 209) of the Federal Water Pollution Control Act, as amended; **[\$934,000,000]** **\$1,050,000,000** shall be for title VI of the Federal Water Pollution Control Act, as amended; and **\$82,000,000** shall be for title V of the Water Quality Act of 1987, consisting of \$27,000,000 for section 510, \$3,000,000 for section 512, \$30,000,000 for section 513, and \$22,000,000 for section 515.

#### ADMINISTRATIVE [PROVISION] PROVISIONS

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

Not to exceed \$30,000,000 in fees and charges is authorized to be assessed and collected by the Administrator in fiscal year 1989 for services and activities carried out pursuant to the statutes which are administered by the Environmental Protection Agency for deposit in a special in a special fund in the United States Treasury which shall be available until expended, to carry out the Agency's activities in the programs for which the fees or charges are made.

#### EXECUTIVE OFFICE OF THE PRESIDENT

##### COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190), the Environmental Quality Improvement Act of 1970 (Public Law 91-224), and Reorganization Plan No. 1 of 1977, including not to exceed \$500 for official reception and representation expenses, and hire of passenger motor vehicles, **[\$870,000]** **\$850,000**. *Provided*, That not to exceed \$290,000 of these funds shall be available for obligation in the first four months of fiscal year 1989.

#### OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not

to exceed \$1,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$1,587,000: *Provided*, [That the Office of Science and Technology Policy shall reimburse other agencies for all of the personnel compensation costs of individuals detailed to it: *Provided further*,] That not to exceed \$400,000 of these funds shall be available for obligation in the first four months of fiscal year 1989.

#### FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF

For necessary expenses in carrying out the functions of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 et seq.), [\$200,000,000] \$125,000,000, to remain available until expended.

#### SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of government program to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed \$1,500 for official reception and representation expenses, [\$137,494,000] \$137,274,000: *Provided*, That during fiscal year 1989, notwithstanding any other provision of law, the Federal Emergency Management Agency shall maintain 140 full-time permanent duty-stationed employees at the National Emergency Training Center in Emmitsburg, Maryland, exclusive of employees funded under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, or with any Federal appropriation not provided for fire programs or the Emergency Management Institute under this Act.

#### EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), section 103 of the National Security Act (50 U.S.C. 404), and Reorganization Plan No. 3 of 1978, \$282,438,000.

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

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, \$10,178,000 shall, upon enactment of this Act, be transferred to the "Salaries and expenses" appropriation for administrative costs of the insurance and flood plain management programs and \$43,200,000 shall, upon enactment of this Act, be transferred to the "Emergency management planning

and assistance" appropriation for flood plain management activities, including \$2,720,000 for expenses under section 1362 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4103, 4127), which amount shall be available until September 30, 1990. In fiscal year 1989, no funds in excess of (1) \$36,000,000 for operating expenses, (2) \$169,003,000 for agents' commissions and taxes, and (3) \$3,500,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

#### EMERGENCY FOOD AND SHELTER PROGRAM

There is hereby appropriated \$114,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program pursuant to title III of Public Law 100-77: *Provided*, That total administrative costs shall not exceed three and one-half per centum of the total appropriation.

#### GENERAL SERVICES ADMINISTRATION CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, \$1,354,000, to be deposited into the Consumer Information Center Fund: *Provided*, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of \$5,200,000. Administrative expenses of the Consumer Information Center in fiscal year 1989 shall not exceed \$1,736,000. Appropriations, revenues and collections accruing to this fund during fiscal year 1989 in excess of \$5,200,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, \$1,708,000.

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

##### RESEARCH AND DEVELOPMENT

#### [(INCLUDING TRANSFER OF FUNDS AND RESCISSIONS)]

#### [(INCLUDING RESCISSION OF FUNDS)]

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; [\$4,191,700,000] \$3,552,800,000, to remain available until September 30, 1990[, of which \$902,400,000 is for the space station program only: *Provided*, That \$450,000,000 of the \$902,400,000 for the space station program shall not become available for obligation until April 15, 1989, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change: *Provided further*, That \$450,000,000 of the \$902,400,000 for the space station program shall not become available for obligation until April 15, 1989, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this

action is a necessary (but secondary) result of a significant policy change: *Provided further*, That the aforementioned \$450,000,000 shall become available unless the President submits a special message after February 1, 1989, notifying the Congress that such funds will not be made available for the space station program: *Provided further*, That obligations from funds provided in this Act for the space station program from October 1, 1988 through April 15, 1989, shall not exceed \$387,000,000: *Provided further*, That if the special message described in the second proviso is not submitted by April 15, 1989, \$300,000,000 is rescinded, \$150,000,000 is transferred to "Space flight, control and data communications", and the remaining \$65,400,000 shall be available only for termination costs of the space station program.]

Of the funds appropriated under this head in the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (H.R. 2783), as enacted under the provision of section 101(f) of Public Law 100-202, an Act Making Further Continuing Appropriations for the fiscal year ending September 30, 1988, \$25,000,000 are rescinded.

#### SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for, in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft; [\$4,414,200,000] \$4,452,200,000, to remain available until September 30, 1990.

#### CONSTRUCTION OF FACILITIES

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, \$270,100,000, to remain available until September 30, 1991: *Provided*, That, notwithstanding the limitation on the availability of funds appropriated under this heading by this appropriations Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design: *Provided further*, That no amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriations Act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act: *Provided further*, That the Administrator may authorize such facility



lease or construction, if he determines, in consultation with the Committees on Appropriations, that deferral of such action until the enactment of the next appropriations Act would be inconsistent with the interest of the Nation in aeronautical and space activities.

#### RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in Government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); awards; lease, hire, purchase of one aircraft for replacement only (for which partial payment may be made by exchange of at least one existing administrative aircraft and such other existing aircraft as may be considered appropriate), maintenance and operation of administrative aircraft; purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of \$100,000 per project for construction of new facilities and additions to existing facilities, repairs, and rehabilitation and modification of facilities; **[\$1,855,000,000] \$1,870,000,000: Provided,** That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further,* That not to exceed \$35,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

#### NATIONAL CREDIT UNION ADMINISTRATION CENTRAL LIQUIDITY FACILITY

During fiscal year 1989, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed \$600,000,000: *Provided,* That administrative expenses of the Central Liquidity Facility in fiscal year 1989 shall not exceed \$880,000.

#### NATIONAL SCIENCE FOUNDATION RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of one aircraft; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; **[\$1,578,000,000] \$1,593,000,000,** to remain available until September 30, 1990: *Provided,* That of the funds appropriated in this Act, \$900,000 shall be available only for the International Institute for Applied Systems Analysis, and that, notwithstanding any other provision of law, the Director may choose not to obligate these funds for that purpose: *Provided further,* That of the funds appropriated in this Act, or from funds appropriated previously to the Foundation, not more than \$90,550,000 shall be available for program

development and management in fiscal year 1989: *Provided further,* That none of the funds appropriated in this Act may be used, directly or through grants, contracts, or other awards mechanisms, for agreements executed after enactment of this Act, to pay or to provide reimbursement for the Federal portion of the salary of any individual functioning as a Federal employee at more than the daily equivalent of the maximum rate paid for ES-6 for assignments to Senior Executive Service positions, unless specifically authorized by law: *Provided further,* That none of the funds appropriated in this Act may be used to pay any individual through a grant or grants at a rate in excess of \$100,000 a year: *Provided further,* That contracts may be entered into under the program development and management limitation in fiscal year 1989 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further,* That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further,* That of the funds appropriated in this Act, not more than \$73,480,000 shall be available for advanced scientific computing, networking and communications research and infrastructure: *Provided further,* That none of the funds appropriated in this Act may be made available for a new academic research facilities program: *Provided further,* That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

#### UNITED STATES ANTARCTIC PROGRAM ACTIVITIES

For necessary expenses in carrying out the research and operational support for the United States Antarctic Program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); maintenance and operation of aircraft and purchase of flight services for research and operations support; maintenance and operation of research ships and charter or lease of ships for research and operations support; hire of passenger motor vehicles; not to exceed \$1,000 for official reception and representation expenses; **[\$136,000,000] \$131,000,000,** to remain available until expended: *Provided,* That receipts for support services and materials provided for non-Federal activities may be credited to this appropriation: *Provided further,* That no funds in this account shall be used for the purchase of aircraft other than ones transferred from other Federal agencies: *Provided further,* That none of the funds appropriated to the National Science Foundation by this Act shall be used for research or service contractor leases, purchases, or leases with the option to purchase any research vessel with icebreaking capability built by a shipyard not located in the United States: *Provided further,* That the preceding proviso shall not apply to appropriated funds used for the lease of the vessel POLAR DUKE.]

#### SCIENCE EDUCATION ACTIVITIES

For necessary expenses in carrying out science and engineering education programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the

District of Columbia, **[\$171,000,000] \$156,000,000,** to remain available until September 30, 1990: *Provided,* That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

#### NEIGHBORHOOD REINVESTMENT CORPORATION PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), **[\$19,094,000] \$19,494,000.**

#### SELECTIVE SERVICE SYSTEM SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101-4118) for civilian employees; and not to exceed \$1,000 for official reception and representation expenses; **[\$26,313,000] \$26,113,000: Provided,** That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further,* That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

#### VETERANS ADMINISTRATION COMPENSATION AND PENSIONS

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 412, 777, and 806, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540-548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), **\$14,759,100,000,** to remain available until expended.

#### READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34-36, 39, 51, 53, 55, and 61), **\$597,600,000,** to remain available until expended.

#### VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, and service-disabled veterans insurance, as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), **\$9,220,000,** to remain available until expended.

#### MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to benefici-

aries of the Veterans Administration, including care and treatment in facilities not under the jurisdiction of the Veterans Administration, and furnishing recreational facilities, supplies and equipment; funeral, burial and other expenses incidental thereto for beneficiaries receiving care in Veterans Administration facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); aid to State homes as authorized by law (38 U.S.C. 641); and not exceed \$2,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 5010(a)(5); **[\$10,567,546,000] \$10,445,171,000**, plus reimbursements: *Provided*, That **[\$5,000,000] \$13,252,000** of the foregoing amount shall be available for a pilot program of community-based residential care for homeless chronically mentally ill and other veterans: *Provided further*, That, during fiscal year 1989, jurisdictional average employment shall not exceed 37,900 for administrative support.]

#### MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by law, to remain available until September 30, 1990, **\$210,241,000**, plus reimbursements.

#### MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law, **[\$48,909,000] \$47,909,000**, plus reimbursements.

#### GENERAL OPERATING EXPENSES

For necessary operating expenses of the Veterans Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed \$3,000 for official reception and representation expenses; cemetery expenses as authorized by law; purchase of six passenger motor vehicles, for use in cemetery operations, and hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; **[\$774,316,000] \$781,236,000**, including \$512,359,000 for the Department of Veterans Benefits: *Provided*, That, during fiscal year 1989, jurisdictional average employment shall not be less than 12,898 for the Department of Veterans Benefits.

#### CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, or for any of the purposes set forth in sections 1004, 1006, 5002, 5003, 5006, 5008, 5009, and 5010 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, and site acquisition, where the estimated cost of a project is \$2,000,000 or more or where funds for a project were made available in a previous major project appropriation, **[\$363,040,000] \$359,155,000**, to remain available until expended: *Provided*, That, except for advance planning of projects funded through the advance plan-

ning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in the appropriation "Construction, major projects" for fiscal year 1989, for each approved project shall be obligated (1) by the awarding of a working drawings contract by September 30, 1989, and (2) by the awarding of a construction contract by September 30, 1990: *Provided further*, That the Administrator shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93-344): *Provided further*, That no funds from any other account, except the "Parking garage revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Veterans Administration of the project or any part thereof with respect to that part only: *Provided further*, That prior to the issuance of a bidding document for any construction contract for a project approved under this heading (excluding completion items), the director of the affected Veterans Administration medical facility must certify that the design of such project is acceptable from a patient care standpoint: *Provided further*, That not to exceed \$8,000,000 of the funds available shall be used for the settlement of contractors' claims arising from the construction of a replacement hospital at the Veterans Administration Medical Center, Bronx, New York: *Provided further*, That not to exceed \$2,600,000 of the funds available shall be used for the payment of sales and use tax to the State of Washington due on prior construction projects funded by this and other accounts, in lieu of payment to contractors of these tax costs which were not included in the contracts for these projects: *Provided further*, That all funds provided under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1988 (H.R. 2783) as enacted under the provisions of section 101(f) of Public Law 100-202, for each project approved in the fiscal year 1988 budgetary process shall be available for these projects for the purposes and for at least the amounts specified in the Committees' reports; funds in excess of the needs of each project may be returned to the working reserve only after the awarding of a contract to carry out the purpose for which the funds were appropriated.

#### CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, and site acquisition, or for any of the purposes set forth in sections 1004, 1006, 5002, 5003, 5006, 5008, 5009, and 5010 of title 38, United States Code, where the estimated cost of a project is less than \$2,000,000, **\$111,596,000**, to remain available until expended, along with unobligated bal-

ances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than \$2,000,000: *Provided*, That not more than **[\$41,731,000] \$42,731,000** shall be available for expenses of the Office of Facilities, including research and development in building construction technology: *Provided further*, That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Veterans Administration which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

#### PARKING GARAGE REVOLVING FUND

For the parking garage revolving fund as authorized by law (38 U.S.C. 5009), **[\$26,000,000] \$9,000,000**, together with income from fees collected, to remain available until expended. Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 5009 except operations and maintenance costs which will be funded from "Medical care".

#### GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by law (38 U.S.C. 5031-5037), **\$42,000,000**, to remain available until September 30, 1991.

#### GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants, as authorized by law (38 U.S.C. 632), for assisting in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of the Veterans Memorial Medical Center, **\$500,000**, to remain available until September 30, 1990.

#### GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by law (38 U.S.C. 1008), **\$9,000,000**, to remain available until September 30, 1991.

#### DIRECT LOAN REVOLVING FUND

During 1989, within the resources available, not to exceed \$1,000,000 in gross obligations for direct loans are authorized for specially adapted housing loans (38 U.S.C. chapter 37).

#### LOAN GUARANTY REVOLVING FUND

##### (INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out loan guaranty and insurance operations, as authorized by law (38 U.S.C. chapter 37, except administrative expenses, as authorized by section 1824 of such title), **\$658,000,000**, to remain available until expended.

During 1989, the resources of the loan guaranty revolving fund shall be available for expenses for property acquisitions and other loan guaranty and insurance operations, as authorized by law (38 U.S.C. chapter 37, except administrative expenses, as authorized by section 1824 of such title): *Provided*, That the unobligated balances, including retained earnings of the direct loan revolving fund, shall be available, during



1989, for transfer to the loan guaranty revolving fund in such amounts as may be necessary to provide for the timely payment of obligations of such fund, and the Administrator of Veterans Affairs shall not be required to pay interest on amounts so transferred after the time of such transfer.

During 1989, with the resources available, gross obligations for direct loans and total commitments to guarantee loans are authorized in such amounts as may be necessary to carry out the purposes of the "Loan guaranty revolving fund".

#### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

Any appropriation for 1989 for "Compensation and pensions", "Readjustment benefits", "Veterans insurance and indemnities", and the "Loan guaranty revolving fund" may be transferred to any other of the mentioned appropriations.

Appropriations available to the Veterans Administration for 1989 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

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

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

Appropriations available to the Veterans Administration for fiscal year 1989 for "Compensation and pensions", "Readjustment benefits", "Veterans insurance and indemnities", and the "Loan guaranty revolving fund" shall be available for payment of prior year accrued obligations required to be recorded by law against the aforementioned accounts within the last quarter of fiscal year 1988.

#### TITLE III CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development and the Federal Home Loan Bank Board which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1989 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

#### FEDERAL HOME LOAN BANK BOARD LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL HOME LOAN BANK BOARD

Not to exceed a total of \$31,942,000 shall be available for administrative expenses of the Federal Home Loan Bank Board for procurement of services as authorized by 5 U.S.C. 3109, and contracts for such services with one organization may be renewed annually, and uniforms or allowances therefor in accordance with law (5 U.S.C. 5901-5902), and said amount shall be derived from funds available to the Federal Home Loan Bank Board, including those in the Federal Home Loan Bank Board revolving fund and receipts of the Board for the current fiscal year, of which not to exceed \$800,000 shall be available for purposes of training State examiners and not to exceed \$1,500 shall be available for official reception and representation expenses: *Provided*, That members and alternates of the Federal Savings and Loan Advisory Council may be compensated subject to the provisions of section 7 of the Federal Advisory Committee Act, and shall be entitled to reimbursement from the Board for transportation expenses incurred in attendance at meetings of or concerned with the work of such Council and may be paid in lieu of subsistence per diem not to exceed the dollar amount set forth in 5 U.S.C. 5703: *Provided further*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of the Federal Home Loan Bank Act of 1932, as amended (12 U.S.C. 1421-1449).

#### LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Not to exceed \$1,667,000 shall be available for administrative expenses, which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses in connection with liquidation of insured institutions or activities relating to sections 406(c), 407, or 408 of the National Housing Act, liquidation or handling of assets of or derived from insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of insured institutions, legal fees and expenses and payments for expenses of the Federal Home Loan Bank Board determined by said Board to be properly allocable to said Corporation, and said Corporation may utilize and may make payments for services and facilities of the Federal home loan banks, the Federal Reserve banks, the Federal Home Loan Bank Board, the Federal Home Loan Mortgage Corporation, and other agencies of the Government: *Provided*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed, and paid in accordance with title IV of the Act of June 27, 1934, as amended (12 U.S.C. 1724-1730f).

#### TITLE IV GENERAL PROVISIONS

SECTION 401. Where appropriations in titles I and II of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations:

*Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Disaster Relief Act of 1974; to site-related travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; to travel performed to provide technical assistance for the Emergency Planning and Community Right to Know Act of 1986; to site-related travel under the Solid Waste Disposal Act, as amended; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I and II exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

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

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

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

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

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

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

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

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

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretary of the Department of Housing and Urban Development, who, under title 5,

United States Code, section 101, is exempted from such limitation.

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

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

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

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

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

Sec. 412. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

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

Sec. 414. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passen-

ger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

[Sec. 415. No funds appropriated under this Act shall be expended in any workplace that is not free of illegal use or possession of controlled substances which is made known to the Federal entity or official to which funds are appropriated under this Act. Pursuant to this section an applicant for funds to be appropriated under this Act shall be ineligible to receive such funds if such applicant fails to include in its application an assurance that it has, and will administer in good faith, a policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances by its employees.]

Sec. 415. *Such sums as may be necessary for fiscal year 1989 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.*

This Act may be cited as the "Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1989".

Mr. BYRD. Now, Mr. President, what is the program?

The PRESIDING OFFICER. Consideration of H.R. 4800, HUD.

Mr. BYRD. Mr. President, I thank the Chair. The manager of the bill is here.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The consideration of H.R. 4800.

Mr. PROXMIRE. This is the HUD independent agencies appropriation bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. PROXMIRE. Mr. President, this is a very big bill, a very important bill. It is a bill that involves over \$59 billion. It is \$633,447,000 below the amount contained in the House passed version of the bill. The bill, is, however, about \$410 million more than the budget estimate.

Mr. President, before I begin to discuss this bill I want to commend my dear friend and colleague, Senator GARN.

Senator GARN and I have worked together in both the Banking Committee and in the Appropriations Committee. He is the comanager, of course, of this legislation.

We have worked together for many, many years. This is my last year in the Senate, as you know, and it is the last year that I will have a chance to work with my esteemed colleague.

Although we disagree on some issues, occasionally we disagree rather strongly nevertheless, I have great admiration for him and he is a great person to work with.

In our work, he has not been partisan. He has strong convictions, but they are not partisan convictions.

Mr. President, I also want to commend his remarkable staff director, Stephen Kohaski, who has made in-

valuable contributions to our work on the entire bill. I say that because I am going to start off today with a statement on priorities which I think is significant.

The President talks about how he proposes holding down spending and we do not. There is really very little difference between the President's position on spending and ours. In fact, over the last 7 years, the President proposed spending about \$20 billion more than the Congress has actually delivered. But there is a very sharp difference on priorities, and that is what I want to discuss. I am sure the administration would charge that the 1989 appropriations bill unfairly shifts priorities from space and scientific research to such programs as housing and community development and veterans' health care. The administration argues that it does that. Well, the administration is wrong.

Has the Appropriations Committee shortchanged the National Science Foundation? Consider the facts: In 1988, the Congress appropriated \$1.7 billion for NSF. For 1989, we increased that appropriations by \$163 million, or nearly 10 percent. Some shortchanges. We did this in a year when the total Federal budget is increasing by less than one-third as much.

Has the Appropriations Committee shortchanged the National Aeronautics and Space Agency, NASA? In 1988, the Congress appropriated \$8.9 billion for NASA. In 1989, the Senate Appropriations Committee recommends an increase of \$1.264 billion, or more than 14 percent. This year, a 14-percent increase in any budget is a bonanza.

Mr. President, consider that the Appropriations Committee recommends for the social programs that are included in the same subcommittee budget as NSF and NASA. For the largest program in the subcommittee budget, veterans' affairs, the committee recommends an increase of about \$300 million, or about 1 percent. Allowing for inflation, that means a real cut for VA.

For housing programs, the committee recommends an actual reduction of \$195 million, or about a 2-percent cut from 1988. This compares with the administration-recommended reduction, however, of 10 percent.

For community development, the committee recommends a cut of \$258 million, or a reduction of more than 8-percent compared to last year; an 8-percent reduction in community development. The President recommends a whopping 21-percent slash.

Another program in the jurisdiction of this same subcommittee is the Urban Development Action Grants Program, UDAG. Since 1977, this program provided up to \$400 million per year to assist cities to rebuild their downtown areas. This year, the Appro-



priations Committees in both the House and the Senate zeroed out any additional funding for 1989. It was a 100-percent cut. All gone. The administration recommended the same total elimination of this spending.

Overall, the subcommittee's budget was increased by \$2.13 billion. Sixty percent of the increase was for NASA, although NASA constitutes only about 16 percent of the subcommittee budget.

So what justification is there for the argument that space and science have been slighted because of the heavy funding of social programs? The justification, if any, lies primarily in the pleas of the administration and the big proposals for NSF and NASA.

For next year, the President requested an increase in the National Science Foundation budget of \$333 billion, or 20 percent. By comparison, the Appropriations Committee settled for an increase of about half of that, but still a very large increase. NASA confronted a special problem. The shuttle failure set back this crucial project and required the costly repair and rebuilding, but also NASA is anxious to start a large new space station. So the President requested a \$2.6 billion increase for NASA, or a whopping 30-percent increase for next year. We provided about half that increase.

On the other hand, the President recommended a fat billion dollars, or a 10-percent slash, in funding for housing. He called for a \$670 million, or a huge 20-percent cut, in community development funds. He recommended a \$248 million, or 5-percent cut, below last year in environmental protection funds. The Appropriations Committee, on the other hand, recommends a nearly 8-percent increase in money for EPA.

Overall, the Appropriations Committee recommends a total appropriations for the HUD-independent agencies funds that are less than 1 percent over the President's recommendation for next year. It is the priorities that are strikingly different. The President calls for reductions in social programs, particularly in housing and environmental protection; very big cuts. He also calls for huge increases in funding for space and science.

By contrast, the Appropriations Committee would keep most social programs at close to their present level. In most cases, they would take a cut because of inflation; sometimes more severe than that. The Appropriations Committee provides substantial, but not spectacular, increases for both space and science programs.

Mr. President, I yield the floor.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I find myself in the curious position of floor managing the HUD-Independent

Agencies appropriations bill for fiscal year 1989, even though I am strenuously opposed to levels recommended for the National Aeronautics and Space Administration and for the National Science Foundation.

The committee was unable to recommend more responsible amounts to these critical agencies because we are constrained by an unfair and impossible 302(b) subcommittee budget allocation. Our allocation is \$634 million less than that of the House subcommittee, and it is nearly \$1.4 billion less than what the Congress adopted in its budget resolution.

I want people to think about that: \$1.4 billion less than the Budget Committees of both the House and the Senate and in conference agreed to and was formulated earlier this year.

It is simply not possible to recommend prudent, necessary, and reasonable levels for the 18 agencies within our jurisdiction within this allocation, and I am committed to do all I can to correct it.

Frankly, it was my intent to force a vote on the allocation for the HUD Subcommittee, knowing full well that Members would have to confront a super-majority budget waiver motion. I am not sure that there are 60 votes in the Senate to pass such a motion, which would mean that the whole bill would be defeated. But I was willing to assume that risk because it is so critical to provide more adequate funding for NASA and NSF.

I cannot quietly acquiesce to the devastating impact that this allocation would have, not just for those who need services and assistance in fiscal year 1989, but for the next generation, and our children's children. What kind of country and economy will we leave them if we fail to make these desperately needed investments in our science and technology base?

Mr. President, as I have stated, I was prepared to wage a vigorous battle to seek additional funds for programs within our subcommittee's jurisdiction. But as many Members know, the Committee on Appropriations has reported the Defense appropriations bill which augments existing transfers from DOD to NASA by \$600 million to more adequately reimburse that agency for its research and development activities, and launch operations which have a direct bearing and benefit for national security missions of the Department of Defense. This transfer will enable NASA to restore the severe reductions in these activities which have passed the House and which are reflected in the recommendations before us today. But more important, to the extent that these defense funds are transferred, we will be able to devote the extremely constrained nondefense dollars under our allocation for critical civilian aeronau-

tics and space activities such as the space station.

Mr. President, we are not in a position to address this proposed transfer of funds in the context of the measure before us. Indeed, the Defense bill is scheduled to be called up on the Senate floor following passage of this bill. For that reason, I have decided to withhold offering an amendment which restores the funds needed to proceed with the space station. I will, however, offer an amendment which expresses the sense of the Senate that these funds be provided, and I will await conference consideration on this measure to address this critical initiative.

At that time we will have before us the issue of the inadequate Senate allocation for the subcommittee. Furthermore, we will have a better understanding of the specifics of the Department of Defense transfer.

Mr. President, I appreciate the kind remarks of my colleague from Wisconsin. For nearly 14 years, we have served together on the Banking Committee and for over 10 years on the Appropriations Committee together. We have played musical chairman moving back and forth between these two committees.

So I have great respect for the Senator from Wisconsin, and I truly am sincere when I say I will miss him when he leaves the Senate this year and I will be standing up here with a new chairman next year.

Having said that, however, we do have a very basic and fundamental difference on some of the priorities within this bill. We agree probably 90 to 95 percent of the time on both committees, but this is one that we fundamentally disagree on.

I think the priorities are, are we looking to the future? Are we looking to the past or present? It is not just an issue of do we have a space station or do we have a space shuttle. This is a fundamental issue of the technological base of this country and our relationship with friendly nations as well as our adversaries. We have always had a distinct advantage over the Soviet Union in technology. We have never been able to keep up with them, and do not desire to, in terms of the number of tanks and airplanes and ships and nuclear weapons. But we have maintained our safety in this country because of our superior technology. It is something they spend an enormous amount of money on trying to buy, to steal, to get in any way they can. It is a matter of national prestige as well. When the Soviets went into space, it gave them much better credibility around the world. It helps in their political and their military endeavors. People flow to where they think the power and the prestige is. We are starting to lose some of that.

We are seeing the French involved with Ariane rockets. We are going to see the Japanese and we are going to see the Soviets launch an unmanned space shuttle before the year is over, and we are going to see them launch unmanned Mars missions before we do so.

So there is something much more fundamental than the funding of a space station. That is, do we continue to be the leader in space? Do we continue to maintain our world leadership? I submit to this body that spending only 1 percent of our entire national budget on NASA is hardly overspending and priorities are out of line. It is dramatically low. So there is that aspect of it, international prestige, technological leadership in the world. But there are other things on which you cannot place a price tag. I am not going to take the time now, but I do not know how many people know that there are more than 10,000, 12,000 medical devices or processes that have come from space research and development. How many people know that there are tens of thousands of men and women walking around because they have a pacemaker that came from space or diabetics that have implantable insulin pumps.

I do not know how you place a price tag on a human life. I cannot. I cannot place a dollar value on it. So I think it is a shame, a crying shame, not just because I flew in space. That is not the issue, not a piece of space hardware, but the incredible spinoffs that benefit every man, woman, and child on the face of this Earth, whether it is medical technology, whether it is learning about our planet, geology, oceanography, volcanology, communication, navigation. The list goes on and on and on and on.

In the area of the National Science Foundation, one of the areas in which we are dramatically dropping behind our adversaries and friends alike is in engineering and training of math and science teachers. We are not training the number of engineers they are in Japan or West Germany or in the Soviet Union. As a matter of fact, a Japanese delegation was in my office last week and as polite as they always are, one of them said to me, "Senator, I do not mean to be rude but one of the reasons that we are advancing so rapidly is we train engineers in our country; you train lawyers." He pointed out to me that 80 percent of all attorneys in the world live in the United States, and there are more practicing attorneys in Washington, DC than in all of Japan. They train engineers and scientists. So do the Soviets and so do the West Germans.

We do have a basic and fundamental difference of opinion, and I think it is an absolute shame what this Congress is doing to the future technological, scientific base by so short-changing

the National Science Foundation, having enough math and science teachers across this country in the elementary and secondary schools, training enough engineers and developing new products that will save lives, because there is no doubt in my mind that in the vacuum of space, in microgravity where you can process pharmaceuticals 100 times more efficiently and four times more pure than on Earth, we will find cures for major diseases. We will do more to benefit the social and medical ills of this world by spending money on space research and development than we ever will on the face of the Earth.

So this is a bill that is wrong. It is going the wrong direction. The priorities are wrong in this bill. I do not intend to stop fighting for a more adequate budget for the future of this country.

I yield the floor.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

Mr. PROXMIRE. Mr. President, will the Senator yield for action on committee amendments and then I will be delighted to yield to my good friend from Pennsylvania?

Mr. HEINZ. Yes. I am glad to yield.

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

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

The committee amendments were agreed to en bloc.

Mr. PROXMIRE. I thank the Chair.

Mr. President, I yield the floor. I also thank my good friend from Pennsylvania for so graciously yielding.

#### AMENDMENT NO. 2561

(Purpose: To provide an appropriation for the UDAG Program)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ), for himself, Ms. MIKULSKI, Mr. SIMON, Mr. LAUTENBERG, and Mr. METZENBAUM, proposes an amendment numbered 2561.

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

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

The amendment is as follows:

On page 16, between lines 13 and 14, insert the following:

#### URBAN DEVELOPMENT ACTION GRANTS

For grants to carry out urban development action grant programs authorized in section 119 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), pursuant to section 103 of that Act, \$30,000,000 to remain available until expended.

On page 34, line 2, strike "3,552,800,000" and insert "3,522,800,000, of which not more than \$38,600,000 may be provided for the National Aero-Space Plane".

Mr. HEINZ. Mr. President, the appropriations bill that we have before us today, the HUD-Independent Agencies appropriation bill, appropriates some \$59 billion in moneys for such important programs as the Department of Housing and Urban Development, the Environmental Protection Agency, NASA, and, of course, the Veterans' Administration. It is a very important and significant piece of legislation. As such, I commend the subcommittee who did so much work. I commend the managers of the bill, Senator GARN and Senator PROXMIRE, for their tireless efforts on behalf of this bill. I recognize at the outset that the job they had to do was inherently a difficult one, given that we have a very tight budget situation. The budget summit agreement of last year put everybody in a tight box. That box, obviously, made tradeoffs, decisions, a very important part of the subcommittee's and the committee's work.

Nevertheless, the sum and substance of the amendment that I have sent to the desk is to correct what I believe to be a major problem with the bill that has been reported to us by the committees. Essentially, what the committees have done is to zero out a program which has, since its inception roughly a decade ago, created some 585,000 new permanent jobs, retained 135,000 permanent jobs, has leveraged upward of some \$4.6 billion in awards into some \$29 billion of private investment, a ratio of some 6 or 7 to 1.

Now, Mr. President, if I came to the floor of the Senate and said in the abstract that what I wanted to do was eliminate a program that had created over half a million jobs, a program which had stimulated six times as much in private investment as in public investment, most of my colleagues in this body would say, "Well, why would you want to do something like that, Senator? My goodness, most of the programs we have do not leverage even \$1 of private investment for \$1 of the taxpayers' money. Why would you want to eliminate a program that returns \$6 for every \$1 invested? Why would you want to kill a program that has created over 600,000 jobs and done it so efficiently?"

Yet, Mr. President, that is exactly what this appropriation bill does to



the Urban Development Action Grant Program because those statistics that I cited are precisely the statistics regarding that program. Those are its achievements. And there are very few programs that have a record of achievement that is anything like that which I have described.

I must say that in addition to the fact that killing a program that has really produced for the taxpayer makes little sense to this Senator that such an attack could not come at a worse time.

I have before me an AP wire story from today in which the executive director of the National League of Cities states that half of the Nation's major cities have deficits this year, and most are increasing these for services in an effort to narrow budget gaps. It goes on to say that many blame cutbacks in Federal aid such as the elimination of revenue sharing, for example, for the condition of our Nation's cities. It goes on to say that the backbone of America, our cities and towns, is bending under an increasing load.

Mr. President, I strongly agree with that statement. There is virtually no city in the United States that has not suffered fiscal stresses and strains over the last year or two but particularly this year. Yet, one of the critical tools in the toolbox of urban aid, the urban development action grant, the tool I described earlier as working very efficiently and effectively to build the economy of these cities in which so many of our constituents live is being eliminated by the Appropriations Committee.

I understand the job that the Appropriations Committee, and this subcommittee, had. They did not have as much money as they would have liked to have had. That is true I think of every committee and subcommittee for which there is an appropriation and virtually every program for which there is an appropriation.

So I do not make these comments to be critical of my friends, Senator GARN, and Senator PROXMIRE. We serve together on the Banking, Housing and Urban Affairs Committee where we have far more in the way of agreements than disagreements. But I say that when a decision is made involving limited funds that we have to make intelligent tradeoffs. And the amendment I have sent to the desk proposes the following trade. The amendment proposes to create an appropriation of \$30 million for the Urban Development Action Grant Program, and to offset that amount by a correspondingly equal amount in the account of the National Aeronautics and Space Administration, specifically that account that would finance research on the national aerospace plane.

Mr. President, why have I chosen that particular offset? First, it needs to be said I have no choice but to

choose an offset without violating the Budget Act. I must find a way to pay for the amendment and to add money back into the Urban Development Action Grant Program to keep that program alive. Make no mistake about it. Without putting money into that program, it will surely die.

Mr. PROXMIRE. Will the Senator yield on that point?

Mr. HEINZ. Not at this point.

Furthermore, the fact that I have had to choose between various agencies, between NASA and HUD, reflects to my mind the difficult choice. It is difficult because I have been a supporter of NASA. I am a supporter of the space shuttle. I am a supporter of the space station. I believe, like Senator GARN, that much of the research that has had application in the savings of lives, in improving the quality of life of many of our citizens, has indeed come from elements of our space program.

So I rise as a friend, as a supporter, on the record, during my entire career in the House and Senate some 17 years, as a supporter of that program.

If I am a supporter of NASA, why do I want to take \$30 million away from it? Well, put it this way, Mr. President: The NASA budget is receiving a very handsome increase this year. They are receiving \$1.26 billion in increases—I emphasize the word "increase"—in this appropriation. And they are receiving an increase of some \$600 million—nearly two-thirds of a billion dollars—in the Department of Defense budget for nearly a \$1.9 billion increase. I say virtually all of that increase has been rather well spoken to, thought through, and justified by the committee.

The \$30 million reduction that I am seeking in that budget is in one sense a very tiny fleabite out of a very large increase. But people are entitled to ask, "Senator, the bite you are taking comes out of a specific program, namely the National Aeronautics and Space Administration, to finance research on the so-called national aerospace plane."

Mr. President, I anticipate that I will have the opportunity to discuss the merits of that program in more detail later in this discussion. I do not rise as someone who is opposed to that program. Indeed, that program will receive, if my amendment carries, some \$247 million, even after the adoption of my amendment, or almost exactly the same amount as it received in the previous fiscal year—fiscal 1988, where it received \$254 million. That is still a considerable amount of money, \$247 million. All things being equal, I would prefer not to take money from what some have described as a promising NASA project. Nonetheless, I have chosen that project because of the high degree of risk, and in some respects, the debate over the lack of

promise in that particular program. My presentation to my colleagues would not be sufficient if I did not indicate why it is I have chosen this particular program.

In the first place, there are people in the Defense Department who have described this program as relatively low on their priority list. I refer to the Department of Defense appropriations bill committee report, which is to accompany H.R. 4781. That report was ordered to be printed on June 24. It says on page 257 of that report, after describing the amount of money recommended for appropriation for the national aerospace plane, or NASP, technology program:

The committee recommends an appropriation of \$189.405 million, a reduction of \$55.362 million to the budget request and the same amount below the House allowance. The recommendation provides sufficient funds to protect the NASP program from inflation but eliminates the requested excessive real growth, in recognition of the lower priority the Air Force assigns to the effort and of the need to fund other much higher priority space-launched recovery activities.

We can argue whether \$189 million from DOD is the right amount or whether it should have been \$55 million greater, or whether the total amount should be \$30 million lower, as I am here proposing.

The fact is that this is a very speculative research program. It is, in fact, a technology development program involving a variety of exotic materials necessary to make it possible to find out if an airplane can fly at 25 times the speed of sound, maintain its structural integrity, maintain an environment within that aircraft that is suitable to sustain human life.

Whether the engines, themselves, can ever function at that rate of speed is a question that some of the most distinguished researchers in our country have debated. For example, there is one Defense Department aerodynamics expert who is quoted in the *National Journal* as saying:

Nevertheless, air-breathing flight to orbit may prove unachievable. I just don't think the technology is here.

As a point of reference, to give my colleagues an idea of what a stretch this plane is, the fastest our most advanced experimental aircraft of any size has ever flown is 6.7 times the speed of sound. This aircraft is proposed to fly at roughly 3.5 times the fastest that we have been able to do under any circumstances. That was with the X-15.

There is considerable debate, I might say, whether the direction of this research effort toward a manned aircraft has any validity at all. For example, somebody I think we all know, for whom I certainly have tremendous respect, Rich DeLauer, who was Under Secretary for Research and Engineer-

ing, one of the best brains we ever had in the Defense Department, argues strongly that it is a mistake to go for a manned aerospace plane. I quote him:

We ought to be going for an unmanned version, so that we can get the cost of payload in orbits down. There's a hell of a difference between a manned and unmanned system.

What he wants, in effect, is an evolutionary program geared toward a booster that would be adapted for pilots at a later stage.

Mr. President, I hope we all understand that we cannot achieve every goal that we all want for this country, and no agency can achieve every technological goal or meet every challenge it would like to meet.

Clearly, based on the literature that is available, including this excellent report to Congress by the U.S. General Accounting Office, which details with great clarity the many questions raised about the National Aerospace Plane Program, we must choose and pick among those programs and projects that we think are going to be a better investment, have a higher as opposed to a lesser degree of success, when we are weighing in the balance the survival of other programs.

In this regard, I have to bring to the attention of my colleagues a particularly critical point. The amendment I am offering only cuts money, \$30 million, from the HUD appropriation, the NASA budget. I mentioned that there is a significant appropriation—in fact, \$189 million—from the DOD appropriations.

Why is most of the money for this program coming from DOD? The answer to that is that it has significant military applications. Otherwise, there is no reason for DOD to fund it. Indeed, one would judge by the original budget request that the administration, itself, feels that about three-fourths of the investment is in terms of military return or payback, which is why it submitted the budget request for DOD money in that ratio.

Therefore, it is worth asking: Why do we need any civilian money—that is what NASA money is all about, civilian money—in this project at all? I am not going to argue that we do not need any. I do not know that any of us on this floor can make the argument that there will not be some civilian return. But what does trouble me is that the principal civilian return that has been talked about, most observably by the President of the United States in his 1986 State of the Union Message, is that the National Aerospace Plane will be a great way for business executives to travel from New York to Australia in under 2½ hours.

Mr. President, I am not against business executives. I used to be one. I am not against travel. I try to do as much of it as I can when I have the chance. I am not against cutting down the

time. But I will tell you one thing that does bother me, and that is to eliminate a job-creating program, which we know works, in favor of a program aimed at jetting businessmen halfway around the world, albeit in one-tenth the time, that may not work. Talk about tradeoffs! That strikes me as a terrible tradeoff.

What we are trading in is the survival of our cities against the commercial applications that the businessmen, on travel status from their corporations, may be able to achieve if this project works, if it gets off the ground. As I said a few moments ago, there is considerable doubt that this program will ever get off the ground.

We are talking in the NASP Program about a project that will consume, between now and the year 1994, some \$3.3 billion—not to build a prototype, not to send a single person a single yard, but for what is described as a concept validation.

That is the term of art used by NASA and the Defense Department. We are going to spend \$3.3 billion for concept validation, to find out if the damn thing works. Maybe it will.

But the sum and substance of what this Senator is saying is I would like to take 1 percent of that \$3.3 billion to keep a program that does work alive, to keep people being put to work in our urban areas, to keep private investment flowing at the rate of \$6 or \$7 private dollars for every 1 Federal dollar into our cities, our distressed cities, our cities with poverty, with homelessness, with hunger, with lack of housing. That is the tradeoff.

Mr. President, it strikes me that to reject this amendment is to reject common sense and I hope that my colleagues here in the Senate will agree that our amendment is a good amendment, that they will support it and that we can keep this Urban Development Action Grant Program alive.

I know that there will be an argument made that this bill does not in fact kill the Urban Development Action Grant Program, because there are what HUD calls recaptures, funds that were committed to urban development action projects in the past, which will not go ahead, and the moneys that were otherwise going to be committed to those projects will become available to HUD in the coming fiscal year, fiscal 1989, and indeed HUD estimates that there will be some \$50 million in such recaptures.

Mr. President, I hope nobody is under any illusions. Those recaptures are simply the table scraps that fell off the edge of the plate onto the table. Certainly we want to clean them up. Certainly we want to recycle them. But to argue that putting scraps back on the plate is a square meal and keeps this program alive is the height

of hypocrisy, and we ought to understand that up front.

The only way that this program will be sustained is if there is new budget authority and new appropriations authority. If we do not have any new appropriations authority, this program will die, it will be dead.

We all know and we learned in our experience with the revenue-sharing program that once the budget authority for a program is allowed to expire, that is its death knell, it is all over, it is dead, get out the pallbearers, dig a hole 6 feet in the ground, because the body, whether it is going to arrive this year or next, it is on its way.

That is about where we stand. We stand looking over the grave of the Urban Development Action Grant Program. The purpose of this amendment is to turn away from that sad end and inject new life into the program albeit at a modest level. Thirty million dollars, Mr. President, is truly not only a tiny flea bite out of the National Aerospace Plane, an infinitesimal pinprick out of the NASA budget, but it is also a very modest appropriation compared to the \$216 million that we appropriated for this program last year. This is barely 15 percent of that amount.

So I would hope that my colleagues will accept the amendment.

Mr. PROXMIRE. Mr. President, before I respond to my good friend from Pennsylvania, let me say that I am not only grateful to the distinguished Senator from Utah, Senator GARN, but also to the staff of this Appropriations Subcommittee which has done really a marvelous job.

Tom van der Voort has been on the staff of the Appropriations Committee for 14 years. Prior to that he was on my personal staff for a number of years. He is a man of great intelligence and diligence, and he has done a superb job this year as he has done every year that he has come to the floor of the Senate.

His assistant Carolyn Simmons has also been of tremendous help, bright and hard working.

And the Presidential intern Diane Hill, who returned to HUD 2 weeks ago, was of great help to the subcommittee and should also get recognition.

Mr. President, in response to my good friend from Pennsylvania, before we vote on shifting funds into the Urban Development Action Grant Program, I would like to make just a few observations.

First, even without this amendment HUD will have \$50 million left in the UDAG pot next year.

Now the Senator from Pennsylvania said that is a scrap. He is putting in one little more scrap, \$30 million even less than the \$50 million we have here. Fifty million dollars is going to be available. Fifty million dollars may not be much to the Senator from



Pennsylvania, but it is a lot to the Senator from Wisconsin, I can tell you.

Furthermore, this amendment is not necessary to keep this program alive. The committee went into that in some detail. I am very conscious of this because I am the author of the Urban Development Action Grant Program. It was my bill in 1977 that has become the Urban Development Action Grant Program. I recognize it has done a lot of good over the years. It helped rebuild cities in Wisconsin as it has in Pennsylvania, Utah, and other States.

Mr. President, the fact that a program is a good program, has been a good program, has shown the way so that cities now understand how they can use their funds to build up their inner city does not mean it should go on forever. The time has come to end this program, and let me say why.

According to this year's consolidated annual report on community development programs UDAG helps business interests and does not meet social needs, by and large. From 1978 to 1987, that is the entire period during which this program has been alive, commercial projects received 50 percent of all UDAG funds, industrial projects, also a business, of course, received another 25 percent. Now mixed projects including commercial and industrial, received another 14 percent. That left exactly 11 percent for housing. And, of course, much of that was not for needy people.

Third, although UDAG projects had a planned production of more than 500,000 new permanent jobs, only 58 percent of those jobs, only about half were targeted to moderate and low-income groups. Furthermore, only about half of those jobs have been created to date.

Put another way, the program is not adequately serving low-income groups, and it is not meeting its job creation goals.

For all these reasons, I plan to vote against moving out of the national aerospace plane. Although I am not a big fan of the aerospace plane, I see no reason to argue for the existing UDAG Program to provide new budget authority in view of the modest impact of those truly in need.

Let me say something about this program. It is a worthy program. I am not a big fan of it, but I think it is a good, worthy, desirable program. NASA's and DOD's requests have already been cut. NASA requested \$105 million and was cut by \$15 million. DOD requested \$245 million and was cut by \$15 million.

An additional cut of \$30 million would mean a \$45 million overall cut in the fiscal year 1989 NASA portion of the program or a reduction of greater than 40 percent.

No. 2, the program is entering a phase in which large-scale test hardware needs to be fabricated. A cut in

funding will delay this and force a slip in the program with attendant overall cost goal. Alternatively, the cut would have to be taken from the technology maturation portion of the program. Reduction in this area would increase achieving program goals.

The Defense Science Board study, the National Research Council Air Force Studies Board, and others, point out significant risk in the program and recommended an increase in technology maturation portion to reduce risk, not a decrease.

Fourth, the cut in the NASA portion would encourage DOD committees under similar budget pressure to also make additional cuts. Potential exists for the program coming unraveled. A cut this large sends the wrong signal to the private sector. The private sector is investing amounts comparable to that spent by NASA and DOD, and industry support would clearly erode with such a significant congressional action.

Now, Mr. President, my good friend from Pennsylvania said in effect that this is a program for business executives, and he is a former business executive, a graduate of Harvard Business School, a very able businessman, I am sure. But, this is not just a glorified Orient Express. It has great implications for our defense posture, and that is why the Defense Department is the primary sponsor. In addition, it is a genuine alternative to existing launch systems to get into space.

This is a very important Space Program, as I am sure the outstanding expert in the Senate on programs of this kind, Senator GARN, can argue.

Now, people can argue, as they did in the subcommittee, as they did in the full committee, that we should continue the UDAG Program. But if they do, I would hope that they would not make this kind of unfair, arbitrary reduction in a program that is important, that has already been reduced and, as I say, is not only important for commercial transportation but also for our Defense Department and our space department.

Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise to support the amendment offered by the distinguished Senator from Pennsylvania.

The bill we are considering today provides no new appropriations for a program of vital importance to our Nation's economically distressed cities: the Urban Development Action Grant, or UDAG Programs.

The UDAG Program has established itself as a crucial revitalization tool for our cities. Although recent changes have spread its benefits more broadly, the program remains targeted largely to those areas that need the most help.

In my State, cities like Newark, Jersey City, Trenton, and Camden

have all taken advantage of these programs. And though the claim is made that these programs aid businesses more than they aid the cities, I fail to see it that way.

Camden, NJ, has 24,000 households, but only 300 of them earn \$30,000 or more. It is a city filled with poverty and despair. It is a city where unemployment and poverty continue at high levels despite nation-wide reductions in unemployment.

The UDAG Program primarily serves economically distressed cities. These are cities where millions live and thousands are in the streets.

The UDAG Program does work. It works by bringing into the depressed cities the expertise and the capital that private businesses can provide. It works by forging partnerships between the public and private sectors to bring new life to needy cities.

Mr. President, no private investor is going to come into a city where there is no opportunity for a return on investment, where there is no opportunity to be part of growth and redevelopment.

Under law, every UDAG project must leverage at least \$2.50 of private money for every single UDAG dollar. But the program, as we heard from the Senator from Pennsylvania, has exceeded those guidelines and exceeded expectations. Since UDAG began, over \$6 of private investment has been leveraged for every single dollar of UDAG funds.

In 1988, the UDAG Program is being funded at \$216 million. So when we talk about a continuation of a very modest carryover sum, we are risking the demise of UDAG unless we act; \$216 million in UDAG funding this year can be expected to produce \$1,300,000,000 in private investment, 25,000 new permanent jobs, and \$21 billion in local tax revenues.

UDAG projects do not stand alone. They attract other investments. And those spinoff investments provide jobs and municipal revenues that can then be used to create even more economic growth.

This administration has long sought to eliminate the UDAG Program. And there's an irony in that. After all, this is an administration that continually talks about the need to get the private sector involved in solving problems. That is exactly what the UDAG Program does. And what could be a more important goal than building up our struggling urban areas?

I have sought new funding for the UDAG Program throughout the appropriations process. In fact, during full committee markup of the bill, I offered an amendment to fund UDAG from other sources that are receiving huge increase in this bill. Unfortunately, the committee disagreed.

Frankly, I have no eagerness to reduce funding for the aerospace plane. I have too much respect for the Senator from Utah and his desire to have America continue its effort on behalf of technology, on behalf of building a future. But you are also building a future if you help build a city and create jobs.

The people who live in those cities are too important to ignore. UDAG should not be allowed to die. I hope that my colleagues will support the amendment.

Mr. GARN. Mr. President, I rise in opposition to this amendment and I do so as a strong supporter of UDAG. As a former mayor, I am well aware of what my distinguished colleague from Pennsylvania says about the good that has come from this program. There is no doubt about it. It has in my own State and in my own city of Salt Lake City.

We used to be able to come to the floor on appropriations bills and if we could convince a majority of the Senate to vote for something, we simply added the money. Now, under the Budget Act and under Gramm-Rudman-Hollings, we are always forced to fight two battles, because you cannot add to the budget. You must find tradeoffs. And so priorities do become important.

Those who are sponsoring this amendment are more concerned about UDAG than they are about the national aerospace plane. I understand that. We have different priorities. I strongly believe that we must not shortchange NASA once again.

Now my distinguished colleague from Pennsylvania talked about the huge increase in NASA funds. I will repeat what I said in my opening statement. We are at \$10.1 billion for fiscal year 1989. The President requested \$11.5 billion. So that is \$1.4 billion. We are even \$643 million below the House-passed bill. And the House has not been known for being frugal over the years.

When we talk about percentage increases, I would suggest my distinguished colleague from Pennsylvania look at the 1987 HUD budget which was \$10.5 billion. So we can talk about percentages, but we actually drop from 1987 to 1988. Talking about percentage increases up and down in some of these budgets I do not think means a great deal.

There is one other thing I want to say in opposition to this amendment. I am a little bit surprised that my good friend and colleague from Pennsylvania, knowing that he is a pilot in his own right, would talk about the national aerospace plane as being unproven and not going to fly. I will say to my colleague it will fly and he will live to see it fly. Making that kind of prediction is rather easy. I wish I had a list that I read about in an article just

a week or so ago, if I had known this was going to come up, about some eminent scientists that predicted that man would never fly; absolutely guaranteed that man would never fly. And some other man said you would never be able to exceed 60 miles an hour. These were not just ordinary citizens. There is a whole list of predictions over the last 100 years or so of people who made predictions, and they were all flat wrong.

Just a couple of personal incidents may put this into perspective. I doubt very much that it is nearly as big a leap from where we are today in the national aerospace plane flying at mach 25 as it was for John Kennedy to stand up and say we would put a man on the Moon by the end of the decade of the sixties. It was a much bigger technological leap at that point.

But when we did put that man on the Moon, I happened to be watching that with my father, who was a pilot in World War I.

He started to cry and I said, "Dad, why are you crying? This is an historic moment. It is not a sad moment."

And he said, "Jake, I am not crying because I am sad; I am overcome with the emotion to think that here I am sitting with my son watching a man walk on the surface of the Moon because when I was 10 years old your grandfather read me the story about the Wright brothers' first flight."

In my father's lifetime we went from a man not even getting off the ground in powered flight to him watching Neil Armstrong walk on the Moon; in a period of 66 years.

To say that we can fly at mach 25? There is one person standing on the floor of the Senate right now and another one in his office, I suppose—two Members of the Senate who have traveled at mach 25. It is not impossible. It will be done.

I am going to tell you one other story to show you how we should not be making any predictions that this is a turkey and will not fly. The very first speech I gave when I came back from my spaceflight was to my youngest son's kindergarten class, and I told those 5-year-olds that by the time they were my age that they would be able to walk on the surface of Mars. They might work in a colony, a permanent colony on the Moon. They certainly would be able to work as scientists in a permanently orbiting space station.

The kids liked it. But I could see the teachers' eyes roll back in their heads and the kind of thoughts in their minds: Oh, why did we invite this Buck Rogers type to speak to us?

I said: Kids, relax for a minute. I want to tell you something. See why it is so easy for me to predict that a 5-year-old would be able to go to Mars is because the only limiting factor is the Congress of the United States. We can

do it technologically. What do you think, if, when I was 6 years old or 5 years old, in kindergarten in Salt Lake City, UT, and some middle-aged bald-headed Senator had walked into my classroom and pointed to me and said: Hey, little boy, someday you will orbit the Earth 109 times, travel 2.5 million miles at 25 times the speed of sound? They would have locked him up in the State mental institution because that was 1938 and in 1938 TV had not yet been invented and jet airplanes had not yet been invented and my father drove a car with wooden wheels. If anybody had told me at the age of 5 that I would be able to fly in space? A crazy idea. If anybody told me when I was a senior in high school that men and women would fly in space I would not have believed it because Sputnik had not yet gone up.

So, whatever arguments my colleagues may have about taking money from the national aerospace plane and putting it in UDAG, let it not be a reason that this aerospace plane cannot fly and that we cannot develop the engines and the technology to take off and fly at mach 25 after what we have seen take place in just the last 25 years. That is not an argument against this.

If people want to put money into UDAG and they think that is a higher priority, that is an argument I can accept even though I disagree. But, for heaven's sakes, I do not want my good friend and colleague from Pennsylvania to be listed in that magazine article in the future as somebody who made a projection along with the man who said you could never go 60 miles an hour, the body would disintegrate; or that we cannot get off the ground at all; or all sorts of things. I am going to find that and I am going to put it in the RECORD one of these days.

I have too much admiration for my colleague and particularly his skiing ability, which is so far superior to mine, that I do not want him to be caught on this limb of making predictions and to be so listed.

Mr. HEINZ. Would the Senator yield on a delicate point of personal privilege?

Mr. GARN. I would be happy to yield.

Mr. HEINZ. I appreciate all the kind things my friend has been saying about me. I want to correct something. I am not against the NASA budget. The Senator knows that. I am not against this program. The Senator knows that. I just want a small piece of the money. Just a small piece.

I do not complain when the Senator, for the GARN ski cup, arranges the event so that he has at least an even shot at winning. I hope that the Senator from Utah understands that I am not trying to kill the national aero-



space plane. If I felt it was a program that was purely speculative, I would.

What I thought I carefully stated during my presentation of the amendment is that it is a more speculative undertaking than many of the other projects in the NASA budget and, hence, even the Defense Department itself accorded it a lower priority. I am just merely agreeing with the Defense Department.

Mr. GARN. Well, I appreciate my colleague and I might look more favorably on his amendment if he did not beat me so badly in those ski races.

But, nevertheless, this is not speculative. Believe me, it will fly. The question is how fast we move ahead with the research and development. But we will have that airplane and the technological spinoffs will be enormous in other directions.

So, if my colleagues wish to take money for different reasons and put them in UDAG because in their minds that is a higher priority, they will. I wish we were not having to make this choice. I am a supporter of UDAG. I have been. I am forced to make that choice when I have to choose in favor of the \$30 million staying with the national aerospace plane. But, again, do not let anybody vote for it because they think that this airplane will not fly and will not become a reality. It will. And it is not nearly as big a technological jump as the other examples I have given you.

Mr. METZENBAUM. Mr. President, no administration in 60 years has showed as little concern about our cities and the people who live in them as the Reagan administration.

Urban assistance programs have been cut by 50 percent.

Housing programs have been cut by a whopping 75 percent.

Whole programs have been eliminated—new housing construction, revenue sharing, housing development grants, community action programs.

Now this appropriations bill eliminates the Urban Development Action Grant Program.

After 7 years of fighting the administration's efforts to kill UDAG, neither the House nor the Senate Appropriations Committees saw fit to include new money for the program next year.

That is a big mistake. UDAG is a program that works.

It is a program that puts Government and private enterprise together.

It encourages private capital investment in economically disadvantaged areas.

It is a program that helps people who do not have the resources to help themselves.

For these reasons, I have been one of UDAG's strongest supporters.

In my own State of Ohio alone, UDAG grants have helped build nearly 3,000 new homes.

UDAG grants have leveraged \$1.5 billion in private investment.

I have heard all the horror stories about UDAG subsidies to Fortune 500 companies and to luxury hotels.

Those stories overlook UDAG's real accomplishments.

For instance, Youngstown, OH, one of the hardest hit communities in the country, received a \$950,000 UDAG to build an electronic circuit board factory. That project will create 80 new permanent jobs in Youngstown, and has attracted \$3.5 million in private financing.

It was not IBM or Honeywell or any other giant electronics company.

It was a company called Sovereign Circuits, and I doubt they would have come to Youngstown without some encouragement from the public sector.

That is not the only industrial project UDAG has fostered.

Akron received a \$278,000 grant to help GO-JO Industries expand its manufacturing operation. GO-JO makes the waterless hand cleaners that mechanics use. They also make auto body putty.

It was not what I would call a glamorous project, but it meant 100 new jobs for the community.

The small city of Norwood, OH, which lost thousands of jobs when General Motors closed its manufacturing plant obtained a \$425,000 UDAG to renovate an old furniture store downtown. It was a small project, but it created 100 new jobs.

Wauseon, OH received a \$179,375 UDAG to help Bostmark Corp. buy new manufacturing equipment.

I could go on because there are so many of these worthy projects. And they don't get the attention they deserve.

I have an amendment to provide new money for UDAG. The amendment would transfer the \$188 million in proceeds from a HUD-planned asset sale to the UDAG Program.

The beauty of the amendment is that current law would send this \$188 million back to the Treasury. The money is not intended to be used for any other program.

After considerable discussions between my staff and the staffs of the Congressional Budget Office, the General Accounting Office, and the Budget Committee, the Budget Committee decided the amendment violates provisions of the Budget Act.

I do not agree with that interpretation.

Nevertheless, I do not intend to offer the amendment because I do not believe a super majority of votes are there to override a ruling of the chair on the Budget Act.

It is a tragedy that we have to pit important programs like NASA, assisted housing, veterans programs, and environmental protection against

other important programs like community development and UDAG.

I am a cosponsor of the Heinz amendment. At the same time, I strongly support the NASA aerospace plane. Part of the development of this plane will take place at the NASA Lewis Center in Ohio.

This amendment should not adversely affect the work at NASA Lewis. I intend to make sure that that is the case.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Illinois.

Mr. SIMON. Madam President, I rise in support of the amendment by our friend from Pennsylvania. I want Senator GARN to know I am not one who believes this project cannot work. But the question is, as he said: choices. And we ought to make a choice that does not phase out the UDAG Program.

I am one who has great respect and admiration for Senator PROXMIER from Wisconsin. This body is going to be an infinitely poorer body when he leaves this body and is no longer a voter and a Senator and a Senator who speaks out here. I think that is the sentiment of all Members of this body.

But, even a BILL PROXMIER 1 percent of the time can be wrong and, my friends, he is wrong on this one. When he says that UDAG supports business interests, it is true that business interests benefit. But it is also true that this money goes to areas where it is needed badly. And I am pleased to note that southern Illinois, my old House district, is one of those areas that has benefited by the UDAG programs. And, in terms of Federal dollars that have gone in to take people off of welfare, to relieve unemployment, it is probably as fine a program as we have ever had.

In the first year the UDAG Program, I am pleased to say, \$1 out of \$12 nationally came to my district in southern Illinois, and we have permanent jobs in Centralia, IL; in Mount Vernon, IL; and in other communities that would not be there. We are redistributing the opportunities in this country and UDAG zeroes in on areas that need help.

One of the things we do not talk about on this floor very much is the underclass in our society. It is real. A lot of people pretend it does not exist. But it is real.

We just heard a few minutes ago, our colleague from New Jersey talked about Camden, NJ, and the problems there. This UDAG appropriation is not going to solve Camden's problems. It is a mosaic with a lot of pieces. But one of the pieces is UDAG.

You tell me. You look at East St. Louis, IL. You tell me how you are going to get someone to invest in East St. Louis, IL, without some kind of an

incentive. You are just fooling yourself.

I see my friend from South Dakota, Senator DASCHLE, here. Three of the poorest counties in this Nation are in South Dakota; with the highest unemployment. How are we going to get somebody to invest there? It is going to have to have an incentive. There has to be an incentive to do it.

I think the UDAG Program is a much sounder program, in terms of helping people who really need help, than, probably, 9 out of 10 other programs that we have at the Federal Government level and I am pleased to join in supporting the amendment by the Senator from Pennsylvania.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I rise in very strong support of this amendment. The first point I want to make right at the outset is that this amendment does not pose the choice between the UDAG Program and the National Aerospace Plane Program. In other words, this amendment shifts a fraction of the money for the national aerospace plane to the UDAG Program, which has been zeroed out in this appropriations bill.

If the bill is left as it is, the choice is very stark, as far as UDAG is concerned. If this amendment is adopted, we can continue to move forward with the UDAG Program and, at the same time, continue to move forward with the national aerospace plane.

There are \$68.6 million of R&D funding in this appropriations bill for that purpose and another \$189 million in the fiscal year 1989 DOD appropriations bill, which comes to a total of \$258 million. We are talking about shifting \$30 million of that to the UDAG Program.

I submit that the UDAG Program merits continuation. This is a program which, since its inception, has provided block grants to large and small cities across the country. It has been a major stimulant to economic development and job creation.

It is true, a lot of the money has been involved in commercial and industrial enterprises, but that is where the jobs are. The touchstone in making those grants has been job creation and to strengthen the economic base in our large and small cities all across the Nation.

This program has been particularly successful in generating private investment, and I agree with my colleagues who have spoken that it is essential to provide UDAG grants as a leveraging device in order to attract and draw in the private investment, which has been generated at a ratio of somewhere between 4 and 5 to 1. It has resulted in creating major jobs in blighted urban areas across the country.

In my own State, participation in this program has been very successful, not only in Baltimore, where the success is apparent to the eye for anyone who has visited our city in recent times, but in small cities all across the State. UDAG funds have been effectively used to improve local communities and to increase permanent employment.

I ask unanimous consent that a recent editorial from the Baltimore Sun describing the success of this program entitled "Killing A Good Program" as it considers the effort to zero out the UDAG Program be printed in the RECORD, following my statement.

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

(See exhibit 1.)

Mr. SARBANES. Mr. President, the administration has made a continuous effort to eliminate this program. The Congress has consistently turned that back and, in my judgment, has wisely done so.

The amendment which is offered today by Senator HEINZ and my very able colleague, Senator MIKULSKI, would continue the program, albeit at a modest level. It represents a significant reduction from past years, but it does carry the program forward, and it does it by shifting money within the framework, within the structure of this appropriations bill in a way that does not cripple the program from which the money is coming.

I understand the deep concern of my very able colleague from Utah with the National Aerospace Plane Program, but this amendment does not do in that program. That program would continue and is projected to continue over a number of years at a very significant level of funding.

I urge my colleagues to vote for this amendment to keep the UDAG Program moving along as one of the major undertakings at the Federal level to provide assistance to our blighted urban areas, both in small and large cities all across the country.

#### EXHIBIT 1

[From the Baltimore (MD) Sun, June 22, 1988]

#### KILLING A GOOD PROGRAM

Congress is on the verge of killing the Urban Development Block Grant program, one of the most successful enterprises run by the federal government. That the program is in jeopardy is a sad commentary on Washington priorities. Neither the Congress nor the president seems willing to recognize the tremendous benefits that have flowed from UDAG grants in the past.

These block grants have played a major role in the dramatic revitalization of Baltimore City. Since the program's inception in 1978, Baltimore has received \$114 million in UDAG grants that leveraged \$484 million in private investment, generated 8,000 jobs and led to the construction of 3,600 new or rehabilitated houses. That's payoff, UDAGs have been a tremendous success in creating

a public-private partnership in depressed urban centers throughout the country.

This is the kind of program, with its stress on private-sector investment, that President Reagan should have adored. Instead, the president has been trying year after year to kill the UDAGs. They are viewed by the White House as wasteful extravagances. Now Congress seems ready to follow Mr. Reagan's suggestion.

In an effort to keep a lid on the federal budget deficit, congressional appropriations panels want to eliminate all new UDAG funding. The money instead would be funneled into the space agency and other housing programs. That is indeed unfortunate, UDAG grants, even in a more modest form, should be retained.

Efforts will be made today in the House and in a Senate committee to reverse the trend and pump new life into this innovative block-grant program. Even if there is a UDAG fund cutoff, the program would continue until prior appropriations are exhausted. The value of this program should be evident to members of Congress. UDAGs aren't wasteful or extravagant. They are highly productive grants that help revive ailing cities and stimulate private development. It's the kind of program members of Congress and the president should be applauding, not killing.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I join my distinguished friends from Wisconsin and Utah in opposing this amendment. Certainly, I am one of those who can say the urban development action grants have been used for important projects in my State, as well as throughout the country, but I feel just as strongly that it would be a tragic mistake, a major step in the wrong direction to take the money from the NASP Program.

Mr. President, we should not be returning back to the days of the Flat Earth Society. There are tremendous advances that we have made in recent years, and I happen to believe that the National Aeronautics and Space Program is an important step in maintaining our lead in aerospace technology. The United States's lead in aerospace development has played a crucial role in maintaining the strength of our economy and our national security, as well as our international trade figures.

I know my distinguished colleague from Pennsylvania is interested and has spoken often of competitiveness. That competitiveness comes from our ability to do research, to learn about materials and fuels and propulsion. The work that is going on in this important area must be continued, and if we strangle it further by taking another scrap, as some have called it today, out of the programs, we face loss of these benefits.

I have had the opportunity to be briefed on some of the developments in the research under way in the National Aerospace Program. Those are not things that can be spoken about publicly, but they are significant.



There are clearly benefits from deriving technology through this research and development of the National Aerospace Program that will benefit us, not only in terms of defense, but also in terms of commercial application, which is why they should be funded through NASA.

The fuel needed for this plane is something that is going to provide information, research opportunities, development for use in commercial applications, as well as the materials which are going to be needed in these planes are subject to a great deal of research that can be applied for civilian and commercial aerospace and rocketry. All of this research is necessary in developing the first version of the aerospace plane, the X-30 experimental vehicle.

As my colleague from Wisconsin has already pointed out, the private sector is making significant contributions and commitments to research in this area. They are risking their money, they are putting it up front, they are doing research because they think there is going to be a significant payback. But the United States has the most to gain from it, and it is research development we cannot turn our back on.

Mr. President, the NASP Program is at a critical stage as we approach the date when a decision will be made on action construction of the X-30 experimental vehicle. Funding for the program already has faced cuts which threaten our ability to conduct research on an appropriate timetable.

It is clearly, in my view, a mistake to characterize NASP as simply a businessman's Oriental Express. The potential uses for the plane, for defense, for cargo, for space explorations and operations go far beyond our imagination even today. The national aerospace plane can take our Nation into the 21st century as a leader in aerospace and as a leader in world trade, transportation and commerce. The advances we make in new materials, propulsion and fuels will transfer to many other projects. These projects are of great importance to aerospace and defense industries.

I urge my colleagues to reject this amendment and to support full funding for the NASP Program. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in strong support and am a co-sponsor of the amendment that will increase the funding for UDAG offered by my colleague across the aisle, Senator JOHN HEINZ. I support this amendment for several reasons.

One, it is exactly the type of amendment that I think Republicans and Democrats can agree upon. It is public

investment that ultimately generates private sector jobs.

I would like to give just one quick case study of a UDAG success story, my own hometown, Baltimore.

In 1976, we were one of the gritty cities, one of those places known for what you drove by and passed by on the expressway between New York and Washington. Not only were the cars passing us by, so were opportunities for jobs. There were no home offices looking to move to Baltimore. In fact, the people of Baltimore were not even looking to stay.

We decided to do something about our waterfront. Our waterfront was decrepit, it was decayed, it was nothing but a mass of old warehouses where the water was too shallow for the ships to dock, and there was just decay surrounding it. Mothers would tell their daughters, "Don't go near the waterfront; you may be shanghaied." That was a code word for an ugly thing to happen.

We decided to do something about the waterfront. The State of Maryland built the trade center, the city of Baltimore built an aquarium, but a private developer had a dream if he could get some help in the investment. Out of that came the famous Baltimore Inner Harbor project.

What did the Inner Harbor mean? It is not only glitz and a shopping area. It became a magnet for private investment. We have T. Rowe Price financial services in the area. We have other financial services. We have private sector jobs at and around the harbor. Private developers want to come to Baltimore. Major Fortune 500 companies are looking to move to Baltimore. For our investment in Baltimore, we now have 8,000 permanent jobs.

But we did not only rehabilitate the Inner Harbor, we also rehabilitated houses with UDAGS and because of UDAGS we have 36,000 rehabilitated houses. That is what we have done with it.

Now, there are those who say, "Well, gee, we might be able to walk on the Moon." I would much rather be able to walk in Baltimore. I would much rather be able to walk in Cleveland. I want to walk through the poor counties in South Dakota creating opportunities. When we talk about the future, the future is now. I think UDAGS have been a successful tool for our local governments to be able to create economic opportunity.

Now, I want to talk a little bit about this NASA Program. We are not taking from this aerospace plane. We are doing a shaving, just like a carpenter. It is a very modest shaving from this aerospace plane. We are not robbing it of its engine. We are not robbing it of its spare parts. We are not robbing it of anything. All we are doing is trimming it a little bit.

Now, we have heard about this aerospace plane, and I think the jury is still out on it. There are those who have nicknamed it "The Orient Express." We are going to be able to get to Tokyo in 3 hours. Right now we are not even sure it will have a place to land. I do not know if this new aerospace plane is a new aeronautical eagle in which we will soar to new patriotic glory or if it is a stuffed turkey, a "technogimmick" that ought to be roasted instead of toasted.

So, Mr. President, I have no sympathy for those who wring their hands about what we are going to do on the aerospace plane. The distinguished chairman and his ranking minority member put on their green eyeshades to do all they could to save the essentials in the space program, to see if we could have a skylab and many of the other important projects of NASA. We support the funding of space, but just like we cannot have every social program, we cannot have every little so-called technoeegg we want to hatch. And again, if you polled the people of America and said, "Where would you rather work; in your own community or on the Moon?" I think they would vote for their own neighborhood. That is why I hope we vote for the extension and full and adequate funding of UDAG's.

I yield back my time.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, it is not very often that we have an issue that comes to the floor that is in such stark terms, that is so precisely a choice between the past and the future. If I understand correctly the nature of this amendment, it is budget and deficit neutral. It is simply a question, do we want to put this amount of money into UDAG's, a program which has its roots and antecedents in the past, a program which really philosophically is almost a classic example of a choice of programs of the past which have been tried and have not been very successful and have been pumped up and which have had kind of a disreputable political history and, on the other hand, a program that looks to the future. It is perhaps not a perfect program. But in my view, the future is in space. It is not in appropriating more money to build luxury hotels in the downtown locales of this country and in subsidizing General Motors and Marriott and Holiday Inns, and so on. That is exactly the choice we are being asked to make today.

(Ms. MIKULSKI assumed the chair.)

Mr. ARMSTRONG. Personally, Madam President, I do not hold with all this NASA bashing. The idea that

any agency ought to be exempt from budget scrutiny I do not agree with either, and I would be willing to admit that there was a period perhaps in the two decades following Sputnik when NASA really received uncritical acclaim around here, and maybe it should have had closer scrutiny. But now the pendulum has swung the other way and everybody thinks the way to fund every kind of ambitious enterprise they have is to take it out of the budget for space.

I believe that we are on the verge of losing sight of how important the Nation's space program is. Space is the future. But it is also the present. In addition to the adventure of exploring outer space and all the comparisons with Christopher Columbus and the new frontier that we are exploring, and aside from military questions about the domination of space and the reality I think that whatever nation commands the high ground, whatever nation commands what has been termed by someone "the high frontier" will have great dominance on this planet, the reality also is that out of the NASA program have come countless, and I use the term advisedly and with precision, practical day-to-day benefits.

I am advised that it is possible at this moment to define not just hundreds but indeed thousands of very specific and significant spinoffs of this Nation's space program.

For example, in digital image processing, the use of computers to convert sensor—a device that receives and responds to a signal or stimulus—data to images. Digital image processing predates the space program but it was the space program that resulted in focusing this scientific research and bringing it to practicality. Ranger spacecraft in the 1960's flew by the Moon and made pictures to be sent back to the Earth. Using conventional TV tubes, we could send back the picture but it was distorted. It was really not usable. That is where this digital image processing came in.

What does that mean today? Well, in the medical field digital image processing is being used in electron microscopes, x rays, light microscope images, the genetiscan, in the CAT technology and in a lot of other ways that make an important, indeed, literally a life or death difference to a lot of people today, a direct spinoff of America's space program.

In remote sensing, a use of digital imaging processing. Remote sensing involves the picking up of radiation—light and heat—waves emanating from the Earth, each of which has their own unique signal. They are used, for example, in agriculture. It means accurate crop forecasting, in the evaluation of rangeland and forest management, petroleum exploration, mapmaking,

water quality evaluation and disaster assessment.

A particular application of this technology which is of interest in Colorado was described by University of Colorado Prof. Payson Sheets. The opportunity provided by remote sensing equipment in archeology provides what he calls "a new window on the past." In one project, where it was thought that ancient civilizations had existed near the shores of Lake Arenal in Costa Rica, the area was blanketed by thick tropical vegetation that made inspection by conventional methods impossible. Through this space spinoff technology, the inspection was possible and, among other things, they found footprints buried under volcanic ash, giving us just exactly what the University of Colorado professor described as "a new window on the past."

We have all kinds of applications of this in, as I mentioned, agriculture, in water fowl management, even in things like eye testing. The term "lazy eye" is, I expect, familiar to many Senators. It is the cause of 20 percent of blindness that develops after birth, but it is often caught too late to be treated. Now there is a mobile screening system to go out and test children. In the past, there was no widely available technology to do this. The technology that makes this possible today is a spinoff from NASA.

Even America's shuttle entry, the Stars and Stripes, benefited from the design technology pioneered and developed by NASA. In eyeglasses this week, I saw an ad for high technology sunglasses in the newspaper. The issue there is the new technology that permits us to more accurately screen out of the eyes the most harmful rays, the particularly timely issue at a time when the ozone layer is being dissipated and we can expect unfortunately more and more injury to people's eyes as a result of certain kinds of invisible portions of the light spectrum. The technology that makes these high technology sunglasses possible in another direct spinoff of the space program.

The list goes on and on: water filters, solar water heaters, all kinds of technology that has come out of space.

So, Madam President, I want to say, first of all, I think it is time for us to give some recognition to the very practical contributions that this Nation's space effort makes in science, defense, technology, commerce, health, and in many, many other ways.

So I hope this era of NASA bashing is about to come to an end.

I am also opposed to this amendment not just because it takes money from an important high priority future-oriented program but also because it seeks to pump up a program that should have been abolished a long time ago, and that is the UDAG

Program. I know this has been a popular program. In fact, I was reminded of that a while back here on the floor of the Senate. One of the Senators rose and pointed out that this was a very popular program. Of course, in some sense that is true. If you start handing out free money to people, it is going to be popular among the recipients. If you start giving money to construct hotels, marinas, all kinds of things, condominiums, what not, the people who get it, the companies that benefit from it, the communities that benefit from it are going to say this is a wonderful idea. There is no doubt about it. That does not make it good public policy.

In my opinion, this so-called UDAG Program which was intended to be targeted strictly to highly distressed urban areas and action oriented to avoid the long delays typical of Federal programs previously is a failure as defined by its own stated purposes. It has neither in that sense proven to be action oriented; that is, it is not responsive and prompt; and, second, it is not very highly targeted. Some of the best examples of what is the matter with UDAG is who is getting the money.

Erie, PA, received a \$4 million UDAG grant to help construct a 175-room hotel with a 250-slip marina. That is not anything in my opinion that is wrong except the Federal funding of it. That is well within the financial capability of the private sector. If a marina is needed or a hotel is needed, I say let Marriott, Hilton, or whoever, go ahead and build it. But to take the taxpayers' dollars from Burlington, CO, or Burlington, VT, and send them to Pennsylvania for that purpose I think is really an abuse.

St. Petersburg, FL, received a \$3.4 million UDAG grant to help renovate a luxury hotel including a swimming pool and tennis court.

In Philadelphia there was a \$3 million UDAG grant to help construct a 143-room luxury hotel again with restaurants, meeting rooms, and swimming pools.

In Albuquerque, NM, there was a \$10 million UDAG grant to help construct a mixed-use project including 41,000 square feet of retail space, a luxury 450-room hotel, parking for 493 cars, and a high rise office building.

In Los Angeles, CA, there was a \$1 million grant to finance a shopping center in the city of Maywood.

In St. Louis there was a \$3 million UDAG grant to assist in renovation of a building to provide commercial space and office rental space.

The point is not that these are unworthy projects. The point is in my opinion that they are not projects that justify the expenditure of Federal moneys. There is plenty of money around to develop these projects. The



only thing we are talking about here is pumping in money from the Federal Government where it might not flow in the ordinary course of commerce as a result of the private investment.

It is a form of industrial policy. It has been scandalously abused. It has proven to be beneficial as a stimulus of economic activity. It is in my opinion exactly what the noted economics writer Warren Brookes, in a May 25 article wrote, and I will only quote in part:

One of the most despicable pork-barrel programs in the federal government is the Urban Development Action Grant, supposedly designed to slow down inner-city decay by helping to fund development projects to keep jobs and business and industry inside the urban cores.

In fact, UDAGs have become nothing more than political payoffs to wealthy developers and hotel and motel chains to build projects which, for the most part, consist of luxury hotels and department-store complexes.

Madam President, there is a clear choice between a program of the future, exploration and development of space, and a program of the past which I think Mr. Brookes is accurately characterizing as a porkbarrel program that has come to be nothing more or little more than political payoffs to wealthy developers and hotel and motel chains.

I guess it goes without saying, Madam President. I oppose the amendment.

Mr. DASCHLE. Madam President, we are about ready to vote. I do not want to be long because I am sure most Senators have already made up their minds. However, certain things have been said that I think merit some response. I am a pilot, too. There are many pilots here in the Senate. Those of us who fly have a tremendous appreciation for NASA, and the work that they do. The distinguished Senator from Colorado has pointed out the spinoffs that have come already as a result of the tremendous work done with NASA.

I make the same speech that the Senator from Utah has made to young people in high school as well as first and second grade for that matter. I hope there will be a time when we can travel around the world in less than a day. I hope there will come a time when we can travel through space and come back in a very short period of time. I hope there will come a time when we can all have the opportunity to live in space if we want to. I hope I will be one of those selected at some point to ride in the space shuttle. I will go. I would love to be the pilot. Let no one be misled. Our investment in aerospace is vital. It must be continued.

But the same statement must be made when it comes to the investment in rural America. That investment, too, is vital.

I hope as we consider these priorities that no one look at this vote as an either/or proposition, that it is a choice of either one thing or the other, because that is not what we are asking here. Sponsors of this amendment are asking simply that we alter slightly our investment in space so that we may at least continue our investment in a program which will help to ensure somebody in rural America is there to fly in the first place. That is what we are asking. Give somebody in a rural area the same chance to do business that they have in another area to work on aerospace. Give someone who has access to a little Federal money the same chances as those who have access to large Federal contracts.

I vehemently disagree with those who say the UDAG Program has been nothing but a ripoff. Tell that to the folks in Lead, SD, many of whom would not be in business today were it not for the fact that the UDAG Program provided them opportunities for more business and more jobs. The financial wherewithal in Lead and many other rural communities without Federal partnership is simply not there. The kind of commitment it takes from business to create a profitable economic climate is just not there in many cases.

Government is needed in partnership with business at times. Without it we might as well do away with many of the communities in rural parts of the country. Just as Government is needed in space, so too is it needed in economic development.

So as we look at these questions, let us remember it is not either/or. It is an opportunity to advance our progress in space. But it is also an opportunity to advance our progress in providing the quality of life to people in both urban and rural areas as well.

I frankly thought this was going to be a debate between urban and rural constituencies. There are a lot of rural people who have opposed UDAG grants. But a skeptic who challenges what UDAG has done for rural communities would have to be impressed with its record of assistance to nearly a dozen cities and the creation of nearly 1,000 jobs in my State alone in the past 10 years. UDAG has been an important development tool in South Dakota and other rural States just like it.

So I commend those who have offered this amendment. I hope we can see fit to give UDAG at least this much so that the successful partnership they have had in so many parts of the country may be preserved.

I yield the floor.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Madam President, I do not want to extend this debate any further unnecessarily. I just have a

few concluding comments. I want to thank the Members of the Senate, the Senator from South Dakota who has spoken, the two Senators from Maryland, including the Chair, the Senator from New Jersey, Senator LAUTENBERG, and others, who have spoken in support of this amendment.

I want to put in the RECORD two letters of support for this amendment—one from Arthur Holland, the mayor of Trenton, NJ, on behalf of the U.S. Conference of Mayors; another from the National League of Cities. I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. HEINZ. Madam President, just to refresh everyone's memory, I have here a picture of the world. It is probably difficult for my colleagues to see, and I apologize for not having one of those high-technology blowups that are popular on the Senate floor in this day of television coverage. By the way, it is a round world. This shows travel-times in the national aerospace plane, the high-speed transport, showing how you can travel from London or Paris to Los Angeles, from Los Angeles to Sydney, from Tokyo to London, in 2½ hours, each of those trips. A remarkable accomplishment.

I am not opposed, as I said earlier, to continuing development work on that project, but I am opposed to the money for that coming at the total expense of the Urban Development Action Grant Program.

We only seek to restore a mere \$30 million. That plane I described is indeed an exciting plane. By the way, it would take off horizontally from a conventional runway. It would go 25 times the speed of sound. It would be a tremendous way for any of us or any business people to get from here to Rio or to Paris, places that businessmen often travel to.

One question I would really like to ask our colleagues to consider when they are voting on this amendment is this: Whom are we trying to help the most? As Russell Long, our retired chairman of the Finance Committee would say, "we want to help everybody all the time."

Here we have a choice between helping people in our cities, helping low- and moderate-income people who are without work. Who, if the commercial aspects of this flight development go ahead, is going to be helped? They are not low- and moderate-income people dwelling in our cities and towns. That is the fundamental question that this amendment addresses.

Do we want to excessively subsidize flying corporate executives across the world in a few hours, or should we try

to help our country's most distressed cities and towns?

Madam President, I think we should get our priorities straight, and I think this amendment helps.

One of our colleagues indicated what, to his mind, were a few examples of the urban development action grants that he characterized as wrong or unprincipled. There have been some 3,000 urban development action grants, and most of them have been extraordinarily meritorious. I want to give one particular example, because I think it illustrates the reach.

I am privileged to represent the town of Donora, PA. Donora was where we really first discovered, many decades ago, the pernicious effects of air pollution. That was the town over which a yellow cloud developed one day, and a number of the residents actually died from the temperature inversion and pollution that was created in that Monongahela Valley town. It is a town that has seen many ups and downs. Because the steel industry has been mostly down, so has Donora.

To give an idea how distressed Donora is and how poor that local economy is, the only McDonald's restaurant to fail in the entire United States last year was located in Donora. That town received a \$95,000 urban development action grant in November of last year which leveraged some \$321,000 in private investment to construct not some luxury boat basin, certainly not a supersonic transport, but a thrift store. That created a very small number of full-time jobs—five full-time jobs—but that small investment of the thrift store, the literally handful of jobs—the same number of fingers we have on one hand—was enough to help that community turn the corner. Now there are other private commercial developers going in and putting investments in. While the town has a long way to go, it is turning the corner; it is on its way back. That is really what the Urban Development Action Grant Program is. It is to help our cities and towns back.

One of our colleagues described, I guess, the choice of this amendment between the past and the future. I guess he meant this program was one which looks toward some distant past, and the national aerospace plane looked toward the future.

To me, the past that we look to, so-called, in the Urban Development Action Grant Program is the reality of the present. It is the poverty of our cities and towns. It is the dilapidated housing stock. It is the unemployment. It is the eroded tax base. It is the youth. It is the survival of our cities and towns across the United States. If the definition is that that is our past, then 85 percent of Americans who live in towns and cities are living in a past that some of our colleagues are asking us to write off in favor of a

future which may, in the form of this transportation, be wishful thinking. It certainly is a form for commercial civilian applications of privileged transportation for wealthy businessmen. This is upperincome luxury travel—make no mistake about it.

Madam President, maybe it is about something else. We have recently read about scandals in the Pentagon, about people taking payoffs, about special interests, big aerospace and defense contractors buying power and influence up here in the Nation's Capital. Maybe what this is really a contest between is the citizens of our cities and towns who do not have a bunch of highly-paid lobbyists making hundreds of thousands of dollars a year, and those who do. If that is the case, Madam President, if those lobbyists who represent the contractors are the future, and if our constituents in our cities and towns are the so-called past, there is no question where this Senator and, I trust, the majority of the Senate—is going to stand.

I was delighted to hear that some of the research that NASA has done was very important to Dennis Connor in his quest to return the America's Cup and the victory of the Stars and Stripes over the Australian yacht 2 years ago.

I think we all wanted to see our team win, and win it big. But I have to say that if one of the strong arguments for NASA is so that \$15 million yachts can win yacht races, we really are standing this Senate on its head.

I hope we will stand on our two feet, that we will stand up against the special interests, and that we will vote for our constituents by adopting this amendment.

NATIONAL LEAGUE OF CITIES,  
Washington, DC, June 28, 1988.  
Hon. JOHN HEINZ,  
U.S. Senate, SR-277 Russell Senate Office  
Building, Washington, DC.

DEAR SENATOR HEINZ: The National League of Cities deeply regrets the actions last week of the Senate Appropriations Committee and House of Representatives regarding the Urban Development Action Grant (UDAG) program. At a time when American cities and towns are confronted with limited resources and hardpressed to meet vital service delivery requirements within their communities, it appears the Congress is more interested in the future existence in space than human existence right here on earth.

The UDAG program has proven to be the life-blood for many of our older cities. It has provided a real leveraging tool for local jurisdictions to amass private sector investments for economic revitalization, resurgence and growth. We strongly reject having to be placed in the position of choosing between the funding level for the Community Development Block Grant (CDBG) program and UDAG. We should not have to sacrifice funding from the CDBG program in order to keep the UDAG program alive. Both programs have proven to be important and viable resources meeting the economic and community development needs of municipalities across the land and should not

be "cannibalized" in order to provide a \$1.5 billion increase for NASA. We feel the issue here is not whether we are going to have a dramatic increase in the NASA space budget. The real issue here is whether or not we can afford to give a dramatic increase for space while at the same time, cut funding dramatically for housing here at home.

The very survival of American cities requires that you reconsider and redirect the apparent "priority judgements" of the House of Representatives and Senate Appropriations Committee and exercise your responsibility to the millions of American citizens who both elected you and are counting on you to represent and be sensitive to the hometown interests and concerns in the communities in which they reside. The frontiers of space will always be there; however, we have too many families with children at risk to justify these misplaced priorities. Although we would all like to achieve dramatic successes in space, our urgent needs on earth ought to take priority and be addressed first.

As you begin to act on and debate the recommendations of the Appropriations Committee, it is our hope that you will take under consideration, and vote responsibly for, the vital needs of American cities and towns by calling for the restoration of funding for the UDAG program.

Sincerely,

PAMELA PLUMB,

President, Councilor, Portland, ME.

THE U.S. CONFERENCE OF MAYORS,

Washington, DC, June 28, 1988.

DEAR SENATOR: As you consider the FY89 appropriations for HUD-Independent Agencies, The U.S. Conference of Mayors urges the restoration of funding for the Urban Development Action Grant (UDAG) program.

UDAG has been effective. Our nation's cities have found it to be a crucial revitalization tool. Since its inception, UDAG has proven itself a sound public-private partnership: one dollar in UDAG funding leverages a little more than six dollars of private funding. In addition, UDAG has generated far more revenues in the form of income and corporate taxes paid and reduced public assistance payments than it has cost.

Although we support the restoration of UDAG, we are opposed to any proposal that would transfer funds from the Community Development Block Grant program to UDAG. As we review the appropriation bills in both houses of Congress, several housing and community programs are being sacrificed at reduced levels for the sake of increased funding for NASA programs. Under this scenario, cities will only lose when funding is transferred between urban programs. Both CDBG and UDAG are very important programs to cities and deserve to be funded, but not at the expense of one another.

As you consider UDAG and other housing, community development and homeless programs, we ask you to recall the recent history of cities and urban programs. Our plight is well known. Over the past several years, housing and community development programs have been drastically cut as demands and responsibilities have increased. Further cuts will compound the difficulties that local communities face.

Sincerely,

ARTHUR HOLLAND,

(Mayor of Trenton) President.



Mr. MOYNIHAN. Mr. President, our Nation's cities must not be abandoned. They are where most of the Nation works and much of the Nation lives. Strong and growing cities are in the national interest; yet, we pretend that many of them are not beset with high unemployment, lack of affordable housing, crime, poverty, decaying infrastructure, and a declining tax base. These are characteristic of cities large and small, and in every region.

A city in decline is very difficult to turn around, as these forces magnify one another and reverberate throughout the urban system. But we must find ways to assist our distressed cities because they are our centers of commerce, culture, and innovation. We must improve the health of declining urban areas, and we have found ways to do so. The UDAG Program is successful, successful in stimulating private investment where otherwise there would be none. It creates jobs where there would be unemployment, and it creates vitality where there would be stagnation or decay.

I can cite no better sources than mayors whose cities have benefited from this program. Art Gray of Port Jervis wrote:

The very existence of my city has been made stable by this wonderful program. A combination of Federal, State and private monies has been infused into our economy to the extent of \$250,000 + with the end result of 300 + jobs and a broader tax base.

Madylon Kubera of Dunkirk wrote:

This city of 15,000 was a victim of the steel industry economic tragedy of the 1980's. The City's three UDAG grants for new industrial construction or expansion and our Harborfront Project total \$3.7 million. These HUD funds leveraged another \$51 million of private funds with over 500 construction jobs and over 600 new permanent jobs resulting.

For years the program was criticized for not benefiting the entire country. So the formula was changed to facilitate awards everywhere. Now it is criticized because it is not fulfilling its original purpose of aiding distressed areas.

The UDAG Program has worked. It has enabled thousands of projects to be built that would not have been otherwise. Nationally, the \$4.4 billion awarded have leveraged \$27 billion in private investment, created 311,713 jobs, created 79,533 housing units, and brought about \$620 million in annual tax revenue.

The community development block grant is already being stretched and cannot absorb the vital function the UDAG Program is now fulfilling. I support this proposal to transfer \$30 million from the national aerospace plane budget, which would fly from New York across the Pacific in a few hours. Watching it fly overhead would not compensate the people who do not have jobs or adequate housing that a UDAG could have provided. I urge my

colleagues to join me in voting for this vital amendment.

Mr. WARNER. Mr. President, regrettably I must rise to oppose this amendment. While I compliment the sponsors for wanting to add funds for urban development action grant programs [UDAG's], funds which have indeed been used to great success by localities of my own State of Virginia, I do not think the National Aeronautics and Space Administration [NASA] National Aerospace Plane Program should be the source of those funds.

I would like to make a few points against this amendment, although my colleagues have already mentioned some of them.

As my colleagues well know, the National Aerospace Plane [NASP] Program is a joint effort between NASA and the Department of Defense [DOD] to accelerate the development of critical enabling technologies for this revolutionary class of hypersonic/transatmospheric vehicles.

First, Mr. President, both NASA and Department of Defense budgets have already been reduced for this program. NASA's \$105 million request was reduced to \$90 million, and DOD's \$245 million request was itself cut \$55 million.

The additional cut of \$30 million from NASA would mean a \$45 million reduction in the fiscal year 1989 NASA portion of the Aerospace Plane Program.

This program is entering a critical phase, where a cut in funding at this time would cause major problems. These cuts, if accepted by the Congress, would have to be taken from the technology maturation portion of the program, and jeopardize achieving the program's goals.

The Defense Science Board and the National Research Council Air Force Studies Board have recommended an increase, not a decrease, in the technology maturation portion of the program to reduce risk.

Mr. President, a cut of this magnitude to the National Aerospace Plane Program at this time threatens the entire program, and the various States and sites at which work on this program is being done today.

For my own State of Virginia, this means a direct hit to the Langley Research Center, a preeminent aerospace research center, and a key component of NASA's programs and missions.

I have discussed this matter with that facility's Director, Richard Petersen, on numerous occasions, and remain convinced of the need for this program, and that we should defend it's funding levels, as modest as they are, against further cuts.

Therefore, Mr. President, I must oppose this amendment. But I want to reiterate that my opposition does not constitute oppositions to the UDAG

Program, which I have steadfastly supported in the past.

As we will see with other appropriations bills, the Senate is not always presented with whether they support one program over another, but whether they think one program should be funded out of the program funds of another.

Mr. RIEGLE. Mr. President, as many of my colleagues know, the legislation before us, like the House passed bill, provides no new funding for the Urban Development Action Grant Program. Rather, UDAG funding will be provided through recaptured funds from older projects that were unable to go forward.

Mr. President, I do not believe that the decision by either the House or Senate Appropriations Committee reflects or suggests congressional intent to terminate the UDAG Program. Congress has overwhelmingly rejected such proposals in the past and voted only last December to reauthorize the UDAG programs for 2 additional years.

UDAG is one of the few Federal programs which has been a genuine success. It is very widely acknowledged to be a success throughout the country, not only by State and local officials but by others who pay attention to the critical questions of how we provide jobs in economically distressed communities.

Since it was enacted, UDAG has demonstrated solid results. Nearly 2,930 projects are projected to create or maintain over 585,000 permanent new jobs—56 percent of those jobs are slated for low- and moderate-income persons.

UDAG has stimulated \$6.3 in private investment for every Federal dollar. That is a total of \$29 billion private investment dollars that UDAG has generated in just a few years. That is a real success story in private sector-government cooperation.

UDAG projects are expected to contribute over \$700 million in annual tax revenues to hard pressed local governments. At the end of last year, local governments were already receiving \$38 million annually in additional revenues as a result of UDAG projects.

In my own State of Michigan, the UDAG Program has allowed communities to help themselves in partnership with the private sector and with a minimum of Federal direction, red-tape, and bureaucracy. Since 1978, over 50 Michigan communities have received over \$392 million from the Federal Government and over \$3.5 billion from the private sector. Over 82,000 Michigan jobs have been created or saved.

Mr. President, for a very small amount of Federal dollars, UDAG's are able to trigger a very substantial private sector investment in projects

that are put together by the private sector, carried out by the private sector, and managed by the private sector. This allows UDAG, in a highly targeted way, to revitalize and strengthen areas that are in trouble.

Mr. President, the UDAG Program is vitally important to the Nation's cities.

Some have mentioned the use of UDAG funds for building hotels—such projects can stimulate convention business that can be vitally important to many areas. But many other types of projects have been submitted in the national competition for UDAG.

According to HUD almost half of projects funded since 1978 in the small cities competition have helped these communities to bring in new industry or to retain older industries in the community. From these investments, in turn, will flow other private sector investments with which the Federal Government has no involvement at all.

In conclusion, Mr. President, UDAG is an effort to get positive things started in areas that are struggling to reverse downward trends. I do not support the committee recommendation, and I will seek to provide UDAG with continued and increased funding in the next Congress.

Mr. SPECTER. Mr. President, I am voting in support of the amendment offered by Senator HEINZ to the HUD and independent agencies appropriations bill which would provide \$30 million for the Urban Development Action Grant [UDAG] Program.

As my colleagues well know, we are faced with some very difficult choices on the various amendments offered to appropriations bills. I myself had a particularly difficult time with this specific amendment. I long have supported the UDAG Program and find many aspects of the program meritorious. In Philadelphia alone, from 1980 to 1987, 33 projects totaling over \$74 million have created 8,467 new permanent jobs. The UDAG Program also has benefited the Pittsburgh and Erie economies which have been decimated by the decline of the steel industry by providing new development to these local economies. Other important UDAG's have been completed or are underway in Johnstown, Reading, Sharon, Harrisburg, Scranton, Easton, and Wilkes-Barre.

Senator HEINZ's amendment would transfer \$30 million from the NASA account, which funds the national aerospace plane [NASP] project. Although I supported my colleague on the amendment, I want to make it very clear that I find the NASP to be a meritorious project. In light of the severe funding constraints that the HUD and Independent Agencies Committee is under, however, in my view support of the UDAG Program at this time was necessary to save this vital program. I understand that the NASP

project, albeit highly significant, will not be operational until the late 1990's. The UDAG Program, however, has and currently provides not only jobs, but millions in local revenues and economic development opportunities. For these reasons, I am voting in favor of the Heinz amendment in my continued support for the UDAG Program.

SEVERAL SENATORS. Vote.

The PRESIDING OFFICER. Is there further debate?

Mr. GARN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The question is on agreeing to the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

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

The result was announced—yeas 34, nays 63, as follows:

[Rollcall Vote No. 244 Leg.]

#### YEAS—34

Adams	Grassley	Mitchell
Boren	Harkin	Moynihan
Bradley	Heinz	Pell
Byrd	Inouye	Rockefeller
Chafee	Kasten	Sanford
Cohen	Kennedy	Sarbanes
D'Amato	Kerry	Sasser
Daschle	Lautenberg	Simon
Dixon	Leahy	Specter
Dodd	Levin	Weicker
Durenberger	Metzenbaum	
Fowler	Mikulski	

#### NAYS—63

Armstrong	Gore	Packwood
Baucus	Graham	Pressler
Bingaman	Gramm	Proxmire
Bond	Hatch	Pryor
Boschwitz	Hatfield	Quayle
Breaux	Hecht	Reid
Bumpers	Heflin	Riegle
Burdick	Hollings	Roth
Chiles	Humphrey	Rudman
Cochran	Johnston	Shelby
Conrad	Karnes	Simpson
Cranston	Kassebaum	Stafford
Danforth	Lugar	Stennis
DeConcini	Matsunaga	Stevens
Dole	McCain	Symms
Domenici	McClure	Thurmond
Evans	McConnell	Tribble
Exon	Melcher	Wallop
Ford	Murkowski	Warner
Garn	Nickles	Wilson
Glenn	Nunn	Wirth

#### NOT VOTING—3

Bentsen	Biden	Helms
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So the amendment (No. 2561) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

#### AMENDMENT NO. 2562

(Purpose: Expressing the intention of the Senate regarding Urban Development Action Grants)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 2562.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

#### SEC. . URBAN DEVELOPMENT ACTION GRANTS.

(a) FINDINGS.—The Congress finds that—

(1) the Urban Development Action Grant (UDAG) program has demonstrated its effectiveness in encouraging public-private partnerships to promote economic development in economically distressed urban areas;

(2) the UDAG program has leveraged over 6 dollars of private investment for every UDAG dollar;

(3) the UDAG program has helped create jobs and increase much needed tax revenues for cities around the country;

(4) this Act does not contain any new appropriations for the UDAG program;

(5) the UDAG program will have an estimated \$50 million available to it in fiscal year 1989 from recaptured funds; and

(6) the lack of new appropriations reflects the tight budgetary constraints facing the Senate, not a decision to eliminate the UDAG program.

(b) INTENTION OF THE SENATE.—It is the intention of the Senate to make new appropriations for the UDAG program if additional funds become available.

The PRESIDING OFFICER. The Senate is not in order. The Chair will be patient, but the Senate is not in order.

The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair.

Mr. President, obviously, since I was a strong supporter of the UDAG amendment, I am disappointed in the outcome and have worked with the manager and the ranking minority member in the committee and the subcommittee. They have agreed to a sense-of-the-Senate resolution that I am proposing.



Mr. President, I have already expressed my strong support for urban development action grants, and the importance of this program to our Nation's distressed urban areas. Unfortunately, it now appears that there is no sentiment in this body for taking funds from other programs in this bill to save UDAG. That sentiment, however, appears to be based more on widespread support for the other programs than on opposition to UDAG.

I am hopeful that the UDAG Program continues to enjoy support in this body. My amendment is designed to express that support. It would simply note the many benefits of the UDAG Program and express the intention of the Senate to make new appropriations for the UDAG Program should additional funds become available. The amendment would make clear that the lack of new appropriations for UDAG reflects the tight budgetary constraints facing the Senate, not a decision to eliminate the program.

To a large degree, the lack of funding in this bill for UDAG is a result of the low 302(b) allocation granted by the full Appropriations Committee to the HUD-Independent Agencies Subcommittee. I had pushed in the committee for a higher level. But unfortunately we ended up at a figure that has prevented us from funding all the programs we would like.

It is important to note that the UDAG Program still will have an estimated \$50 million available for use in fiscal year 1989 from recaptured funds. These are funds that have been obligated to projects which subsequently fail. The \$50 million generated from such recaptures may be sufficient to keep the program alive in the short term.

Under these circumstances, I believe it is important that the Senate express its support for the UDAG Program. It is possible that the 302(b) allocation for the HUD Subcommittee might be increased by the full Appropriations Committee before a conference agreement is reached on this bill. If that were to happen, I would hope that this expression of support could provide a basis for possible inclusion of new funding during the conference committee's consideration of the bill.

But even if no new funding for UDAG is eventually included in this bill, an expression of the Senate's support for the program may be very useful in the future. It is quite possible, for example, that a new administration could come into office next January that supports the UDAG Program. If so, there may well be an opportunity to seek additional funding for UDAG next year. At that point, an expression of the Senate in support of the program could be very significant.

There is no reason why the lack of new appropriations for UDAG must

mean the death of UDAG. But unless the Senate goes on record in support of the program, that might very well be the result.

The UDAG Program is vitally important to cities that are in the greatest need. If we cannot agree to find new money for it right now, let us at least do what we can to keep the program alive.

I urge my colleagues to support the amendment.

Once again, it is my understanding that it has been cleared by both sides of the aisle.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIER. Mr. President, the Senator from New Jersey has discussed this amendment with me. I think it is a reasonable amendment. As I said, the UDAG Program, I think, is a good program. It is just one of these situations where we do not have enough money and that is pretty much what the sense-of-the-Senate says; if we find we do have the money. I am ready to go ahead with the amendment.

Mr. GARN. Mr. President, I am in agreement.

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

The amendment (No. 2562) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2563

(Purpose: To transfer certain appropriations to the National Aeronautics and Space Administration to appropriations for certain Environment Protection Agency programs)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration. It is an amendment offered on my part and that of my colleague, the junior Senator from New Jersey.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for himself and Mr. LAUTENBERG, proposes an amendment numbered 2563.

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

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

The amendment is as follows:

On page 25, line 3, strike out "\$708,750,000," and insert in lieu thereof "\$738,750,000."

On page 25, line 11, insert after the colon: "Provided further, That of the funds appropriated under this head, \$25,000,000, shall be made available for the Nonpoint Pollu-

tion Control Program authorized under section 319 of the Federal Water Pollution Control Act and \$5,000,000 shall be made available for the Wellhead Protection Program under section 1428 of the Safe Drinking Water Act."

On page 28, line 5, strike out "\$2,100,000,000," and insert in lieu thereof "\$2,370,000,000."

On page 34, line 2, strike out "\$3,552,800,000," and insert in lieu thereof "\$3,402,800,000, of which no more than \$496,000,000, shall be made available for space transportation capability development, and of which no more than \$359,200,000, shall be made available for aeronautical research and technology."

On page 37, line 20, strike out "\$1,870,000,000" and insert in lieu thereof "\$1,720,000,000."

Mr. MOYNIHAN. Mr. President, the purpose of this amendment is elemental. The numbers are clear and the choice, in our view, is equally clear. This amendment would restore full funding, the moneys we committed to the Clean Water Act, for the construction of and upgrading of sewage treatment plants. This was a commitment that the Nation made back in 1972 with the Clean Water Act of that year, and which has had such dramatic impact throughout the Nation. This morning, Mr. President, an advertisement appears in the Washington Post with a headline: "Our Quality of Life Will be Determined By the Quality of Our Water." It has a photograph of the Potomac, taken in front of the Washington Monument in 1972, and a later one taken in 1988 showing what a difference has been made by this law.

Full funding for the Clean Water Act is supported by groups ranging from Water Pollution Control Federation to the Associated General Contractors to the National Wildlife Federation, and the Sierra Club.

I ask unanimous consent that the text of this advertisement be printed in the RECORD at this point.

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

[From the Washington Post, July 12, 1988]

#### OUR QUALITY OF LIFE WILL BE DETERMINED BY THE QUALITY OF OUR WATER

Clean water is essential to human existence. And, in the 16 years since the passage of the Clean Water Act, we have seen dramatic improvements in the quality of water and our lives. Over the years, these enhancements required a tremendous commitment of resources and personal energy. Yet there is still an enormous amount of work to be accomplished.

Congress has authorized \$2.4 billion for 1989 as part of a ten-year phaseout of the program to construct municipal wastewater treatment facilities. This phaseout will transfer responsibility for wastewater treatment to the states in an orderly fashion.

President Reagan, in an effort to cut spending, has proposed reducing that amount by \$900 million—nearly 40%. Congress will soon vote on this proposal.

Such a deep cut will stagnate our progress.

Support for clean water in this country is overwhelming. Americans have said it over and over again. They want clean water and are willing to pay for it.

We urge Congress to act on this clear mandate from the American people by appropriating the full \$2.4 billion for wastewater treatment grants in 1989. Clean water is more than a public right, it's a necessity.

We ask you to share our commitment.

#### CLEAN WATER—AMERICA'S LIFE SUPPORT SYSTEM

Water Pollution Control Federation, American Consulting Engineers Council, American Society of Civil Engineers, Associated General Contractors, Association of State and Interstate Water Pollution Control Administrators, Clean Water Action Project, Izaak Walton League of America, National Society of Professional Engineers, NSPE/Engineers in Private Practice, National Utility Contractors Association, National Wildlife Federation, Sierra Club, Water and Wastewater Equipment Manufacturers.

Mr. MOYNIHAN. Looking at the scene of the Potomac River in 1972, I am reminded of my youth. I was raised in Manhattan and used to work on the West Side piers. What passed for the Hudson River then would not be recognized today.

I remember in 1969 I went to a NATO meeting where we established the Committee on the Challenges of Modern Society, which first discussed the whole greenhouse effect. We convened in Europe to discuss global environmental quality and we centered our discussions on clean water. I said that many of our neighbors could claim many distinctions, but I felt that the United States, at this point, was the only nation which could claim it had a river which regularly caught fire. It was the Cuyahoga, a river that flowed into the Great Lakes; it was so polluted that from time to time it would just catch fire, due to the amount of petroleum wastes and such in it.

Gradually we changed our environmental course in this country. The Cuyahoga no longer catches fire.

And in the 100th Congress the first bill we passed was the Clean Water Act of 1987. The distinguished Presiding Officer will recall that we passed the bill in the 99th Congress but a pocket veto prevented its coming into law. So it became H.R. 1 in the House. H.R. 1 passed overwhelmingly in the new Congress.

The bill came over to the Senate right away. Its consideration was bipartisan, and its passage as near to unanimous as any bill could be. The bill had come from the Committee on Environment and Public Works in the previous Congress under the chairmanship of our revered chairman emeritus, as we say, the Senator from Vermont [Mr. STAFFORD]. Mr. CHAFEE of Rhode Island was the chairman of the subcommittee which handled it in the last Congress.

We had to reenact the bill, of course in the 100th Congress. Our much beloved chairman, QUENTIN BURDICK of North Dakota, presided over this reenactment, and the subcommittee was chaired by the distinguished and learned Senator from Maine [Mr. MITCHELL]. And there was one essential fact about H.R. 1, as passed early in this Congress. It is that the bill brings the program to an end. The program began with Federal grants in 1972, and will end in 1994. The end. After that there is a revolving loan fund to sustain the program.

This is not a program to go on forever. The bulk of the work will be done. Thereafter, we are providing for maintenance and new sources, really.

This is, then, a question of keeping our word to ourselves. Back in 1981 the administration accepted the steady funding level of \$2.4 billion annually in return for reducing the Federal share from 75 percent to 55 percent. And then, of course, this bill was passed and, in all truth, the debate was contentious.

But, oh, what a shock it was, to the Congress with passage of a bill ending a program—a program that made America feel better about itself—that the administration proposed—a tremendous 40-percent reduction in that \$2.4 billion annual funding level. And the bill we have on the floor today is also a reduction. It is not as drastic a reduction as the administration's proposal of \$1.5 billion, but it would reduce the level to \$2.1 billion per year instead of \$2.4 billion.

This seems wrong. It seems an incongruous ending to a great and noble enterprise. It was a noble enterprise to clean up the Potomac. The Potomac was a sewer. The fish could not swim in it. On summer days, it was not worth your life to drive over it.

It is clean now; it sparkles. An elementally good thing is clean water. We have not proposed to keep the Federal Government in this enterprise forever. We said we would take on the assignment in 1972 and we will finish it in 1994. Then we will have a revolving loan fund States can use to finance additional programs.

I do not know of any reason that will require me to say more than I have, Mr. President. I would like to note, earlier this year, our committee reported out a resolution calling for full funding for the Construction Grants Program. This resolution was sponsored by the distinguished Senator from New Jersey, Senator LAUTENBERG. Most members of our committee were cosponsors and it now has 54 cosponsors in total. I know that not every Member will feel free to support this measure today. Perhaps some might not, so I will not have printed in the RECORD the list at this point, but I show it for those who watch closely. It is there, and the number is 54.

I would, however, Mr. President, like to have printed in the RECORD a list of the Environmental Protection Agency figures on the effects of the reduced construction grant funding at this point.

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

#### U.S. EPA FIGURES ON EFFECT OF REDUCED CONSTRUCTION GRANTS FUNDING, JULY 11, 1988

State	\$2.4 billion	Senate bill \$2.1 billion	Difference
Alabama	\$26,885,511	\$23,524,822	3,360,689
Alaska	14,390,132	12,591,365	1,798,766
Arizona	16,239,714	14,209,750	2,029,964
Arkansas	15,728,583	13,762,510	1,966,073
California	171,961,240	150,466,085	21,495,155
Colorado	19,232,804	16,828,704	2,404,101
Connecticut	29,455,432	25,773,503	3,681,929
Delaware	11,803,569	10,328,123	1,475,446
District of Columbia	11,803,569	10,328,123	1,475,446
Florida	81,160,532	71,015,466	10,145,067
Georgia	40,652,775	35,571,179	5,081,597
Hawaii	18,621,824	16,294,096	2,327,728
Idaho	11,803,569	10,328,123	1,475,446
Illinois	108,742,608	95,149,782	13,592,826
Indiana	57,945,658	50,702,451	7,243,207
Iowa	32,541,239	28,473,584	4,067,655
Kansas	21,702,876	18,990,017	2,712,860
Kentucky	30,601,317	26,776,152	3,825,165
Louisiana	26,431,436	23,127,507	3,303,930
Maine	18,612,315	16,285,775	2,326,539
Maryland	58,152,488	50,883,427	7,269,061
Massachusetts	81,633,626	71,429,423	10,204,203
Michigan	103,384,049	90,461,043	12,923,006
Minnesota	44,192,657	38,668,575	5,524,082
Mississippi	21,662,461	18,954,654	2,707,808
Missouri	66,653,910	58,322,171	8,331,739
Montana	11,803,569	10,328,123	1,475,446
Nebraska	12,298,059	10,760,802	1,537,257
Nevada	11,803,569	10,328,123	1,475,446
New Hampshire	24,027,930	21,024,439	3,003,491
New Jersey	98,253,717	85,972,002	12,281,715
New Mexico	11,803,569	10,328,123	1,475,446
New York	265,388,926	232,215,310	33,173,616
North Carolina	43,393,866	37,969,633	5,424,233
North Dakota	11,803,569	10,328,123	1,475,446
Ohio	135,357,101	118,437,463	16,919,638
Oklahoma	19,425,370	16,997,199	2,428,171
Oregon	27,161,284	23,766,124	3,395,161
Pennsylvania	95,241,608	83,336,407	11,905,201
Rhode Island	16,144,620	14,126,542	2,018,077
South Carolina	24,631,778	21,552,806	3,078,972
South Dakota	11,803,569	10,328,123	1,475,446
Tennessee	34,928,104	30,562,091	4,366,013
Texas	109,895,626	96,158,672	13,736,953
Utah	12,668,926	11,085,311	1,583,616
Vermont	11,803,569	10,328,123	1,475,446
Virginia	49,206,500	43,055,687	6,150,812
Washington	41,812,925	36,586,309	5,226,616
West Virginia	37,481,383	32,796,211	4,685,173
Wisconsin	65,001,648	56,876,442	8,125,206
Wyoming	11,803,569	10,328,123	1,475,446
American Samoa	2,158,639	1,888,809	269,830
Guam	1,561,922	1,366,682	195,240
Northern Mariana	1,003,244	877,838	125,405
Puerto Rico	31,359,894	27,437,732	3,912,162
Pacific Trust Territory	1,723,386	1,507,963	215,423
Virgin Islands	1,252,866	1,096,258	156,608
Total	\$2,376,000,000	\$2,079,000,000	297,000,000

\*These do not add up to \$2.5 billion and \$2.1 billion respectively because the figures have been reduced by the mandatory set-asides which come off the top.

Mr. MOYNIHAN. Mr. President, to conclude, I should note there is a small sum, \$5 million, for the wellhead protection program and \$25 million for nonpoint source pollution, a matter of great interest to the able Senator from Minnesota.

I am obliged, as we all are, to say, "How are we going to find this \$300 million?" With no great satisfaction, but with a sense of priorities, we propose to take \$150 million from the \$1,870,000,000 that is recommended for NASA's program management account and another \$150 million from the \$3,550,000,000 provided for the re-



search and development account. Both these accounts will still receive more money next year than they did this year. They are not being reduced. They are at the highest levels of any such program provided by the committee.

Do I take any pleasure in this? No. As President Kennedy used to say, "To govern is to choose." I hope the Senate, on this occasion, might choose to keep our commitment to the American people made in the first bill we passed in the 100th Congress which is not an open-ended, endless commitment but one to maintain the level of funding we have had since 1981 and will conclude in 1994.

Mr. President, I thank the Senate for its courteous attention, and I yield the floor.

Mr. PROXMIER addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIER. Mr. President, in my opening statement, I said that the bill before us today, the bill reported by the Appropriations Committee, rearranges the President's priorities, and it does. It changes the President's priorities drastically. We shifted funds from space and science into veterans' medical care, into housing, into the environment. The most spectacular change was in the environment section. The President recommended a cut of 5 percent. We recommended 8 percent, a very substantial increase in this year of holding down spending.

Senator MOYNIHAN's amendment would further shift priorities by transferring another \$300 million, 10 times as much as we just voted on, \$300 million from NASA's research and development and program management budgets into waste treatment construction grants, primarily.

I think that the amendment goes too far. The Appropriations Committee has already added \$600 million to the President's waste treatment construction grant request, a whopping 40-percent increase. We have also cut the President's increase for NASA in half, a cut of \$1.4 billion in the budget request. A further cut of \$300 million would truly cut into the bone and sinew of NASA's shuttle recovery program and its space science efforts. It would be a bitter blow for the agency to bear. It would be particularly severe for NASA's personnel were a cut of \$150 million proposed. It might compromise NASA's efforts to produce a safe space shuttle program. For those reasons, I must resist the amendment, and I hope the Senate will see fit to reject it.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I compliment my colleague from New

York, Senator MOYNIHAN, for presenting this amendment. I join in support and am pleased to be an original cosponsor. Despite Chairman PROXMIER's view on this, I want to commend him and the ranking minority member from the State of Utah for their diligent efforts to shape an EPA budget, despite some very tough constraints.

Although the environmental portions of this bill fall short in a number of areas, we have made some progress. We are increasing Superfund by \$100 million over the House bill. We added \$150 million over the House on these construction grants. Construction grants are funded at a \$600 million level above the President's budget.

Our total for EPA exceeds the budget of the President's by about \$611 million. But the President's budget is not the best gauge for meeting our environmental needs. The President is fighting the wrong battle. He fights to cut environmental spending, but the real war is against the pollution. The real enemy is the sewage that fouls our oceans, our rivers, and our shores.

Our unmet needs today on sewage construction for this country are about \$76 billion. The administration made no secret of its opposition to the Construction Grants Program. The Clean Water Amendments of 1987 were vetoed. We enacted that law with an overwhelming override vote. The House voted 401 to 26 and the Senate 86 to 14 override. But here we are 1½ years later, and the administration is still refighting the lost war, and it is doing so with sham budgets. The 1989 administration budget modestly increases Superfund over current spending levels. At the same time it slashes Construction Grants.

The administration knew Congress would not accept this. The override showed that we were not going to turn our backs on clean water. The administration knew that Congress would be forced to pay for both Superfund and the clean water programs.

Mr. President, as the distinguished Senator from New York mentioned, I introduced a resolution, Senate Resolution 389, which calls for full funding for the Construction Grants Program. To date we have 53 cosponsors. The mandate is there for clean water. The mandate comes not only from this Senator or from the Senator from New York, but from the American people. It is reflected in our laws.

Mr. President, in subcommittee I offered an amendment which included a provision to fully fund the Construction Grants Program. Unfortunately, the amendment was not adopted.

But this issue deserves full Senate consideration. That is why I am supporting Senator MOYNIHAN in offering this amendment today. This amendment would bring construction grants

within \$30 million of the authorized level. The difference would be allocated to the nonpoint pollution and wellhead protection programs.

It is unfortunate that the offset for this amendment comes out of NASA funds. I have long strongly supported NASA. NASA and its important space programs have provided us with valuable science information and research data that have helped keep America competitive and enabled us to advance technologically.

Mr. President, this amendment is not intended to override earmarks within larger accounts unless specified. Under this agreement NASA will be expected to proceed as directed on the programs specified in the Research and Development Account and in the Research and Program Management Account. Nonetheless, I wish we could have avoided these reductions.

I note that the House version of the HUD-independent agencies bill includes more funds overall than does the Senate bill. I hope we will be able to resolve this issue in conference in a way that restores the funding for these NASA programs, while maintaining the needed level of support for the EPA's Construction Grants Program.

Mr. President, the Senator from New York has eloquently stated the case. I hope that we can agree to this amendment. It is an essential step in the battle for clean water.

Mr. DURENBERGER. Mr. President, I rise in support of the amendment by my colleague from New York, my colleague from New Jersey, and others. I also express the regret that they have already expressed that in order to follow out the commitment which we have made in the Clean Water Act, money to finance this amendment must come from the NASA program.

I would like in support of our efforts to speak just briefly to two of the elements of this amendment, first nonpoint source pollution and the other the wellhead protection program. I am going to do that briefly at this point because I intend to propose my own amendment on this subject shortly, if that is possible.

So that we might have an illustration of what the Senator from New York indicated is a commitment to continue the effort to clean up the lakes and the streams of this country, I think the nonpoint source pollution program is a very good example of what we ought to be doing, that without this amendment we are not going to be able to do in the coming year.

We all understand point source pollution. That is where you can see the pollution running into the lakes and the rivers and the streams, but nonpoint pollution is the term that we use for water runoff from farms and city

streets, from construction sites and timber cutting operations, from air deposition, and from other nonspecific sources. It is called nonpoint pollution because it is not discharged from any identifiable point source like a pipe, a drain, or a ditch, but it is pollution. In fact, it is now the principal reason for failure to meet water quality standards in the streams, the rivers, the lakes, and the estuaries of the United States of America.

Over the 16-year history of the Clean Water Act we have done much to clean up our surface waters. We have spent \$47 billion already on grants to construct municipal waste water treatment systems, and that commitment is continued in this bill with an additional appropriation of \$2.1 billion for construction grants. Those funds have been matched by billions more in State and local expenditures. U.S. industry in all parts of this country has committed millions of dollars to meet effluent guidelines.

The Congress finally recognized the importance of nonpoint pollution in the Water Quality Act of 1987 when it created section 319 of the Clean Water Act which promises a partnership with the States to mitigate nonpoint pollution through adoption of best management practices by the sources which adversely affect specific surface water bodies.

There are three steps in the Nonpoint Source Pollution Program established under section 319. First, each State is to assess the surface waters within its borders to determine whether water quality uses are being impaired by nonpoint sources and, if so, to identify the categories of nonpoint sources that are causing the impairment. Generally, those assessments have been completed and were submitted by the States prior to April 1 of this year.

The second step is to develop a management plan for the nonpoint source categories in the State which are causing the problem. In some States that plan may focus on urban runoff from storm sewers and city streets. In other States timber operations may be the focus of the plan. In my own State it is agriculture and the use of fertilizers and pesticides that causes the major problem. The plans developed by the States are to include best management practices for the sources and source categories which are impairing water quality. These plans are due by August 4, 1988. And that at my best reckoning is only 3 weeks off.

The final step is implementation. The States are to take action, that is, implement measures including education, training, technical assistance, and regulatory actions to assure that the management practices are employed as planned. In the area of nonpoint source controls most of these State-sponsored measures will be vol-

untary—they will be education and training or research and demonstration programs.

But these kinds of programs are resource intensive. And many States have made clear already that their plans cannot be implemented unless significant financial support is provided by the Federal Government.

Up to this point, the section 319 program has been developed using moneys which were set aside from the construction grants appropriation by the Water Quality Act. Each State was allowed to use 1 percent of its construction grants funds of \$100,000, whichever was greater, to develop nonpoint plans. In 1987 that provided approximately \$12 million. In 1988 about \$28 million was available through the set-aside. And that has been adequate to get the States through the development phase.

But we are now about to enter the implementation phase—the action phase. The plans are written. They have been reviewed in public hearings. They are coming into EPA in three weeks. And it will be time to implement these programs. So it is time for us to act as well. It is time for Congress to live up to the commitment that it made in the Water Quality Act last year.

The second part of the amendment is relatively small, and I think maybe I will dwell on that, the wellhead protection program, when I speak in behalf of my own amendment, but I did this with the nonpoint pollution program simply to illustrate for my colleagues that we, as the Senator from New York indicated, set in motion a process that is not just a Federal process; it is a process that involves State governments, local governments and a variety of the private sector, and as that process meets the deadlines prescribed in the Water Quality Act, which most of us supported, including a veto override, the plans are ready, the implementation is on line and we now need the funds to make sure that that implementation is effective.

And so for that and a variety of other reasons, I strongly urge my colleagues to support this amendment.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Mr. Dixon). The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, this is an extremely important amendment. It recognizes the high priority that the American people and this body place on clean water. This amendment will make available an additional \$300 million in the form of grants to every one of our States and then, of course, it goes down to our cities and our towns.

Now, this money is not going to be used for a large bureaucracy. It is going directly to our constituents to

help build sewage treatment plants, to control nonpoint sources of pollution—nonpoint source of pollution being a source that does not come out of a pipe but it is an overflow from streets, it is the overflow from fields where there has been fertilization or pesticides, insecticides. It is to control that.

It is also to protect those important areas that supply underground sources of drinking water.

A chart prepared by EPA shows the amount of money that each State would receive under the current version of the bill, which provides \$2.1 billion. It compares those numbers with the amount that each State would receive under this amendment, which appropriates just under \$2.4 billion. I do not know whether this had been covered by the other speakers in favor of this amendment, but the \$2.4 billion is not just a figure that has been plucked from the air. The \$2.4 billion was an amount that the administration agreed upon in 1981 when we passed the Clean Water Act. They said the administration in return for our reducing greatly the amounts that were going into the clean water bill, and it has been as high as \$5 billion—\$5 billion in 1970's money, not \$5 billion in 1988 money—and that has been reduced to \$2.4 billion. But that \$2.4 billion was to come for 10 years. In addition to scaling it back to this scheduled figure of \$2.4 billion, we agreed that we would change the formula. The former formula was 75 percent Federal, 25 percent State or locality. We changed the figure to 55 percent Federal.

This amendment is worth a considerable amount of money to every one of the States. The State of Maine, \$2.3 million; my State, \$2 million; Utah, \$1.6 million; California, \$21.5 million; Illinois, \$13.5 million; Indiana, \$7 million; Michigan, \$13 million; Missouri, \$8 million; North Carolina, \$5 million; Ohio, \$17 million; Pennsylvania, \$12 million; Texas, almost \$14 million; West Virginia, \$4.6 million; and so on including Wisconsin at \$8 million.

I am not suggesting that we ought to vote for this solely because of "bring home the bacon," as it were, but this money as I say has been authorized after an excruciating process that we went through in 1981 which culminated in 1987 when this body voted nearly unanimously to override the President's veto of the Clean Water Act.

The sole issue in that override was the funding for the construction grants program. That is what we voted on. There were no other issues involved. It was solely the amount of money involved in this particular issue, the construction grants program. Then Congress decided that they were going to go for \$2.1 billion on a steady scale until 1991:



You might say, well, when we go to conference, things will be straightened out. But the House has only approved \$1.95 billion for the construction grants program. So it seems to me that unless we take a strong stand today the Senate position is likely to slip even further in conference with the House.

Mr. President, I support this amendment. I believe it gets us on with the very, very important program that we proceeded with since 1981 as I say on a steady scale. I hope we will continue on with our commitment through the agreed upon period of 1991.

I thank the Chair. I thank the author of the amendment.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I rise in strong opposition to the amendment by my distinguished friend and colleague from New York which would transfer \$300 million of the National Aeronautics and Space Administration to the Environmental Protection Agency. While I have great respect and admiration for my friend from New York, I simply must oppose him in this endeavor. In these days of tight budgets when there is only a small amount to spread around we have to make some hard choices. While I do not oppose increased funding for EPA, I strongly believe that this amount of funding is better spent in America's space program.

The Senate Appropriations Committee has already increased funding for the EPA by more than \$611 million above the President's request as opposed to a \$1.4 billion cut to NASA from that request. This amendment would further cut NASA funding to a disastrous level of \$9.8 billion.

This is the critical year for NASA. The fiscal year 1989 funding for NASA will determine whether the United States will be a leader or a follower in space research, and will realize the enormous spinoffs and byproducts that will come as a result of our efforts in space.

Make no mistake about it, this amendment could kill America's hopes on having a realistic and viable space program.

The distinguished Senator from Utah, in his opening statement, has already described the cuts that have occurred in the HUD and Independent Agencies appropriation bill pertaining to NASA and the enormous benefits of the space program that touch our everyday lives. In light of the substantial cuts already made to the space program in this bill, this is really a life-or-death amendment for NASA. This amendment would take \$300 million from NASA at a time when we are on the verge of having another shuttle flight, and when we are on the verge of starting the space station. Also, we

see that the Russians have started on their trip to Mars with a newly launched mission to a moon of that planet. There are numerous other things in our Nation's space program that are happening that are very important.

As I think of the good intentions of my friends who support this amendment, they, as I am, are interested in the environment. I stop and think about the major problems that are confronting our environment today such as the depletion of the ozone layer—who is the leading research organization pertaining to studying the ozone layer? It happens to be NASA. What is the EPA doing relative to the ozone? Nothing. There is no research going on whatsoever by EPA pertaining to the ozone problem that is becoming one of the most serious environmental problems that we have today.

The greenhouse effect is another matter that ought to be borne in mind.

In that regard, many of my colleagues do not realize the outstanding research underway within NASA relative to the greenhouse effect and other areas that will improve the environment of the United States and the world. In my judgment, the amendment has the effect of cutting off our nose to spite our face. This amendment has the potential of taking funds away from our study of the ozone layer—one of our most serious environment problems—and putting it into programs of less national priority.

Clean and drinkable water is very important. Pollution of the water is a very important subject. I support the Clean Water Act and the Safe Drinking Water Act. However, this is not the way to accomplish the goals of those acts.

I think we would have today, if it were not for an unusual event, a voice speaking out in opposition to this amendment which is a voice that has been highly respected in the U.S. Senate. Every time in the past when there have been efforts made to divert money from NASA, from the space station on the space station in general, there has been a voice that has loudly and clearly sounded out against it. Fortunately today for the Democrats Senator LLOYD BENTSEN is in Boston. LLOYD BENTSEN is not here with his voice to add, but if he was here, in my judgment, Senator LLOYD BENTSEN would be speaking against this amendment with all of the vigor that he will show in the upcoming campaign. I hope the plane can bring him back here in order that he might be able to speak relative to this very important issue. I think that is something that should be borne in mind.

This effort to divert money from NASA and from the program is not new. Recently, the House of Repre-

sentatives went through this exercise on a similar type of amendment which would have taken \$400 million from NASA—specifically, the space station—and placed it in many programs, some just as popular as EPA, such as UDAG, housing homeless programs. That amendment was resoundingly and overwhelmingly defeated by the House of Representatives by a vote of 256 to 156, a margin of 90 votes. That was a decisive vote that said America needs the space station. It was a message that America believes in the space program, that America should be in the forefront of the space technology. I would like to see the Senate defeat this amendment by 90 votes.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. HEFLIN. I would be delighted to yield to the Senator from Louisiana.

Mr. JOHNSTON. I wonder if the Senator will agree with me that should this amendment be adopted, it will sound the death knell for the space station.

Mr. HEFLIN. In my judgment, that is what will happen.

Mr. JOHNSTON. Is it not a fact that the only way we can build the space station is to have every penny that is in this HUD and independent agencies budget plus the \$600 million that the Department of Defense and the DOD appropriations bill has budgeted for that particular NASA budget, which is attributable to defense, and that you need every penny of that, which is a total of \$800 million for the space station?

Mr. HEFLIN. The Senator is absolutely correct; and his leadership, along with Senator GARN, Senator STENNIS, Senator STEVENS, and others who have worked on this, in my judgment, has thus far provided a way by which the space station can be started. I was delighted to be able to work with my colleagues on the appropriations committee toward achieving the transfer of \$600 million to NASA in order to fund the space station. If this amendment goes through, in my judgment, it will mean that the space station will not get off the ground. If that were to happen it would be a disaster to our Nation and America's space program.

Mr. JOHNSTON. Mr. President, I am glad that the Senator has made that clear. There is no doubt about that. It is this amendment or the space station, but you cannot have both.

Mr. HEFLIN. Mr. President, the United States will not be ready to meet the needs and the requirements and the challenges of the future without a strong and viable space station.

The age of space is no longer simply coming. The age of space is before us and staring us directly in the eye, offering us a challenge like nothing we have seen before.

I truly believe that space is the greatest adventure of our time, and that any nation that sees itself as a world leader cannot and must not ignore it.

Space has been important to us in the past and will become increasingly important in the future. We use space to ensure our national security, improve our standard of living, and broaden our scientific knowledge.

Other nations of the world have recognized the importance to their economy, national security, and future that space technology offers. They will not, and are not, standing idly by and waiting for the United States to build back its space program. They will march ahead. Mr. President, we cannot be left behind or relegated to a position of simply tagging along with other nations. If we do not provide adequate funding for the Space Program in fiscal year 1989, the United States will not just be a second class space-faring nation, it will be a fourth or fifth class space-faring nation—behind the Soviets, Europeans, Japanese, and possibly the Canadians as well.

On almost any given day, Mr. President, we can look in the newspapers or watch the television news, and find a report on another accomplishment by the Soviets in space.

Mr. President, we have the opportunity before us today to turn the tide to bring America back. I do not mean to stand here and simply say that we should keep up with the Joneses. In my judgment, it is more important to have a strong and robust Space Program because of the unlimited benefits that it offers to our Nation as a whole than to go to space because other nations are doing it. The simple fact is that the merits far outweigh the costs. We get \$7 to \$8 back from every dollar that we put in the Space Program. It is simply inconceivable to me that we can stand idly by and let our ability to tap such a bountiful resource for our future fall by the wayside.

Mr. President, I have mentioned spinoffs and byproducts that have come from our Nation's Space Program. The scientific, material, and medical spinoffs of current programs, and the potential future spinoffs of the space station and other space science programs are reason enough to throw full support behind NASA and America's Space Program. I would encourage my colleagues to get a copy of NASA's 1987 Spinoff book and read it. I am sure that anyone who takes a look at the book will be pleasantly surprised by the wide range of areas in which the Space Program touches our everyday lives.

Not only will a space station, and space technology in general, enhance our Nation's science and scientific applications' programs, it will also encourage the development of capabili-

ties for further commercialization of space and stimulate advanced technologies. In essence, the space station, from which this amendment would cut, will be a research center in space. Potential applications of a space station include new and novel products, as well as research to improve processes in the fields of biology, metallurgy, crystal growth, amorphous materials, chemistry and vacuum processes.

We have had great experiments that have been conducted on the space shuttle that will need the long duration capabilities of the space station to develop further. Because of the unique qualities of microgravity, crystals and organic cells can grow perfectly. This allows researchers to observe, separate, and study the integral parts of cells in crystals which could lead to cures for diseases previously thought incurable.

Already, researchers of the space shuttle have been able to use a process of separation known as electrophoresis in separating the beta cell. The beta cell is a cell in the pancreas that controls the flow of insulin into the body. One of the beauties of the space program has been our ability to conduct the electrophoresis experiment. McDonnell Douglas and Johnson and Johnson have invested millions of dollars in similar experiments dealing with pharmaceuticals in an effort to find a cure for diabetes and other illnesses. They believe in space technology and the benefits that it offers.

I would like to take a few moments to mention cancer research that is currently under way in the Space Program. Recently, NASA announced a joint research program with the American Cancer Society to use the unique qualities of microgravity and find a cure for cancer. In my judgement, the space station and microgravity research are the keys to finding a cure for cancer. In space, it is possible to take a cancer cell, grow it into a much larger size, and grow it in manner in which one is able to look at the integral parts of the cancer cell. This cannot occur without the long duration in space provided by the space station.

Crystal growth is another exciting area of research that space technology offers. Some industry leaders, such as the Boeing Co., are seeking to commercialize crystal growth in space. Its first project will be growing crystals for the manufacturer of electro-optic sensors. Other products are thought to have potential for improvement through uniform blending in containerless processing in space. This means the glass could be purified in this manner and could be spun into high performance optical fibers for communications purposes. In my own home State of Alabama, the University of Alabama in Huntsville [UAH], now a center of excellence in optics research,

is conducting a great amount of new and exciting research in this area. Researchers, such as those at UAH, would have a greater opportunity to conduct their experiments in a gravity free environment which will be provided by a permanently manned space station.

Materials processing is one of the outstanding activities that will result from the use of a permanently manned space station. The remarkable achievement possible through materials processing in space has only been hinted at by the limited number of experiments that have been possible through the use of the space shuttle and related equipment such as the spacelab—a laboratory which rests in the cargo bay of the shuttle. These include the preparation of ultrapure pharmaceuticals which may lead to a cure for diabetes, as I have mentioned above, to control anemia related to surgery, to control dwarfism, and other important medical achievements. Other materials produced in space indicate the possibility of manufacturing very uniform semiconductor crystals which would enable building super fast computers, possibly providing a new generation of optical computers and other important advancements.

By taking advantage of the unique physical qualities of microgravity materials processing in space, we are able to better understand the basic nature of materials, such as cast iron, and, in turn, improve our manufacturing of these materials on the ground. This, in turn, could give us better automobiles, farm machinery, and the like.

Mr. President, I could go on and on about the benefits of space technology. Space is extremely important to our Nation, the world, and mankind as a whole. Adopting this amendment in combination with the cuts that have already occurred to America's Space Program in committee would cut NASA off at the knees and have serious long term scientific, economic, national security, and commercial implications that will stretch far into the 21st century.

Mr. President, as I have said, we now have the opportunity before us today to bring America back in space to a position of world preeminence. In that regard, I urge my colleagues, in the strongest way, to defeat this amendment, and allow this Nation to literally leave the planet and explore the endless bounds of space. It is ambitious; it is exciting; and the ability is right at our fingertips. The risks are high if we do, but the losses are far too great if we do not.

Mr. President, on June 15, 28 Senators who believe in the Space Program joined me by signing a letter calling on the Honorable JOHN C. STENNIS, as chairman of the Appropriations Com-



mittee, to assist in providing the necessary funding for our Nation's Space Program, particularly the space station development. That letter was signed by me and Senators RIEGLE, DANFORTH, GLENN, PRESSLER, BENTSEN, KASSEBAUM, FORD, SHELBY, GRAMM, DODD, GRAHAM, WARNER, SYMMS, MCCAIN, CRANSTON, FOWLER, ARMSTRONG, BREAUX, BOND, KERRY, ADAMS, PRYOR, EVANS, WILSON, TRIBLE, GORE, SANFORD, and HATCH.

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

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

U.S. SENATE,

Washington, DC, June 15, 1988.

HON. JOHN C. STENNIS,  
Chairman, Senate Committee on Appropriations,  
Dirksen Senate Office Building,  
Washington, DC.

DEAR MR. CHAIRMAN: We are writing in order to call your attention to a serious question regarding the future of our nation's space program.

Increased funding for space exploration has been endorsed by both the House and Senate as part of the Budget Resolution, by the authorizing committees of both bodies, and by the House Appropriations Committee. In our judgment, the 302(b) allocations adopted by the Senate Appropriations Committee pose a serious threat to the continuation of our commitment to the exploration and development of space. Under the plan approved by the committee, the HUD-Independent Agencies Subcommittee, which has jurisdiction over NASA, received an allocation which is at least \$1 billion less than the level needed to move forward with the most critical aspects of the space program, and \$1.5 billion less than the President's FY1989 budget request.

Unless this allocation is increased, America's space program as we know it would be effectively scuttled and the Space Station could be stalled in its infancy. If we leave the U.S. space program, particularly the Space Station, to wither on the vine, that decision will have many serious long term scientific, economic, national security and commercial implications which will stretch far into the 21st century.

Even delaying Space Station development will jeopardize the achievement of many aspects of the program. For example, significant delays could result in the loss of international cooperation and contributions from Europe, Japan and Canada, worsen the erosion of U.S. stature as a technological leader and reliable partner in space exploration, and facilitate Soviet efforts to develop cooperative space relationships with Western nations. In this connection, many recent news accounts have detailed the enormous lead the Soviets have built in space exploration, and the practical, commercial and military applications of space technology.

Research and development efforts such as those embodied in our space program are the lifeblood of a vibrant economy. We must recognize, as the Soviet Union and many of our international competitors have, that the payoffs on such efforts are enormous but can never be immediate. Nevertheless, a nation which fails to maintain these efforts is doomed to be second rate in terms of technology, innovation, and, ultimately, national prosperity. At times, we have been somewhat neglectful of these basic facts of

economic life. As a result, we are confronted with a continuous erosion of our international competitive stance. As an example, it has been reported recently that nearly half of all patents granted by the U.S. patent office in 1987 were granted to foreign applicants.

While the cost of maintaining our technological leadership in space appears to be high, the cost is relatively small when considering the entire federal budget. The goals we have established for the space program will require a sustained and strong commitment of funds for years to come. However, America has never chosen to be second rate in any endeavor. And never before has it been more important to maintain our international leadership and competitiveness. In that regard, we urge you to join us and support efforts to ensure that our national commitment to the exploration and development of space is maintained as the appropriations process moves ahead.

Sincerely,

HOWELL HEFLIN (and 28 others).

Mr. HEFLIN. Mr. President, I feel that while my friends who are interested in EPA are well intentioned, and we certainly ought to endeavor to provide for them in the future, already the space program has been cut under the HUD and independent agencies bill to the extent that this is a most important vote. We cannot divert these funds from the space program.

I hope that the Members of the Senate will defeat this amendment when it comes to a vote.

Mr. BURDICK. Mr. President, I fully support the amendment offered by my colleague from New York, Senator MOYNIHAN, to provide additional funding for construction grants, nonpoint source pollution, and wellhead protection. This amendment will fulfill the commitment we made to the States on construction grant funding last year when the Water Quality Act Amendments of 1987 were enacted and provide funds to launch two other important water quality programs.

Last year, we established a responsible program authorizing \$18 billion for an orderly transition to a system of State-managed revolving loan funds to continue the sewage treatment works construction program as part of the water quality amendments. This represents a significant change in Federal policy. By 1994 a major grant program will come to a close. In its place, however, States will have established their own funds to meet ongoing sewage treatment needs.

My home State of North Dakota would lose over \$1 million out of its \$12 million share in the coming year under the level of funding contained in this bill. More populated States will incur greater losses.

Recently, the Environment and Public Works Committee reported a Senate resolution introduced by Senator LAUTENBERG, stating the Senate's support for the full \$2.4 billion authorized in the 1987 amendments. That resolution has been cosponsored by 54 Senators. The time has come to

back up our commitment to the States by supporting adoption of the amendment to make promised funding available for this program.

I also support the allocation of funds for the wellhead protection and nonpoint source pollution control programs. By providing a modest amount of money for these programs, States will be able to address important sources of pollution and take important steps toward groundwater protection.

This amendment offers a sensible plan to provide funding for key environmental protection programs without seriously compromising other programs funded in the bill. I urge my colleagues to support this amendment.

Mr. MITCHELL. Mr. President, I rise in strong support of the pending amendment.

Mr. President, this amendment will followthrough on our commitment to the American people to protect the quality of our rivers, lakes, and streams. The amendment provides for funding of municipal sewage treatment plants at the level we approved when we passed the Clean Water Act over the President's veto last year. The amendment also includes modest funding for grants to States to address nonpoint sources of water pollution and grants to States to develop wellhead protection programs under the Safe Drinking Water Act.

For almost 20 years, the Clean Water Act has done a remarkable job of cleaning up polluted waters. The heart of the Clean Water Act has been an aggressive program to help communities build sewage treatment plants.

I urge the Members of the Senate to provide the funding which is essential to the continued success of our clean water programs.

When Congress reauthorized the Clean Water Act last year, we made a commitment to the American people to continue assisting communities in building sewage treatment plants. Under Senator CHAFFEE's leadership, we developed a total package authorizing \$18 billion over 9 years.

The package provided for the gradual phaseout of the traditional grant program and the creation of new, State-managed revolving loan funds. These State loan funds are to provide a permanent source of financial support for water quality projects.

This overall package is the absolute minimum needed for the Federal share of the costs of sewage treatment. It is an essential first step toward meeting sewage treatment plant construction needs estimated by the EPA at over \$76 billion.

Last year, we carried through on our commitment to assure adequate funding for this program by appropriating just over \$2.3 billion out of the total annual authorization of \$2.4 billion.

We must do at least as well this coming year.

Unfortunately, the bill before us would cut fiscal year 1989 funding for sewage treatment from the \$2.4 billion authorized in the Clean Water Act amendments to \$2.1 billion. This \$300 million cut would be a major blow to communities ready to build treatment plants and to States developing revolving loan funds.

In my home State of Maine, the President's proposal would reduce funding about \$2 million and undermine progress by Maine communities toward clean water goals.

Mr. President, the Congress has defeated this plan once already. Following the President's veto of the clean water bill, we considered a substitute bill developed by the administration providing total funding of \$12 billion and including \$1.9 billion for fiscal year 1989. The Senate defeated the substitute by a wide margin and went on to pass the original bill almost unanimously.

I now remind the Senate of what I and others said during that debate which was that the funding package authorized in that bill was part of an agreement reached with the Reagan administration in 1981. In that year the President wanted to reduce annual funding from \$5 billion to \$2.4 billion. He wanted to cut the Federal share of grants from 75 to 55 percent and he wanted to narrow those projects eligible for Federal funding.

Congress went along with these changes in exchange for which the President made a commitment to maintain the funding at \$2.4 billion for at least the 10 years. It was an explicit commitment, reaffirmed repeatedly by the administration and its spokesmen.

Now, having already taken the cuts to the program, the administration wants to break its commitment to maintain the funding to which it agreed. We rejected that plan last year, and I hope that we will reject it again this year by passing this amendment.

Full funding of the program is even more important this year than it was last year for several reasons.

First, this is the first year in which the appropriation is split between the existing Federal grant program and the new State revolving loan fund program. Providing adequate capital for these State loan funds is critical if they are to replace the Federal grant program effectively.

Second, communities all over this country in every State face the July 1, 1988, deadline just past for compliance with the secondary treatment requirements of the Clean Water Act. Following through on our commitment to provide Federal financial assistance in support to this effort is essential if

those communities are going to meet that goal.

Mr. President, I know that many of my colleagues share my commitment to follow through on our commitment to clean water. Fifty-four Senators have agreed to cosponsor a resolution, introduced by Senator LAUTENBERG, calling for full funding of the construction grant program. This resolution was reported unanimously by the Environment Committee on June 23.

Mr. President, as I indicated earlier, this amendment would also provide very modest funding to initiate two very important programs designed to protect public health and the environment.

The Clean Water Act amendments passed early in this Congress established a new program to assist States in addressing water pollution coming from diffuse, or nonpoint, sources. This type of pollution is estimated to cause as much as 50 percent of the remaining water quality problems in many States.

The new provision of the act, has not yet been funded, provides for grants to States to carry out programs addressing these water pollution problems. The authorization level for these grants is \$100 million. But, given resource constraints this amendment provides only a small start up amount of some \$25 million. Let me stress that these funds will go to State agencies, not to the EPA.

When Congress enacted amendments to the Safe Drinking Water Act in the 99th Congress, we included a new program designed to help community water systems develop programs to protect areas around sources of ground water used for drinking water. Under this program, States receive grants to assist public water systems in identifying and controlling sources of contamination to drinking water supplies.

This program can go a long way toward assuring the safety and quality of the Nation's drinking water. This amendment provides a very modest startup appropriation of \$5 million.

The funding proposed in this amendment is essential to carrying out programs to protect the environment and public health. Unfortunately, we need to offset these increases with decreases in other parts of the bill.

The bill before us provides a major increase in funds for the National Aeronautics and Space Administration. Surely there is good cause for a substantial increase to these important programs. The bill provides for an increase of \$1.263 billion over the 1988 appropriation of \$8.85 billion, an increase of over 10 percent.

This amendment proposes a modest decrease in the sizable increase to the NASA, transferring some \$300 million from the overall NASA accounts.

Mr. President, there has been a lot of talk and justifiably about the difference in priorities between clean water and NASA, and I think this proposal ought to be put in the proper context of this budget debate. We all know that all agencies are trying to live within the very tight constraints imposed by the budget process and still carry forward some programs. Indeed, most have increases of 1 or 2 percent or modest cuts.

We all agree, all of the proponents of this amendment, that NASA needs more than the 1- or 2-percent increase that most other agencies are receiving.

Even if this amendment is adopted, NASA will have an increase of over 10 percent, one of the largest increases in the budget.

Mr. President, let me go over the figures. NASA's appropriation last year was approximately \$8.8 billion. The bill provides an increase for NASA of \$1.263 billion, a 12-percent increase, one of the largest in the entire budget. This amendment would still permit a NASA increase of \$963 million or more than 10 percent, a much larger increase than most other agencies.

Let me also add that NASA can be expected to come out of the conference with the House with some additional increases. The House has reported an increase for NASA of \$1.8 billion, almost \$600 million more than the increase proposed in this bill. Meanwhile, the House has proposed even less for construction grants, about \$1.86 billion, not counting special projects.

Unless we take a firm stand in support of water quality programs, we may see further reductions in the final bill reported by the conference.

Finally, I am pleased to report that the Congressional Budget Office has estimated that this amendment will reduce outlays in the bill by \$177 million. This is because the EPA programs spend out much more slowly than do NASA programs. Many of my colleagues may see this as an advantage of this amendment.

In conclusion, the proposed cut in funds for water quality programs is bad policy. It breaks the commitment made by the administration to maintain funding for a 10-year period at \$2.4 billion in exchange for narrowing the Federal share of the program. It falls short of the absolute minimum level of Federal funding needed to achieve the goals of the Clean Water Act. And, it is a step back from the commitment we made to the American people when we passed the amendments to the Clean Water Act over the President's veto.

I speak for myself and I believe for most of the supporters of this amendment, that it is regrettable and most unfortunate that we are forced into a circumstance where it must be a cut in



one program as opposed to a cut in the other.

I support the NASA program. I believe it is essential and I agree with much of what has been said here by many of those who support that. That is why I am prepared and indeed look forward to supporting an increase for NASA which I understand will be over 10 percent, still one of the largest increases in the budget.

Mr. GARN. Mr. President, will the Senator yield for a question,

Mr. MITCHELL. I yield.

Mr. GARN. Is it not correct while the Senator is talking about 10 percent that he is dealing with a relatively small budget, 1 percent of the entire national budget; it is not also true that NASA has had to expend \$4 billion for recovery operations because we happened to have an accident 2½ years ago? That is exclusive of the \$2 billion replacement or bidder cost to put that back.

So I would just ask the Senator to include that or to question has there been some mitigating circumstances and some very dramatic reasons for that increase when you have to take \$4 billion out to recover from an accident?

Mr. MITCHELL. Absolutely. And I agree with the Senator, and that is one reason that I think an increase of over 10 percent for NASA, one of the largest increases that any agency is receiving in the budget, is justified.

So the only disagreement we have is whether that increase will be over 10 percent or over 12 percent. That is what we are talking about.

Mr. GARN. Whether there is a space station or whether there is not?

Mr. MITCHELL. I beg your pardon.

Mr. GARN. Whether there is a space station or whether there is not.

Mr. MITCHELL. On the other hand, it could be argued that the amendment will make it impossible for us to have an effective Clean Water Program. In terms of the overall scope of it, according to the EPA, the current unmet needs in waste treatment facilities are \$76 billion. The bill provided for \$18 billion over 9 years to meet those needs.

Now, that is a very modest amount in terms of the total need, as I am sure the Senator will indicate and as I am sure he is aware, coming from one of the growth areas of the country. We tried to do this in a way that takes into account the problem of growth to meet the growing needs of the areas where the population is growing rapidly.

Mr. GARN. The Senator from Utah has no objection to the grant program. In fact, for a number of years I concurred in the \$2.4 billion level. That is not the argument. It is robbing the future and robbing the space station to do it.

I object to where the Senator is trying to take it from, not to the fact of the needs that he describes.

Mr. MITCHELL. As I said in my remarks, I think it is very regrettable. I think all the proponents of the amendment, supporters of the amendment agreed—the Senator from New York will speak for himself—that we prefer not to have done this, but we are forced into the situation by the circumstances in which we find ourselves.

I thank the Senator, and I yield the floor.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that Mr. CHAFEE be added as a cosponsor.

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

Mr. MOYNIHAN. Mr. President, this amendment will follow through on our commitment to the American people to protect the quality of our rivers, lakes, and streams. The amendment provides for funding of municipal sewage treatment plants at the level we approved when we passed the Clean Water Act over the President's veto last year. The amendment also includes modest funding for grants to States to address nonpoint sources of water pollution and grants to States to develop wellhead protection programs under the Safe Drinking Water Act.

For almost 20 years, the Clean Water Act has done a remarkable job of cleaning up polluted waters. The heart of the Clean Water Act has been an aggressive program to help communities build sewage treatment plants.

I am here today to urge you to provide the funding which is essential to the continued success of our clean water programs.

When Congress reauthorized the Clean Water Act last year, we made a commitment to the American people to continue assisting communities in building sewage treatment plants. Under the leadership of our then chairman of the Environment and Public Works Committee Senator STAFFORD, and Subcommittee Chairman Senator CHAFEE, we developed a total package authorizing \$18 billion over 8 years. As with most matters in our committee, this plan had broad bipartisan support, which has continued under our new Chairman Senator BURDICK, and our Subcommittee Chairman Senator MITCHELL.

The package provided for the gradual phaseout of the traditional grant program by 1994, and the creation of new, State-managed revolving loan funds. These State loan funds are to provide a permanent source of finan-

cial support for water quality projects. The State revolving loan funds will be established by contributions from the Federal and State government which will account for 80 percent and 20 percent of the moneys, respectively.

This overall package is the absolute minimum needed for the Federal share of the costs of sewage treatment. It is an essential first step toward meeting sewage treatment plant construction needs estimated by the EPA at over \$76 billion nationwide.

Last year, we carried through on our commitment to assure adequate funding for this program by appropriating just over \$2.3 billion out of the total annual authorization of \$2.4 billion. We must do at least as well this coming year.

Unfortunately, the bill before us would reduce fiscal year 1989 funding for sewage treatment from the \$2.4 billion authorized in the Clean Water Act amendments to \$2.1 billion. This \$300 million cut would be a major blow to communities ready to build treatment plants and to States developing revolving loan funds. From this revolving fund, States must make loans to local authorities to build or upgrade sewage plants. These funds will be replenished as the loans are repaid, and construction/upgrading will continue indefinitely. Thus we are leveraging Federal money to get the greatest benefit from our investment. If, however, we undercapitalize these funds, we will ensure that the revolving loan process will fail.

Even with the full \$2.4 billion funding nationally, many States will be hard pressed to meet clean water compliance deadlines. Already, many communities have been notified by their State attorney general that they are not in compliance with the July 1, 1988, deadline for secondary treatment of sewage.

With full funding, my State of New York will receive almost \$1.1 billion over the next 8 years, but in the next 10 years, State officials estimate that they must expend at least \$6 billion to come into compliance with EPA regulations.

#### ADMINISTRATION'S PROPOSAL TO REDUCE FUNDS OVERRIDDEN

Mr. President, the Congress has defeated to reduce funding once before. Following the President's veto of the clean water bill, we considered a substitute bill developed by the administration providing total funding of \$12 billion and including \$1.9 billion for fiscal year 1989. The Senate defeated the substitute by a wide margin and went on to pass the original bill almost unanimously as S. 1 in the 100th Congress.

# FUNDING PART OF EARLIER AGREEMENT WITH ADMINISTRATION IN 1981

In the debate over S. 1, I reminded the Senate that the funding package authorized in the bill was part of an agreement reached with the administration in 1981. In 1981, the administration wanted to reduce annual funding from about \$5 billion to \$2.4 billion, to cut the Federal share of grants from 75 percent to 55 percent, and to narrow project eligibilities.

Congress went along with these changes in exchange for a commitment to maintain the funding at \$2.4 billion for at least 10 years. Now, having already taken the cuts to the program, the administration wants to break its commitment to maintain the funding. We rejected that plan last year, and I hope that we will reject it again this year by passing this amendment.

## FULL FUNDING RESOLUTION HAS 54 SENATE COSPONSORS

Mr. President, I know that many of my colleagues share my commitment to following through on our commitment to clean water. Fifty-four Senators have agreed to cosponsor a resolution, introduced by Senator LAUTENBERG, calling for full funding of the Construction Grant Program. This resolution was reported unanimously by the Environment Committee on June 23.

The amendment also provides \$25 million for nonpoint source pollution and \$5 million for wellhead protection passed as part of Safe Drinking Water Act.

Mr. President, as I indicated earlier, this amendment would also provide very modest funding to initiate two very important programs designed to protect public health and the environment.

The Clean Water Act amendments passed early in this Congress established a new program to assist States in addressing water pollution coming from diffuse, or nonpoint, sources. This type of pollution is estimated to cause as much as 50 percent of the remaining water quality problems in many States.

The new provision of the act, which has not yet been funded, provides for grants to States to carry out programs addressing these water pollution problems. The authorization level for these grants is \$100 million. But, given resource constraints, this amendment provides only a small start up amount of some \$25 million. Let me stress that these funds will go to State agencies, not to the EPA.

When Congress enacted amendments to the Safe Drinking Water Act in the 99th Congress, we included a new program designed to help community water systems develop programs to protect areas around sources of ground water used for drinking water. Under this program, States receive

grants to assist public water systems in identifying and controlling sources of contamination to drinking water supplies.

This program can go a long way toward assuring the safety and quality of the Nation's drinking water. This amendment provides a very modest startup appropriation of \$5 million.

Mr. President, I have a letter here urging support for this amendment from the following environmental organizations: The Environmental Policy Institute, Clean Water Action, Friends of the Earth, the Izaak Walton League, the National Audubon Society, the National Wildlife Federation, the Sierra Club, the Natural Resources Defense Council, the Oceanic Society, and the Public Interest Research Group.

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

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

### SUPPORT CLEAN WATER FUNDING INCREASE

DEAR SENATOR: An amendment to H.R. 4800, the HUD-Independent Agencies appropriations bill, will be offered today to provide funding increases for three key environmental programs, two of which are slated to receive no funds in H.R. 4800. We urge your support of this important amendment.

The amendment will provide \$300 million in budget authority for fiscal year 1989 to EPA for:

Construction grants program—\$270 million;

Nonpoint source pollution program—\$25 million; and

Wellhead protection program—\$5 million.

The Construction Grants Program provides essential funding to state and local governments for the construction and upgrade of sewage treatment facilities as required under federal law. In FY 1989, it is authorized to receive \$2.4 billion, yet H.R. 4800 provides only \$2.1 billion for the program. Increased funding is also necessary to assure adequate capitalization of state revolving loan funds which will provide virtually all sewage treatment funding after the scheduled phase-out of the federal construction grants program in 1990.

The Nonpoint Source Pollution Control Program was authorized in the 1987 Clean Water Act Amendments to address diffuse sources of pollution such as agricultural and urban runoff. In fiscal years 1988 and 1989, the program was authorized to receive \$70 million and \$100 million respectively. To date, however, no funds have been appropriated for the program. Yet recent EPA information suggests that fully 76 percent of the pollution inputs to our lakes, 65 percent to our rivers and streams, and 45 percent to our coastal bays and estuaries stem from nonpoint sources.

The Wellhead Protection Program was authorized in the Safe Drinking Water Amendments of 1986 to address widespread threats of ground water and drinking water quality. Again, this new program has yet to receive any funds for implementation. In fiscal year 1988, the Administration requested \$8 million which, unfortunately, was not included in last year's EPA appropriations bill. This year, the program is authorized to receive \$35 million in FY 1989, yet there are

no funds provided in H.R. 4800. Under the Program, states will identify major threats to drinking water supplies and develop long-term plans to prevent contamination.

Increased funding is essential to meeting our Nation's commitment to water quality. Together, these programs provide crucial support to state and local governments in their efforts to combat surface water pollution and groundwater contamination.

We hope you will support this important amendment.

Sincerely,

Brent Blackwelder, Environmental Policy Institute; Eric Draper, Clean Water Action Project; Dave Baker, Friends of the Earth; David Dickson, Izaak Walton League of America; Hope Babcock, National Audubon Society; Sharon Newsome, National Wildlife Federation; Jessica Landman, Natural Resources Defense Council; David Gardiner, Sierra Club; Clifton Curtis, The Oceanic Society; Alexandra Allen, U.S. Public Interest Research Group.

Mr. MOYNIHAN. I also have a letter urging support for the amendment from professional organizations including the Associated General Contractors, the American Society of Civil Engineers, the American Consulting Engineers Council, the National Utility Contractors Association, the National Society of Professional Engineers, the Water and Wastewater Equipment Manufacturers Association, the Association of State and Interstate Water Pollution Control Administrators, and the Water Pollution Control Federation.

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

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

JULY 7, 1988.

DEAR CONCERNED SENATOR: Clean water is essential to human existence—it truly is our life support system!

In the 16 years since the passage of the Clean Water Act, we have seen dramatic improvements in the quality of water and our lives. These enhancements required a tremendous commitment of resources and personal energy. Yet there is still an enormous amount of work to be accomplished.

As you know, Congress authorized \$2.4 billion for 1989 as part of a ten-year phaseout of the program to construct municipal wastewater treatment facilities. This authorization was part of the 1987 Water Quality Act. This figure was overwhelmingly approved by the Senate three times, the last time over President Reagan's veto, and was part of a compromise to transfer responsibility for wastewater treatment to the states in an orderly fashion.

This year, the President proposed reducing that \$2.4 billion figure by \$900 million—nearly 40%! Such a cut will stagnate our progress!

The Appropriations Committee has restored some of that money, but you and your colleagues now have the opportunity to appropriate the full \$2.4 billion for wastewater treatment grants in 1989. We urge your support for the Mitchell amendment.

Support for clean water in this country is overwhelming. Americans have said it over



and over again. They want clean water and are willing to pay for it. It is time to act on that clear mandate.

Clean water is more than a public right, it's a necessity. Please share our commitment.

Sincerely,  
Association of State and Interstate Water Pollution Administrators, American Consulting Engineers Council, American Society of Civil Engineers, Associated General Contractors, National Society of Professional Engineers, National Utility Contractors Association, Water and Wastewater Equipment Manufacturers Association, Water Pollution Control Federation.

OFFSETS ARE TAKEN FROM SELECTED ACCOUNTS IN NASA BUDGET

Mr. MOYNIHAN. The funding proposed in this amendment is essential to carrying out programs to protect the environment and public health. Unfortunately, we need to offset these increases with decreases in other parts of the bill.

The bill before us provides a major increase in funds for the National Aeronautics and Space Administration. Surely there is good cause for a substantial increase to these important programs. The bill provides for an increase of \$1.263 billion over the 1988 appropriation of \$8.85 billion, an increase on the order of 10 percent.

This amendment proposes a modest decrease in the sizable increase to the NASA, transferring some \$300 million from the overall NASA accounts.

I want to put this proposal in the broader context of the budget debate. We all know that we are trying to live within the very tight constraints imposed by the budget process and to carry forward programs with increases on the order of 1–2 percent. While we can all agree that NASA needs more than this limited increase, this amendment proposes to simply reduce the substantial increase by about 25 percent.

Let me also add that NASA can be expected to come out of the conference with the House with some additional increases. The House has reported an increase for NASA of \$1.8 billion, almost \$600 million more than the increase proposed in this bill. In addition, the House has proposed less for construction grants, about \$1.86 billion, not counting special projects.

Unless we take a firm stand in support of water quality programs, we may see further reductions in the final bill reported by the conference.

Finally, Mr. President, I am pleased to report that the Congressional Budget Office has estimated that this amendment will reduce outlays in the bill by \$177 million. This is because the EPA programs spend out much more slowly than the NASA programs. Many of my more budget conscious colleagues may see this as an advantage of my amendment.

In conclusion, the proposed cut in funds for water quality programs is bad policy. It breaks the commitment the administration made to maintain funding in exchange for narrowing the program. It falls short of the absolute minimum level of Federal funding needed to achieve the goals of the Clean Water Act. And, it is a step back from the commitment we made to the American people when we passed the amendments to the Clean Water Act over the President's veto.

I urge all of my colleagues to take a stand for the environment, to reaffirm our support for the Clean Water Act, and vote for this amendment.

Mr. President, I share very much the views of the Senator from Utah, as the Senator from Maine observed, but I make the point that the space program will go on and on and on. The Clean Water Program will end in 1994. We are simply trying to keep the agreement we made with the administration and with the American people.

Mr. President, I yield the floor.

Mr. SHELBY. Mr. President, I rise today in opposition to the amendment from the senior Senator from New York. The effect of this amendment is simple. It would mean the end of the space station. We all know that funding for this program has already been cut to the lowest level possible to continue operations. Another cut of \$300 million to any other program, no matter how deserving would mean the end of this most important venture.

One component of our national security is access to space; this is provided in part by the shuttle program which requires increased funding as flights resume. Our continued technological leadership is another more general national security consideration. The proposed space station will greatly enhance our ability to maintain our position as innovators and world leaders in the high tech area.

It is time we decide whether or not we want to remain among the leading spacefaring nations. Shall we aggressively explore the heavens and insure America's continued access to space? Or should we sit back and watch our friends and foes increase the gains they have recently made, and perhaps in a few years even shut us out of the space arena.

A few years ago, novelist James A. Michener eloquently defined what it means for America to be a spacefaring nation. He said, "There seem to be great tides which operate in the history of civilization, and nations are prudent if they estimate the force of those tides, their genesis and the extent to which they can be utilized. A nation which guesses wrong on all its estimates is apt to be in serious trouble—if not on the brink of decline." Mr. President, we must not fail to recognize the great and lasting importance of space. When Yuri Gagarin

became the first man in space and JOHN GLENN orbited the Earth, the space program may have seemed like a "fad." That was nearly 30 years ago. The space age is here to stay; it is no fad.

The ranks of spacefaring nations continues to grow. The Japanese, Chinese, Indians, French, Germans, and Italians are launching satellites and other commercial and scientific payloads into space. The Soviets, however, are obviously our major competitors. The first test flight of the new Soviet space shuttle is expected later this year. The heavy-lift Energia rocket—a Soviet Saturn Five—was tested last year. The Energia will carry the Soviet shuttle; it could also launch a space station, a mission to Mars, or even the components for a Soviet SDI system.

The centerpiece of the Soviet space program, however, is their manned space station. The Soviets have had an active space station program for nearly two decades, beginning with Salyut and continuing through Mir. The Soviets have 5,000 days in space, including a record stay of 326 days by one cosmonaut. America, by contrast, has accumulated only 1,800 days, much of which was in shuttle flights of only a few days duration. The Soviets are gaining important knowledge in the area of manned space flight and life sciences—knowledge that will be vital when planning long-duration voyages such as a manned Mars mission.

Even if the Soviets were not circling the Earth every 90 minutes in their space station, there are many valid and compelling reasons for America to vigorously pursue the development and deployment of our own station. For NASA in general, every dollar spent on NASA's space research and development generates at least \$5 in spinoff technologies, new industries, and new jobs. The space station will be no exception. The long-duration microgravity environment of a space station will provide unparalleled opportunities for research and development in biochemistry, crystal growth, pharmaceuticals, semiconductors, metallurgy, and materials processing. Previous NASA research and development has produced or made a large contribution to computers, handheld calculators, fire resistant materials, anticorrosive coatings, and other technologies with broad practical applications. Space station spinoffs could spur the development of supercomputers, solar power, and an array of other advancements.

Can we afford not to fund and develop a permanently manned space station? The station is a crucial element in achieving both short- and long-term goals of our Nation's space program, from materials and life sciences research to exploration of the solar system. NASA is now ready to move the space station from the definition

phase to full scale design and development. Reduction of space station funding below the requested level will not only delay or even cancel station development but will jeopardize the achievement of other aspects of our space program. Delays may lead to the loss of cooperation and contributions of our international partners in the station. Delays may signal the erosion of America's stature as a technological leader and reliable partner in space exploration. European independence in space may be accelerated, as will Soviet efforts to develop cooperative relationships with Western nations, including the United States. Let's not jeopardize our status as a technological leader among the spacefaring nations by underfunding the space station and forcing the cancellation of this vital program.

Mr. ADAMS. Mr. President, I reluctantly rise in opposition to the amendment of my colleague from New York, Senator MOYNIHAN. In doing so, however, I would like to stress that my opposition arises not because the Environmental Protection Agency programs at issue are sufficiently funded, but rather because of my commitment to future generations of Americans who will need the benefits and technologies which can only be found and developed in space.

The amendment which my colleague has proposed would transfer \$300 million from the NASA Research and Development accounts to EPA construction grants, nonpoint source pollution and wellhead protection grant programs. I have always considered NASA to be one of the premier research sources available to the U.S. Government and its people. Although we have gotten away from this idea over the last decade, as the space shuttle has moved away from research missions toward becoming a space courier service, I do not feel like we can abandon or compromise this vital function of the NASA charter.

A cut of the NASA R&D by this amount would be felt throughout a wide range of NASA programs. In particular, it would affect the space station, which will provide us with a permanently manned presence in space. This permanent presence is essential for future space exploration, to further the commercial utilization of space, and to stimulate the development and applications of advanced technologies which are of national importance.

Further, it would be felt in the development and operations of the spacelab systems and the orbiting maneuvering vehicle, which will allow us to work on and repair orbiting projects such as the Hubble space telescope. Another area hit by such cuts would be space sciences, which conduct a broad range of scientific investigations

of the Earth and its environment, the Sun, the planets, and the universe.

None of these comments are intended to denigrate the value of the EPA programs which would benefit by Senator MOYNIHAN's amendment. The Construction Grants Program provides millions of dollars to the States for municipal wastewater treatment programs. These programs are a key element of the Clean Water Act and are deserving of the authorized funding level of \$2.4 billion. While I reiterate my support for the program, however, I realize that this funding must come from sources other than NASA.

In conclusion, Mr. President, I feel that we must maintain our commitment to these essential NASA research projects. The information resulting from these studies may hold the key to unlocking the answers to yet unknown diseases, new knowledge of our own planet, and establishing a working knowledge of the environment and universe in which we live.

The PRESIDING OFFICER (Mr. ADAMS). The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] and the Senator from California [Mr. WILSON] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. WILSON] would vote "nay."

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

The result was announced—yeas 32, nays 64, as follows:

[Rollcall Vote No. 245 Leg.]

#### YEAS—32

Baucus	Humphrey	Pell
Bradley	Inouye	Reid
Bumpers	Kasten	Rockefeller
Burdick	Kennedy	Roth
Chafee	Kerry	Sanford
Cohen	Lautenberg	Sarbanes
Conrad	Levin	Simon
D'Amato	Lugar	Specter
Daschle	Melcher	Stafford
Durenberger	Mitchell	Weicker
Heinz	Moynihan	

#### NAYS—64

Adams	Dodd	Hatch
Armstrong	Dole	Hatfield
Bingaman	Domenici	Hecht
Bond	Evans	Heflin
Boren	Exon	Hollings
Boschwitz	Ford	Johnston
Breaux	Fowler	Karnes
Byrd	Garn	Kassebaum
Chiles	Glenn	Leahy
Cochran	Gore	Matsunaga
Cranston	Graham	McCain
Danforth	Gramm	McClure
DeConcini	Grassley	McConnell
Dixon	Harkin	Metzenbaum

Mikulski	Quayle
Murkowski	Riegle
Nickles	Rudman
Nunn	Sasser
Packwood	Shelby
Pressler	Simpson
Proxmire	Stennis
Pryor	Stevens

Symms
Thurmond
Trible
Wallop
Warner
Wirth

#### NOT VOTING—4

Bentsen	Helms
Biden	Wilson

So the amendment (No. 2563) was rejected.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2564

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE] for himself and Mr. MATSUNAGA, proposes an amendment numbered 2564.

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

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

The amendment is as follows:

On page 25, line 25, before the period insert the following: "Provided further, that not more than \$500,000 shall be made available for the expenses of a task force, consisting of the Assistant Administrator for Water (who shall chair such task force), the Assistant Administrator for Research and Development, the General Counsel, the Regional Administrator for Region IX, and as an ex-officio member, the Director of the Hawaii State Department of Health, which shall evaluate all pertinent factors relating to discharges from sugar cane processing mills on the Hilo-Hamakua Coast of the Island of Hawaii, and shall report to the Administrator of the EPA no later than 6 months after the date of enactment of this Act its recommendations concerning appropriate modifications within existing law to permit limitations, effluent guidelines, or other requirements of the Clean Water Act, pertaining to such discharges."

Mr. INOUE. Mr. President, I appear on the floor today to urge my colleagues to support my compromise amendment which establishes a task force consisting of the Assistant Administrator for Water—who shall chair the task force—the Assistant Administrator for Research and Development, the General Counsel, the Regional Administrator for region IX, and as an ex-officio member, the director of the Hawaii State Department of Health. The task force shall evaluate all pertinent factors relating to discharges from sugarcane processing mills on the Hilo-Hamakua coast of the island of Hawaii, and shall report to the Administrator of the EPA no



later than 6 months after the date of enactment of this act its recommendations concerning appropriate modifications within existing law to permit limitations, effluent guidelines, or other requirements of the Clean Water Act, pertaining to such discharges.

My compromise amendment has been cleared by the Subcommittee on Environmental Protection and the full Committee on Environment and Public Works.

A decision by such an EPA task force is vital to the survival of the two mills. At a minimum, it will dispose of the issue of whether administrative relief should be granted. I, of course, believe that relief is desperately needed and may very well allow sugarcane cultivation to continue on the Hamakua coast as it has for over a century.

The mills' discharge of their wash water duplicates a naturally occurring process on the Hamakua coast.

There are 54 streams which have discharged far greater amounts of soil sediment into the ocean for decades. Additionally, a University of Hawaii marine study, which has not been refuted, concludes that the socioeconomic costs of removing all sediment from the wash water are prohibitive, and not justified by the minimal and temporary impact on the marine system.

These are the only two sugarcane mills in the Nation with extreme Clean Water Act compliance difficulties, as they are the only two in such close proximity to the ocean. While other mills may achieve higher standards, they do so with ease and without a substantial outlay of capital. Both mills spend approximately \$2.5 million annually to settle a portion of the mud from the cane wash water. Since 1979, both mills have spent approximately \$29.9 million to achieve and maintain EPA compliance.

There has been no bad faith on the part of the mills. It is estimated that an additional \$2.6 million in capital improvements will be needed in the near future to maintain EPA compliance.

The urgency of this matter lies in the economically precarious situation that both sugar companies are in. One company was recently granted a low-interest \$10 million loan from the State of Hawaii, and the other lost \$5.4 million in the past 2 years and is expecting another loss in 1988.

Although the financial outlook is hopeful for both companies over the next several years, every effort must be made to reduce costs. Both companies employ over 2,000 residents, in addition to the 500 residents whose jobs are directly related to the cultivation of sugar on the island of Hawaii. If the two sugar companies were to shut down, unemployment on the island would jump to 13 percent.

Additionally, a shutdown would result in increased costs for electricity, as a substantial portion of the island's electrical energy needs are satisfied by these two sugar companies.

It is the burden imposed, and the benefit derived from meeting standards which should be the guiding principles in this matter.

I voted for the Clean Water Act, and I continue to support its principles.

However, I strongly believe that the laws we enact are meant to serve the people with flexibility to respond to unique circumstances, and with compassion to provide relief from severe hardship.

I urge my colleagues to support this compromise amendment.

Mr. PROXMIRE. Mr. President, this is a very good amendment. It has no budgetary effect. It is within available funds and I am happy to support the amendment.

Mr. INOUE. I thank the Senator from Wisconsin for accepting my compromise amendment to the HUD-independent agencies fiscal year 1989 appropriations bill. His willingness to work with me to address the Clean Water Act compliance problems of the two sugarcane mills on the Hamakua coast of the island of Hawaii are most appreciated by the Senator from Hawaii.

Mr. PROXMIRE. I thank the Senator from Hawaii for his gracious words.

Mr. INOUE. I would like to take a moment to discuss with you the task force that my amendment establishes to ascertain the pertinent factors relating to discharges of the Hilo-Hamakua coast sugarcane processing subcategory, and to determine whether relief may and should be granted. As I understand it, the guidelines set forth in the Clean Water Act which the task force shall consider in determining the effects of a modification of the limitation on total suspended solids in permits for such discharges are, among others: First, the effects on public health; second, the effects on the marine environment; third, the non-water quality environmental impact; fourth, the energy requirements; fifth, the economic capability of the owner or operator; sixth, the engineering aspects of the application of various types of control techniques and process changes; and seventh, the reasonableness of the relationship between the costs of attaining a reduction in effluents and the effluent reduction benefits derived.

Mr. PROXMIRE. The Senator from Hawaii is correct that the factors set forth above are among the factors that the task force shall consider and balance, in determining whether a modification or a suspension of the total suspended solids permit limitation or a withdrawal of the effluent guidelines for such discharges can and

should be granted pursuant to the Clean Water Act.

Mr. INOUE. I thank the distinguished Senator from Wisconsin for engaging in this discussion with me regarding my amendment.

Mr. MITCHELL. Mr. President, I rise in support of the amendment proposed by the distinguished Senator from Hawaii.

For the past several months, Senator INOUE has worked to bring the problems faced by two sugar mills in Hawaii to the attention of the Senate. He has represented this case forcefully and fairly and has made a good faith effort to address this situation at every appropriate opportunity.

I am very pleased that we have before us today an amendment which is revised and improved from the amendment circulated several days ago. This amendment addresses the serious concerns I had with the original amendment and I am pleased to support this revised amendment.

There are two sugar mills on the coast of the island of Hawaii which are in financial trouble and may close. The mills are operating pollution control facilities and are concerned that these facilities are contributing to the economic problems.

These mills are regulated under the Clean Water Act. Under the act, EPA established the minimum treatment technology which is affordable for an entire industry. States set water quality standards which can drive treatment requirements higher, but not lower.

Under the law, a procedure exists to provide special exceptions for certain facilities, if they meet the requirements of the law for special treatment.

The two mills in Hawaii have already received special treatment. The pollution control requirements on these two mills are already lower than those required by other mills in the same industry.

Treatment requirements can be revised by the EPA under the authority of the Clean Water Act. Guidelines are to be reviewed and strengthened as technology improves and becomes more affordable, but guidelines can also be revised to be made affordable to an entire industry if this is justified.

Such a change to the requirements, however, would require a showing of some new conditions which make the previous treatment requirements not achievable.

The original version of this amendment would have amended the Clean Water Act to effectively shut off treatment facilities for the mills. This would have overridden the existing procedures under the act, in which the EPA reviews the conditions faced by the mills and makes a balanced judgment concerning whether revision of requirements is appropriate.

For Congress to get in the business of reviewing the environmental control requirements on a specific facility is a very bad precedent. We all know that protection of the environment is not always easy or cost-free. And we have given the EPA good guidance on how to resolve this kind of dispute. We need to let the EPA do their job.

The revised amendment which is now before us will give the EPA a specific mandate to review the environmental problems faced by the mills. It establishes a high level task force to guide agency efforts to assess this situation and provides for a report of findings within 6 months. The amendment also provides funding of \$500,000 to support the work of the task force.

Let me clarify that this amendment does not confer on EPA any new authority beyond what is already in existing law for the adjustment of pollution control requirements at these mills. In addition, the amendment in no way suspends the current pollution control requirements during this assessment process.

Finally, I hope that this process will include some consideration of a long-range plan which can address the source of this problem and help avoid a direct conflict between environmental protection and the cost of treatment. For example, treatment costs could be reduced substantially if methods could be devised to harvest sugarcane in a manner which brings less soil into the mills.

Thank you, Mr. President.

Mr. GARN. Mr. President, on behalf of the minority I am happy to accept the amendment of the distinguished Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, I rise in full support of the amendment and I commend my senior colleague, the Senator from Hawaii [Mr. INOUE], and I thank the managers on both sides for accepting the amendment. It is an amendment which will bring so much relief to the Hawaiian sugarcane industry which is in dire need of assistance.

I yield the floor.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 2564) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Maryland.

# AMENDMENT NO. 2565

(Purpose: To earmark additional funds for worker training in asbestos abatement)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 2565.

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

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

The amendment is as follows:

On page 25, line 7, insert the following after the colon.

## ABATEMENT, CONTROL AND COMPLIANCE

"Provided further, That \$500,000 shall be available as grants for training of workers by joint labor-management trust funds organized pursuant to section 302(c) of the National Labor Relations Act and engaged in training workers in asbestos abatement and disposal under an EPA approved training program."

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Thank you very much, Mr. President. This amendment would earmark additional funds for worker training and asbestos abatement from the money already in the bill for asbestos cleanup.

One of the criticisms made of the present EPA asbestos program is the pressure to remove asbestos has led to a proliferation of fly-by-night contractors to do this work.

Frequently, there is the use of untrained workers to do asbestos removal that has led to shoddy work and dangerous conditions to school children and the general public throughout the Nation.

Very often, asbestos is removed by companies called Happy Harry, and the reason Harry is so happy is that he is often untrained, follows the lifestyle of a midnight dumper, ripping out asbestos from the schools with no regard of its effect in the classroom, takes it out of the classroom and often dumps it on the playground down the street collecting big fees from the Federal Government, and he laughs all the way through the asbestos abatement program.

One way to ensure we get rid of the Happy Harrys is to make sure the workers are trained through existing labor-management training programs, which have received EPA approval. These programs are jointly administered by contractors and trade unions and provide additional training to those workers who already had some education in asbestos abatement.

Adoption of this amendment will allow EPA to expand its training without costing the taxpayer any money.

It does not affect the 302(b) allocation because it comes from the overall asbestos account.

I urge the adoption of the amendment because it will provide for adequate, proper enforcement of the asbestos abatement.

Mr. PROXMIRE. Will the Senator from Maryland yield?

Ms. MIKULSKI. I will be happy to yield.

Mr. PROXMIRE. I want to commend my good friend from Maryland on this amendment. It is an excellent amendment. No question asbestos is a very serious problem.

This has no budgetary effect. It is within available funds, as I understand it. I am happy to support the amendment.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, this is a good amendment. I am happy to accept it.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment.

The amendment (No. 2565) was agreed to.

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

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, just to conclude the discussion, I would like to thank the chairman for accepting not only this amendment, but this is the last time that Chairman PROXMIRE will be presiding over an Appropriations Committee, from his own subcommittee in the Senate.

As a new Senator, I certainly have enjoyed my work on the Appropriations Committee. One of the delightful aspects of being on that committee was to serve on HUD appropriations and to work with one of the best of the Senate. I thank him for all the courtesy and cooperation that I have received from his staff, and I can tell you I am really going to miss working with him.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Maryland.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. DODD). The Senator from South Dakota.



## AMENDMENT NO. 2566

(Purpose: To increase the appropriation for Indian housing and reduce the appropriation for public housing modernization.)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. DASCHLE), for himself, Mr. DeCONCINI, Mr. MELCHER, Mr. INOUE, Mr. BURDICK, Mr. BINGAMAN, Mr. DOMENICI, Mr. MCCAIN, Mr. EVANS, and Mr. PRESSLER proposes an amendment numbered 2566.

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

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

The amendment is as follows:

On page 5; strike lines 15 and 16 and insert in lieu thereof the following: "\$143,701,576 shall be for the development or acquisition cost of public housing for Indian families; \$2,028,149,212 shall".

Mr. DASCHLE. Mr. President, I want to associate myself with the Senator from Maryland and the comments she made about our chairman. Both he and the ranking member have made some very difficult choices in this bill. We have been contending with many of them in the last couple of hours.

One of the choices that impacts greater in the rural areas of our country than in the urban is the disproportionate cut that Indian people living on reservations have taken with regard to Indian housing under both the House and Senate versions of this bill.

Ironically, it is an area where we can least afford it. I am absolutely convinced that if anyone would look at the statistics, look at the shocking facts there are in the consideration of Indian housing today, we would not have taken the 50-percent cut that is currently called for in this appropriations bill.

More than 23 percent of the total Indian population currently live in substandard housing; 6.5 percent of the rest of the American population do so. According to 1987 BIA statistics, in a survey of reservation housing, only half the households on Indian reservations currently live in standard housing. Almost 1 household in 10 live in housing that is so bad it needs to be replaced.

Perhaps worst of all, more than one household in four, more than 28 percent, have no housing at all and live either doubled up or with relatives and friends in cars, tents, or pickups. On the six largest Indian reservations, the percent of substandard homes ranges from 51 to 79 percent. On the Navajo reservations, 71 percent live in substandard housing. On Pine Ridge, in

my State of South Dakota, 59 percent live in substandard housing.

It has been estimated that a minimum of 6,000 units per year of new construction is needed to meet the existing need for new units in 10 years.

My amendment tries to address that problem. The amendment simply restores the level of Indian housing to last year's level, which is 2,000 houses. I remind my colleagues that we said we need 6,000 a year in order to obtain the level of Indian housing we want in a 10-year period of time.

This amendment simply restores it to one-third of what it should be, but at least it maintains the level that it was last year. It does so by shaving 3.4 percent out of the modernization program currently in the HUD budget.

I honestly believe that both public housing and Indian housing need to be increased. I understand the value of the modernization program. It has been a good investment. We have done a number of things in the last several years that actually saved the taxpayers dollars.

But on the reservation, the fact is we do not even have homes to modernize. There are no homes. People are living in cars and in tents. They are not living in houses, in many cases.

I must remind my colleagues, even if this amendment passes, we will still have \$2 billion for the modernization program in HUD for this year.

So even though I regret having to take any money for modernization, every dollar used is a good investment. The fact is we are losing 50 percent of the Indian budget as it is proposed today.

I must also inform my colleagues that in the last 7 years, there has been a substantial increase in the modernization budget. The modernization budget, since 1980, has gone up 44 percent. It has been a good investment. We could actually use more, but the fact is that during that same time we have seen a 44-percent increase in modernization, we have actually seen a 64-percent decrease in the amount of Indian housing.

One only has to visit a reservation and look into an Indian home, as so many of my colleagues have as they visited their reservations, and look at what it is like for three or four Indian families to be living together; to see that there may be one electrical socket that works, to see the roof leaking and the walls falling apart simply because that housing unit has not had the capacity to deal effectively with the number of people living there.

Walk through an Indian Village. Look at children living in cars. Look at the substandard housing. Recognize the health and the serious hazards that exist as Indian people try to confront the perplexing problems that they face in housing today.

You have to be convinced that we have to maintain the 2,000 level standard that we set last year. So I hope my colleagues will accept this amendment. It comes at a difficult time for our chairman, but I honestly think we have to do at least this to maintain the standard that we have set in the couple of years.

Mr. PRESSLER. Mr. President, I rise as an original cosponsor of this amendment to speak on its behalf. Americans have been raised with the belief that their home is their castle. Our tax system has supported the philosophy of homeownership through deductions. In fiscal year 1987, the Bureau of Indian Affairs identified 93,000 Indian families living in substandard housing on reservations and other Indian areas. The American dream is out of reach to many American Indians who live in substandard housing units. Many Indian families live in crowded, dilapidated homes.

According to the National American Indian Housing Council, more than 23 percent of the Indian population of 1.4 million people continue to live in substandard homes compared to 6.4 percent of the total American population. We can no longer turn our attention away from this tragedy. It is important that we act quickly to increase the number of adequate housing units available to the American Indian.

The Senate fiscal year 1989 HUD appropriations bill recommends \$71 million in funding for the construction of 1,000 HUD Indian housing units. I am very concerned about this severe funding cut. It is a 50-percent funding cut from fiscal year 1988.

Common sense would dictate that we must increase the number of housing units available to the American Indian, not decrease it. A minimum of 6,000 units per year of new construction is needed to meet the existing Indian housing need. At the fiscal year 1988 funding level of 2,000 units per year, it would take 30 years to meet housing needs on reservations.

Because I oppose any further reductions in the construction of HUD Indian housing units, I am pleased to be an original cosponsor of this amendment. Under this amendment, an additional 1,000 Indian housing units would be funded by a transfer of funds from the public housing modernization section of the bill. The amendment would increase funding for Indian housing programs by \$71.8 million and reduce funding for public modernization by an equivalent amount. This amendment would cut the public modernization program by only 3.4 percent, while increasing funding for Indian housing by 50 percent.

Mr. President, I urge my colleagues to support this amendment, and commend my colleague and friend Senator

DASCHLE on his efforts in this area. In 1989, we can no longer allow 20 percent of the Indian communities to lack basic water and sanitary sewage facilities. We must do whatever we can to include the American Indian in the American dream, to have the opportunity to live in safe, well constructed housing.

Mr. PROXMIRE. Mr. President, I hope we can work out something on this amendment. I think if this amendment goes the way the Senator proposes we would have to resist it, and I tell you why. He makes an absolutely devastating case for more Indian housing units, but from where does the money come? It comes from housing modernization. That is, improving present units, making them livable. You can create a lot more housing that way at far lower cost. So for that reason I am very hesitant to take as much as the Senator proposes out of housing modernization, which is where he takes it, as I understand it.

If the Senator would agree to a compromise, which I understand the Senator from Utah will offer, I think maybe we can provide some Indian housing but not take as much out of modernization, which produces so much more housing at lower cost.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I agree with the distinguished chairman that we have a problem in all of these areas, and modernization does get a great deal done for the amount of money that we spend, as does rehabilitation, and so I am sympathetic with what the Senator says. To take out \$71 million is not possible for me to support. If the Senator would be willing to accept \$35 million, almost half of that, I would be willing to accept the amendment, if we set it at that level.

Mr. DASCHLE. If the Senator from Utah will yield, I would like to offer perhaps a counterproposal. If we could have \$46 million and then the additional money that is already in the Senate bill for recapture of existing Indians housing funds—approximately \$25 million, we would then have the \$71 million that would allow us to maintain the 2,000-unit level that we had last year. So instead of \$35 million, if it were \$46 million, we would be in a position that I think would be a very acceptable compromise and would work out very well.

Mr. GARN. I understand what the Senator is saying, but, on the other hand, if you look at the other side of the coin—and I do not have the exact numbers with me of what it does to modernization—you are taking units off the other end. That is why I thought if we split it—if the Senator wants to make it an exact split, we could call it \$35.5 million so that it was

absolutely split 50-50 between the two. But I do not feel I am in a position to go any further because of what it does to the modernization program. There is a great need, as the Senator knows, in public housing. There is a great deal of rundown housing and compared to building new you can provide a lot more units at a lot less cost by improving them.

Mr. LAUTENBERG. Will the Senator yield?

Mr. GARN. I will be happy to yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I regret that I have to oppose this amendment, particularly at the levels that we are discussing. This is not a time to be cutting public housing. Homelessness is on the rise. More and more people badly need public housing. Our cities are filled with despair. Housing needs rehabilitation. We do not have enough. Despite this huge demand, we have many units unoccupied because the conditions are intolerable. They are vacant and uninhabitable. So this would be a severe blow to our efforts to take care of housing needs.

We can argue which group needs the housing more, but I hope the Senator from South Dakota would try to find a meeting ground which we can accept which would not damage too much the public housing modernization program. Otherwise, I intend to oppose this amendment vigorously.

Mr. PROXMIRE. Will the Senator from New Jersey yield?

Mr. LAUTENBERG. Indeed.

Mr. PROXMIRE. He makes a very excellent observation. Would it be reasonable to the Senator from New Jersey if we accepted the grant proposal where we cut the Daschle request in half? If seems to me we do have a very urgent requirement for housing for Indians. It is a disgrace, a national disgrace. I think the Senator from South Dakota is making an excellent appeal, and the Senator from Utah has proposed what I think is a reasonable compromise. Nobody is happy with it, but it seems to me it is the best we can do to try to do something for the disgraceful condition we have in Indian housing.

Mr. LAUTENBERG. We have had a chance to talk with representatives of the larger public housing authorities, and they want to cooperate. They recognize that there is a serious deficiency there, and I think if we were talking not about \$35 million but about \$30 million, we could accommodate the Senator. Otherwise, we are in a situation where we are taking away from a well that has no water.

Mr. PROXMIRE. If the Senator will yield on that, the other proposal was \$71 million. Senator GARN proposed

\$35 million. The Senator from South Dakota said make it \$46 million. Now the Senator suggests \$30 million. It seems to me that \$35 million is reasonably close to a consensus.

Mr. DASCHLE. Will the Senator yield?

Mr. PROXMIRE. Yes.

Mr. DASCHLE. If we could get at least \$35 million with a commitment that the approximately \$25 million that is provided for in the Senate version, by recapturing money allocated for Indian housing, we would then raise it at least to \$66 million. In addition to the \$71 million presently in the bill for Indian housing, we would be awfully close to where we were last year.

Mr. PROXMIRE. I would be happy, as chairman, to work with the House in conference to get that \$25 million. That is the best we can do.

Mr. DASCHLE. The House version does not have the \$25 million recaptured in it.

Mr. PROXMIRE. That is right. That is why it would be in conference.

Mr. DASCHLE. If he could have the \$35 million plus \$25 million, the Senator from South Dakota would accept it.

Mr. PROXMIRE. I cannot promise anything, but we would certainly work for that.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. DOMENICI. Will the Senator yield?

Mr. LAUTENBERG. I will be happy to yield.

Mr. DOMENICI. I am a cosponsor of the Daschle amendment on Indian housing. I apologize if I am redundant, but I was not here. Let me explain why I believe we ought to fund the Daschle amendment and why we are doing justice and being fair to public housing at the same time.

First of all, if you were to go back to the way we used to finance public housing, the \$2.1 billion for modernization recommended in this Senate bill would be the equivalent of \$4.2 billion for modernization and renovation. That is because we have changed it in the way we fund it. Instead of using long-term contracts, we make one-time grants and get the equivalent of what we used to get with \$4.2 billion. That means that this level is a 200-percent increase over the 1987 level and it is a 22-percent increase over the amount available for 1988.

Now, it seems to me that when you have those kinds of increases, even with the problem we have, you surely should not take it out on Indian housing by cutting Indian housing in half.

Now, I may be wrong on this, but I have asked for an explanation. I un-



derstand that we are funding this renovation in a new way where we are actually getting substantially more money for each dollar we appropriate because of the new grant approach that we are using.

We doubled the 1987 program level in 1988 and now there is an increase on top of that, at the expense of cutting Indian housing in half. I think the Daschle amendment is realistic.

Mr. INOUE. Mr. President, I am pleased to express my support for the amendment offered by my esteemed colleague, Senator DASCHLE, and co-sponsored by myself and other members of the Indian Affairs Committee, to restore funding for housing on Indian reservations to the fiscal year 1988 level of 2,000 units.

Our amendment reallocates approximately \$71 million from the public housing modernization account to the Indian housing account with the result that budget authority for Indian housing be increased from \$71 to \$142 million. Under the capital grants method of financing which is currently used for public housing, this would make possible approximately 2,000 units to be available in fiscal year 1989.

Mr. President, the Select Committee on Indian Affairs, with the cooperation and support of the Committee on Banking, Housing and Urban Affairs, recently adopted the Indian Housing Act of 1988, a measure signed by the President on June 29, of this year. At our committee hearing on this measure, we were shocked to learn that there are over 93,000 Indian families living in substandard housing. This is a figure which represents approximately 23 percent of the total Indian population of 1.4 million and should be compared to approximately 6.4 percent of the total American population which lives in substandard housing.

Mr. President, the reality that lies behind these statistics must be comprehended to appreciate the urgency of the need for decent housing in our Indian communities. In the past 18 months, as chairman of the Select Committee on Indian Affairs, I have visited more than 30 Indian reservations on official factfinding trips to the Northwest, Southwest and High Plains States. I have made a commitment to visit Indian country in Oklahoma and Alaska before the end of this session of Congress.

Speaking from firsthand experience, I can assure the Members of this body that there is no group in more desperate need than the Indian communities. When you go out on to the Indian reservations as I have and see two or three families crowded into a substandard unit of public housing which was built for a family of four, and when you see, smell, and touch the physical surroundings, you truly appreciate the impact of these outra-

geous conditions. The least we can do is to maintain public housing at the fiscal year 1988 level of 2,000 units.

In the future, I intend to be working with the Indian community and their housing experts to explore innovative ways of financing and developing housing, both public and private, on the Indian reservations. I am convinced that given an opportunity and a reasonable amount of time, we can come up with a means of increasing the development of housing so that we can begin to make some meaningful progress in meeting these needs. However, to go backward by decreasing Indian housing 50 percent as provided for in this bill is not acceptable, in my opinion, and would send a very discouraging message throughout Indian country. I urge my colleagues to support this amendment and to work with the Select Committee on Indian Affairs in the future as we begin to explore long-range strategies.

Mr. President, I would like to insert into the RECORD a statement prepared by the National American Indian Housing Council which provides a brief analysis of the decrease in appropriations for Indian housing from 1980 to 1989. As can be seen from this statement, we began this decade of the 1980's by authorizing \$840 million to construct 4,893 units in Indian country. That level has been steadily decreased to last year's low of 2,000 units. In the interim, the Congress authorized the use of capital grant funding which I understand to be a method of up front payment which makes possible very significant savings by eliminating the public housing authorities need to finance construction of new units and renovation of existing units thereby incurring interest costs. When this change was made, the savings went back to the Treasury in the case of Indian housing and, although the number of units authorized remained constant, the Indian housing appropriations have greatly decreased.

I am sure that there is a great need for the public housing modernization account, which our amendment would reduce by \$71 million. However, the analysis of the Indian Housing Council demonstrates that the modernization account level was maintained when all other accounts were reduced in fiscal year 1987 and fiscal year 1988 as a result of the saving made possible by changing to the capital grants method. Consequently, in real dollars, the modernization account goes a lot further than it used to while Indian housing appropriations were reduced under the capital grants method of funding.

Mr. President, I thank my colleague, Senator PROXMIRE, for his attention to this matter and urge him to support this amendment when this committee enters into conference with the House Appropriations Subcommittee.

Statistics, somehow, will not do justice to the Daschle proposal. It is easy to say that 93,000 Indian families are living in substandard housing or no housing. It is easy to say that most of these houses have no running water, no toilet facilities. They all have leaky roofs, and over 80 percent live in houses meant for a family of four; and instead of a family of four, you have at least two families living in these houses.

If all of us had the opportunity to see how the Indians live, to smell the environment, I think we would be doubling what Senator DASCHLE is proposing.

Finally, I remind my colleagues, and remind ourselves, that there is a solemn trust relationship that exists between the Indian people and the Government of the United States.

I think we should remind ourselves that by the Constitution and by the laws of this land, Indian people are considered sovereign in their own capacity.

Beginning 200 years ago, we entered into 800 treaties with Indian Nations and tribes. Of the 800 treaties we entered into, this U.S. Senate, our predecessors, refused to consider 430. We just refused to either debate or ratify 430 of the 800 treaties. But we insisted that the Indians abide with their promises in the nonratified treaties.

Of the 370 treaties that we, our predecessors, ratified in this body, we violated provisions of every one of them—and this is a Nation that prides itself on abiding with provisions of solemn treaties.

This housing is part of the solemn treaty we entered into. Let us not continue our violations. I think it is about time we decided to live up to this trust relationship that exists.

What Senator DASCHLE is asking for is not only reasonable; it is minimal.

I think that under ordinary circumstances, if this condition existed in any of our cities, it would be considered emergency.

So I hope that the Senate will accept the proposal that has been submitted by Senator DASCHLE. I believe he is calling for \$35 million plus \$25 million. I hope it will be accepted.

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

Mr. DASCHLE. Mr. President, I do not believe that the proposal of the distinguished Senator from Utah was offered in the form of an amendment or a substitute. If he would be willing to propound his amendment, this Senator would find it acceptable. Acceptable with the understanding that the conferees will work to retain the approximately \$25 million in recaptured funds for Indian housing.

## AMENDMENT NO. 2567 TO AMENDMENT NO. 2566

(Purpose: To increase the appropriation for Indian housing and reduce the appropriation for public housing modernization)

Mr. GARN. Mr. President, I do have an amendment, a modification of the Daschle amendment, and I send it to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Utah (Mr. GARN) proposes an amendment numbered 2567, to amendment No. 2566.

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

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

The amendment is as follows:

In lieu of amendment 2566:

On page 5, strike lines 15 and 16 and insert in lieu thereof the following: "\$106,850,788 shall be for the development or acquisition cost of public housing for Indian families; \$2,065,000,000 shall."

Mr. GARN. Mr. President, this amendment simply incorporates my suggestion to fund at \$35 million. It does not, obviously, state the assurance that Senator PROXMIER and I will work in conference, but I add my assurance to that of the Senator from Wisconsin.

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

The amendment (No. 2567) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from South Dakota, as amended.

The amendment (No. 2566), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 2568

(Purpose: To make appropriations for the Competitiveness Policy Council)

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. BINGAMAN) proposes an amendment numbered 2568.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

## "COMPETITIVENESS POLICY COUNCIL"

For necessary expenses of the Competitiveness Policy Council, \$1,000,000, to remain available until expended: Provided, That none of these funds shall be made available until S. 2613 or another Act authorizing the appropriations of such funds is enacted into law."

Mr. BINGAMAN. Mr. President, as part of the Omnibus Trade and Competitiveness Act, which the Senate will turn to in the near future, we establish a Competitiveness Policy Council as an independent advisory committee under the provisions of the Federal Advisory Committee Act. This amendment provides \$1 million in funding for the Council in fiscal year 1989, contingent on the passage of the trade bill or similar authorizing legislation.

This amendment provides only partial funding for the Council. Its purpose is to allow the Council to begin its work at the start of 1989, as was originally intended. I believe it is crucial that the Council began its work in conjunction with the new administration and the new Congress. The Council is intended to serve as a focal point for discussion on ways in which to improve America's economic competitiveness. I believe that the discussion on competitiveness will be an important part of the first few months of the next President's term. The Council can and should play an important role in that discussion.

The bill is \$1.4 million below its 302(b) allocation for budget authority and \$1.8 million below its allocation for outlays. Thus, this amendment keeps the bill below its budget allocations.

Mr. President, I urge my colleagues to support the amendment. I think it is good legislation. I believe it has been approved by the managers of the bill on both the Democratic and Republican sides. It allows the will of the Senate, as previously indicated in legislation, to be carried out during the next fiscal year. I ask unanimous consent that a fact sheet on the Council be printed in the RECORD at this point.

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

## FACT SHEET: COMPETITIVENESS POLICY COUNCIL

The Competitiveness Policy Council is an independent body for review of and advice to the Federal government on problems facing the United States in competing in the new global economy. The Council is intended to serve as an external forum for the discussion of problems of economic competitiveness, a mechanism for the creation of solutions to those problems through the inter-

action of business, labor, government, academia and public interest groups, and a source of badly needed independent review of the policies of the Federal government. The Council is established under the provisions of the Federal Advisory Committee Act.

The major duties of the Council are to recommend national strategies for enhancing U.S. productivity and international competitiveness, to comment on private sector requests for governmental assistance and on the recovery plans for the recipients of such relief, to evaluate the impact of Federal policy on U.S. competitiveness, and to report annually to the Congress and the President on the ability of the United States to compete internationally.

The Council also has the power to establish subcommittees of public and private leaders to analyze specific competitiveness issues. These subcommittees have the same mission as the full council but concentrate their efforts on a particular industry or policy problems that affect several industries.

The Council consists of 12 members and a professional staff. Four members are to be selected by the President, four by the majority and minority leaders of the Senate and four by the Speaker and minority leader of the House—chosen from among leaders of business including small business, labor, academics, public interest activities, and Federal, State, and local government.

Our lack of a coherent trade and competitiveness policy is proof of the failure of the current advisory process. Existing advisory committees are specialized groups organized for a narrow purpose, with a lack of resource to care out independent analysis. The Council would supplement the current advisory process by adding a sorely needed broad view of competitiveness. It would also add the needed resource to conduct independent analysis of government policy.

The Council would also add the one component missing from the current advisory system—a forum for consensus building. The current advisory systems exists solely to channel information from the private sector to the government; it does not, and should not, provide a forum for discussion of competitiveness strategy. Elsewhere in the trade bill, Congress has supported the process of consensus building—in the new restructuring provisions for 201 import relief under section 201 and in the worker assistance and retraining provisions. Creation of the Council will add an important element to this consensus building process.

The Council has widespread support from both business and labor, including the AFL-CIO, the National Association of Manufacturers, the Business-Higher Education Forum and the Semiconductor Industry Association. The proposal for the Council grows out of the proposals of the Senate Democratic Policy Committee's Working Group on Economic Competitiveness.

Mr. PROXMIER. Mr. President, this is a good amendment. It provides for \$1 million. There is only \$1.4 million leeway left to the Senate on this bill, but I am willing to go along with the distinguished Senator from New Mexico. I think it is a very good amendment, because it does provide for a study of competitiveness, which I think we very much need.

Mr. GARN. Mr. President, I am willing to accept the amendment.



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

The amendment (No. 2568) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2569

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER] proposes an amendment numbered 2569.

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

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

The amendment is as follows:

On page 25, line 25, insert before the period the following:

"Provided further, That, notwithstanding any other provision of this Act, the amount appropriated to the Environmental Protection Agency under the heading "Salaries and Expenses" is reduced by the sum of \$13,480,000, under the heading "Abatement, Control and Compliance" is reduced by the sum of \$10,130,000, and under the heading "Research and Development" is reduced by the sum of \$6,830,000 and from such sums \$25,000,000 shall be available for grants to the States for the control of nonpoint source pollution pursuant to section 319 of the Federal Water Pollution Control Act, and \$5,000,000 shall be available for grants to the States for the protection of wellhead areas pursuant to section 1428 of the Safe Drinking Water Act. Reductions required by this proviso shall be allocated proportionately to all projects, programs and activities under each account heading.

Mr. DURENBERGER. Mr. President, I understand that the Senator from Arkansas has an amendment that, in a brief period, he may be able to persuade the managers of the bill to accept, and I yield to him for that purpose, without losing my right to the floor.

The PRESIDING OFFICER. Does the Senator from Minnesota ask unanimous consent to lay his amendment aside?

Mr. DURENBERGER. I do.

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

#### AMENDMENT NO. 2570

(Purpose: To reduce certain appropriations for consulting services)

Mr. PRYOR. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 2570.

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

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

The amendment is as follows:

At the end of the bill, add the following:

#### CONSULTING SERVICES

Sec. (a)(1) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and professional services; special studies and analyses; technical assistance; and management review of program funded organizations; in excess of an amount equal to 85 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(2) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and support services for research and development activities; engineering development and operational systems development; technical representatives; training; quality control, testing, and inspection services; specialized medical services; and public relations; in excess of an amount equal to 95 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(b) The Director of the Office of Management and Budget shall take action as may be necessary, through budget instructions or otherwise, to direct each department, agency, and instrumentality of the United States to comply with the provisions of section 1114 of title 31, United States Code.

(c) Notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1989 is reduced by an amount equal to—

(1) 15 percent of the amount expended by such department, agency, or instrumentality during fiscal year 1987 for purposes described under subsection (a)(1); and

(2) 5 percent of the amount expended by such department, agency, or instrumentality during fiscal year 1987 for purposes described under subsection (a)(2).

(d) As used in this section, the term "consulting services" includes any service within the definition of "Advisory and Assistance Services" in Office of Management and Budget Circular A-20, dated January 4, 1988.

Mr. PRYOR. Mr. President, I sincerely thank the distinguished Senator from Minnesota for yielding to me in order to offer this amendment and for placing his amendment aside temporarily.

Mr. President, I rise today to offer an amendment to the Department of Housing and Urban Development appropriations bill to reduce expenditures for consulting services. As many

of my colleagues know, I have pledged to offer similar amendments to each and every appropriations bill which comes before the Senate.

On June 22, I offered a similar amendment to the Treasury, Postal appropriations bill on the Senate floor. I was pleased that after some discussion and modification the amendment was accepted. On July 7, the distinguished ranking members of the Foreign Operations Appropriation Subcommittee accepted my amendment also. I believe that these amendments are an important first step in requiring accountability in this area of invisible Government procurement.

All of us are concerned with the procurement scandal unfolding over in the Pentagon. But I want to assure my colleagues that the buddy system which is at work in the defense industry is well entrenched in the civilian agencies as well.

At a June 13 hearing of the Federal Services Subcommittee—which I chair—the Office of Management and Budget [OMB] testified that Federal agencies spent up to \$26 billion in fiscal year 1987 on consultant services. These same agencies only reported spending \$243 million for the same time period. The agencies are obviously using a narrow definition of consultants. In fact, within this appropriations bill, agencies reported spending \$28,963,000. When I asked GAO to determine how much was actually spent on consultants, it determined a more accurate figure was \$611,336,000. In some cases, I believe agencies are underreporting to avoid the scrutiny that should accompany consultant contracts. What is ironic about this effort to avoid scrutiny is that the inspectors general are not checking up on these contracts, even though required by law to do so.

Title 31, United States Code, section 1114, requires the inspectors general to perform an evaluation of how agencies are monitoring consultant services and to ensure that the data the agencies are reporting on consultant spending is accurate. When I asked the GAO to see if the IG's were complying, GAO found that over one-half of them were not. This is totally unacceptable. I have written those IG's who are not performing these evaluations and informed them that when the U.S. Congress passes a law requiring action by the IG's, the Congress expects compliance. The last time I checked even IG's are subject to the law of the land.

I am sorry to say, that within this appropriations bill, HUD, NASA, and the Veterans' Administration IG's all have failed to comply with 1114(b) in some form or fashion. When we don't even have the independent IG's carrying out the law, that is when I say we are really in trouble.

I ask unanimous consent to insert in the RECORD a letter I recently received from Joseph R. Wright, Jr., chairman of the President's Council on Integrity and Efficiency, and Deputy Director of the Office of Management and Budget, acknowledging the poor job that the inspectors general are doing in this area. Mr. Wright was apparently unaware of this problem until I asked GAO to determine the extent of compliance with section 1114.

Mr. President, I asked the General Accounting Office [GAO] to calculate the savings that would accrue from my amendment. GAO determined, using these agencies' fiscal year 1987 expenditures, that if my amendment becomes law, it will save the taxpayers an estimated \$56.1 million. This is certainly a meaningful effort at deficit reduction.

This amendment uses both a Cabinet Council on Management and Administration [CCMA] study and the new OMB Circular A-120, to establish the universe of contracts we are limiting. I asked GAO to use the CCMA study to produce estimated figures for agency expenditures within this appropriation function for these kinds of contracts in fiscal year 1987.

I should note that GAO supplied two sets of figures. One set includes everything that could be construed as consultant services. In this category, which includes some unknown level of consultant activity such as contracts for technical representatives and quality control studies, I am requiring that agencies limit their spending to 95 percent of what they spent in fiscal year 1987, a 5-percent savings.

The second category, which GAO, OMB, and I all agree consists of consultant contracts, involves management and professional services, special studies and analyses, technical assistance and management reviews of program-funded organizations. Here I am requiring the agencies to limit their spending to 85 percent of what they spent in fiscal year 1987, a 15-percent savings. Also, I should note that the agencies, with OMB's guidance, will be required under my amendment to calculate their own fiscal year 1987 cost data, to which the cuts will be applied.

Mr. President, some have questioned whether this formula actually will produce savings. In order to respond objectively, I asked the Congressional Budget Office [CBO] to do a formal cost estimate of my amendment. CBO's conclusion is that the savings are real. I ask unanimous consent that the CBO response be made a part of the RECORD.

I hope my colleagues will join me in supporting this effort. In doing so I believe we will restore some modest control to an area of procurement that has taken on a life of its own.

I promised him I would not speak long. I want to keep that word.

Mr. President, this is an amendment, very basically, to take \$65,143,000 out of the HUD, EPA appropriation bill to be saved from the area of consulting services. It would be across the board. It would be 5 percent in one category and 15 percent in another category. It is very similar to the amendments I have offered on similar appropriation bills, and I am very hopeful that this amendment will be accepted.

Finally, let me say that there will be \$555,922,000 remaining for consulting services even if my amendment should pass for these various agencies of our Federal system.

I hope the amendment will be accepted.

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

Mr. PRYOR. I yield.

Mr. PROXMIER. May I say to my good friend from Arkansas I am happy not only to accept the amendment but enthusiastically accept it to save money. This is the first time all day we had an amendment to save money. The CBO cannot estimate how much it would save.

The Senator says a lot of money is being spent on consulting services. This would help in the long run to make a reduction and, of course, at a time when we have had one of the worst scandals we ever had in defense procurement because of the abuse of consulting services, this is most appropriate, and I commend my good friend from Arkansas for offering the amendment.

Mr. PRYOR. Mr. President, I thank my distinguished and good friend from Wisconsin.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I have no objection to the concept the Senator is talking about. We have heard a great deal about consulting services lately, and it may work out just fine.

I do have some concerns about how it is implemented in a couple of areas with EPA and also with NASA, but I am willing to accept the amendment and take a look at it between now and the conference and see what potential impacts it does have.

Mr. PRYOR. I thank my friend from Utah and my friend from Wisconsin, Senator PROXMIER, who has long been an advocate looking into these contract and consulting services. I thank him for his personal support.

Mr. President, I yield the floor.

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

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

The amendment (No. 2570) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2569

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the Senator from New York, Senator MOYNIHAN, be added as a cosponsor of my amendment.

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

Mr. DURENBERGER. Mr. President, the amendment which I am proposing I referred to earlier in my statement in behalf of the amendment by the Senator from New York which would have taken \$300 million from the NASA account to support the water construction grants program and this is \$25 million to support the nonpoint source pollution program which has been authorized at \$100 million and \$5 million to support the wellhead protection program which is the beginning of our national ground water program.

The \$30 million in the amendment, however, will not come from NASA. According to my amendment, the \$30 million would come from sums appropriated to the Environmental Protection Agency for its other purposes, its salaries and expense account, its abatement control and compliance account, its research and development account, and the sums available to the States, and that is where it will come from.

The total dollars involved in this bill before us for those accounts are \$1.6 billion.

So in effect, under my amendment, the Administrator of the Environmental Protection Agency would be authorized to pay for the nonpoint source pollution program and the wellhead protection program by taking a sum slightly less than 2 percent from each of the other program accounts.

I will speak in just a minute to what some of those accounts are more specifically.

Mr. President, I indicated in my earlier statement some of the reasons why I thought the nonpoint source pollution program ought to be funded this year and I would like to speak now to the wellhead protection program. It was authorized by the Safe Drinking Water Act amendments of 1986. The amendment provides \$5 million in funds to implement that program.

The wellhead protection program is designed to protect the ground water resources which are the drinking water supply for thousands of communities across this country. The purpose of the protection program is to identify potential sources of contaminants within the recharge zones of drinking water supply wells and make sure these sources of contaminants are not



damaging the quality of the water supply. This is a program to prevent ground water contamination. It is a targeted program. It seems to protect the ground water within the immediate vicinity of water wells, the water we are currently consuming.

Unfortunately, all of our other Federal ground water protection efforts are either not preventive or are not targeted. Superfund does nothing to prevent ground water contamination. It responds after the damage has already been done, and we spend about a billion and a half dollars per year on that damage response program.

And the Research Conservation Recovery Act, the program designed to prevent contamination of ground water by hazardous waste, is not targeted. RCRA—for which the Federal Government will spend approximately \$250 million this year—does not give special priority to areas near drinking water wells nor does it give highest priority to sources of contamination which are most likely to contaminate our drinking water supplies.

So, in the Safe Drinking Water Act Amendments of 1986, we created the wellhead protection program. It's preventive. It's targeted. The concept involved is not a new one. It has been used extensively in Western Europe for decades. And some of our States, most especially Florida, Vermont, and New York, are putting the concept of wellhead protection to work in their own ground water protection programs. The new Federal program was designed to follow their lead.

Like the nonpoint source pollution program, a wellhead protection program is generally implemented in three steps. First, the area around the drinking water well which is over the ground water supply is mapped. This may be a very simple mapping process—like drawing a circle of several hundred yards around the well. Or it may be very complex, involving careful hydrogeological investigation and modeling.

The second step is to take an inventory of all of the potential sources of contaminants which are within the wellhead protection area. Sources may include landfills, surface impoundments, underground storage tanks, sewerage systems, feedlots, bulk storage areas for minerals or wastes, and so on. The degree of development right over our drinking water supplies is surprising. The State of Vermont, for instance, found that 40 percent of the land area within wellhead protection areas within the State of Vermont could be classified as highly developed—and that is the Nation's most rural State.

The third and final step, a plan is developed to limit the discharge from sources which threaten the ground water supply with contaminants harmful to human health. These plans will

often require specific actions to be taken by the owners of sources to limit discharges or their effects and may include updates to zoning ordinances and similar provisions.

The 1986 drinking water amendments authorized grants to the States to support the development of wellhead protection programs. Recognizing the traditional responsibilities of State and local government to protect ground water, the program was not mandated. There is no sanction for States that fail to develop a program. There is simply Federal encouragement to take this preventive approach. The Federal Government is making a very large investment in ground water cleanup. Too large. And so we thought we would encourage some prevention to save us future superfund sites.

Part of the Federal encouragement was to be a grant program; \$20 million was authorized for 1987 and 1988 and \$35 million for 1989. So far, however, no funds have been appropriated for the grants. For fiscal year 1988, the administration actually requested funds for this new program. In its budget submission, EPA asked for \$12.5 million. OMB at first refused that request.

But the Administrator pushed the program on appeal to the President of the United States. EPA felt so strongly about the value of the Wellhead Protection Program that it appealed to the President when OMB denied funds. And the President included an \$8 million appropriation in his proposed budget.

That was for 1988. Unfortunately, the House Appropriations Subcommittee decided that there wasn't any room for new programs in the 1988 budget and transferred the wellhead protection dollars over to other parts of the drinking water program. And it was not possible to reverse that decision over here in the Senate last year. Understandably, the President has not asked for funds in 1989 having been denied by the Congress in the 1988 bill.

But wellhead protection has not died out at the State level. Relying on a very aggressive technical assistance program developed by EPA's Office of Ground Water Protection, many States have proceeded with wellhead protection efforts. Recently EPA conducted a survey of State programs to determine progress. EPA found that there was some level of activity on wellhead protection in all but 10 States.

And in a dozen States it appears that a complete workplan may be submitted for EPA approval before the June 1989 deadline established in the Safe Drinking Water Act. These 12 States are Connecticut, Delaware, Illinois, Massachusetts, Maryland, Nebraska, New Jersey, New York, Pennsylvania, Texas, Utah, and West Virginia. And

as I said Florida and Vermont had strong programs in place before the Federal law was enacted.

The report on this survey indicates that several States are holding off on wellhead protection until such time as some Federal grant support is available. Many States are implementing pilot projects or other variations on wellhead protection and will not commit to full programs until it is clear that the Federal Government will be a partner in the effort.

Mr. President, I also conducted a small survey of the States to determine whether there was interest in the Wellhead Protection Program. I contacted approximately 20 States that were known to rely in a substantial way on ground water for their drinking water supplies and asked whether they supported funds for wellhead protection. I got 13 letters of support in response.

These letters were signed by the Governor or the head of the Department of Environmental Protection. Those letters were from the States of Idaho, Kentucky, Indiana, Massachusetts, Ohio, Texas, Florida, South Carolina, Kansas, Maryland, Utah, Delaware, and West Virginia. Mr. President, I ask that each of these letters be printed at this point in the RECORD.

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

U.S. SENATE,  
COMMITTEE ON ENVIRONMENT  
AND PUBLIC WORKS,  
Washington, DC, August 18, 1987.

HON. WILLIAM PROXMIER,  
Chairman, HUD and Independent Agencies  
Subcommittee, Committee on Appropriations,  
U.S. Senate, Washington, DC.

DEAR BILL: This letter is to request that you provide budget authority for the new wellhead protection program in the fiscal year 1988 appropriations for the Environmental Protection Agency.

The wellhead protection program was authorized by the 1986 amendments to the Safe Drinking Water Act. As you may remember, ground water protection was the most controversial issue faced by the Congress as we reviewed and restructured the drinking water program. The House was prepared to go with an extensive ground water protection requirement. The Senate resisted any program at all. After a year of work in conference, we were able to settle on wellhead protection as a means to resolve our differences.

Under the authority of this legislation, each State is to map the "areas of influence" around their public drinking water supply wells, inventory the sources of contamination within those areas, and develop a program to prevent contamination of drinking water supplies. Wellhead protection is a concept that can focus efforts and set priorities as we begin a national effort to protect our ground water resource. It is not a new concept. It is employed by several European nations and is currently being implemented by states like Florida, New York and

Vermont which have aggressive ground water protection programs.

The judgment of the conference committee was supported by overwhelming votes in both Houses of the Congress for the 1986 amendments. The Senate vote was unanimous. And the concept of wellhead protection has support at the Environmental Protection Agency. EPA asked for \$12.5 million to get the grant program started. When OMB refused, the Administrator took the issue to the President and secured an \$8 million request in the 1988 budget. That would not have happened absent the real promise in this legislation for focused ground water protection.

Since the amendments became law in the summer of 1986, EPA has made a truly admirable effort to implement this new program. The public outreach that EPA incorporated in the development of guidelines received broad praise from the states and potentially affected parties. Kevin Kessler, from your drinking water program in Wisconsin, participated actively in the workshops and perhaps he can give you some perspective on the efforts made by representatives of all the States that have now been invested to assure the workability of this program.

To demonstrate support at the State level, I had my staff call several States with active ground water programs to determine the grassroots reaction to this program. We called 17 States. 15 promised to write letters of support, 13 of those letters are now in hand and are attached for your review. That's a real indication of the interest that this new program has generated.

Unfortunately, the House subcommittee with responsibility for EPA's appropriation has tentatively decided not to fund wellhead grants in fiscal year 1988. I hope that you will take a second look. This program was designed carefully by the conference committee because it was at the heart of the largest legislative controversy. It is supported by EPA which went to the President on appeal for the 1988 funds. The details of the program have been carefully designed in an open process with broad participation over the past year. A large number of States are now laying the foundation for implementation. It would be a shame to waste all of this effort and lose the chance for a good start on ground water protection by failing to provide the very small amount of appropriations necessary to get the program going.

I know that ground water protection is an important issue in Wisconsin, as it is in Minnesota. I hope that you will join with me in making ground water protection and the prevention of contamination a higher priority nationwide by providing budget authority for the wellhead protection program in fiscal year 1988.

Thank you for your attention to this matter.

Sincerely,

DAVE DURENBERGER,

U.S. Senate.

STATE OF IDAHO,

DEPARTMENT OF HEALTH AND WELFARE,

Boise, ID, July 10, 1987.

Hon. DAVID DURENBERGER,

U.S. Senate, Russell Senate Building, Room 154, Washington, DC

DEAR SENATOR DURENBERGER: I understand there is currently some controversy in Congress over funding for the Wellhead Protection (WHP) Program which was authorized in recent amendments to the Safe Drinking Water Act. I want to voice my support for

implementation of this vital new ground water program for which President Reagan proposed a funding level of \$8 million for FY 88.

The State of Idaho believes the WHP Program offers an excellent mechanism for protecting the quality of ground water used as a drinking water source. This is of particular importance in our State, where up to 80% of the population derives their drinking water from ground water sources. The program will result in prevention of pollution to ground water sources of drinking water, and will avoid costly remedial actions for contamination cleanup.

I view this program of such importance that I provided a technical advisor from my staff to participate with the U.S. Environmental Protection Agency in Washington, D.C., in developing technical guidelines for the proposed WHP Program.

To enable States to implement the WHP Program, it is imperative that Congress appropriate adequate funds to accomplish the tasks delineated in the Safe Drinking Water Act.

Sincerely,

AL E. MURREY, P.E.,

Chief, Bureau of Water Quality.

COMMONWEALTH OF KENTUCKY,  
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET,  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION,

Frankfort, KY, July 13, 1987.

Hon. DAVE DURENBERGER,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR DURENBERGER: The State of Kentucky has over 600 water systems that could benefit from a wellhead protection program. The loss of funding to this program in the House of Representatives is a serious setback. Please help insure this money is restored in the final conference.

Thanks for your support for these vital programs.

Sincerely,

DONALD F. HARKER, JR.,

Director, Kentucky Division of Water.

INDIANA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT,  
Indianapolis, IN, July 10, 1987.

Hon. DAVE DURENBERGER,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR DURENBERGER: I am writing to express Indiana's support for the Wellhead Protection Program contained in Section 1428 of the Safe Drinking Water Act Amendments of 1986.

Indiana is formalizing a comprehensive ground water protection plan. Wellhead protection will play a critical role in the implementation of this plan. I request and encourage your continued support for the funding to this program as contained in the Appropriation Bill.

Sincerely,

DAVID M. WAGNER,  
Deputy Commissioner.

THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS, DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING,

Boston, MA, July 14, 1987.

Senator DAVID DURENBERGER,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR DURENBERGER: I am writing to express the strong concern of the Massachusetts Department of Environmental Quality Engineering for the Wellhead Protection Program under Section 1428 of the 1986 Amendments to the Safe Drinking Water Act. It is my understanding that, while \$8 million was included for the program in the FY 1988 budget, no funds were included for the program in the FY 1988 House budget.

This program is crucial to the overall effort of DEQE in continuing and supplementing our existing efforts in protection of the quality of the State's supply wells. Due to state legislative requirements to address hazardous waste disposal problems, and reduction in other federal program funding which has supported our ground water protection efforts, this program is very important to us. Without it, we will not be able to develop the coordinated program for wellhead protection which we know to be necessary.

We strongly urge that the full Senate budget appropriation be authorized in the final FY 1988 federal budget.

Sincerely,

S. RUSSELL SYLVA,  
Commissioner.

STATE OF OHIO,  
OFFICE OF THE GOVERNOR,  
Columbus, OH, July 14, 1987.

Hon. DAVE DURENBERGER,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR DURENBERGER: I am writing you, one of the chief authors of the Safe Drinking Water Act Amendments of 1986, to express my support for funding for the wellfield protection program that is included in the Senate HUD-Independent Agencies Appropriations bill.

Protecting water supply wellfields is an essential component of an effective ground water protection strategy. Ohio has had a minimal wellfield protection standard in effect for years. Consistent with the new Safe Drinking Water Act Amendments, the State's Group Water Protection Strategy emphasizes the need to expand this program significantly and make it a prominent part of our efforts to protect ground water used as public drinking water.

As you know, the new federal law imposes many requirements on states. While Ohio's recently adopted state budget for 1988 and 1989 dedicates significant new resources to protect ground water, it is unlikely that the State will be able to carry out the Safe Drinking Water Act's wellfield protection program without federal assistance. I recognize fully the importance of this program, but new federal mandates should be accompanied by new federal resources to help implement them.

I hope that you will support the \$8 million for wellfield protection in the Senate appropriations bill.

Sincerely,

RICHARD F. CELESTE,  
Governor.



## TEXAS WATER COMMISSION,

July 14, 1987.

Re: 1986 Amendments to the Safe Drinking Water Act.

Hon. DAVE DURENBERGER,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR DURENBERGER: The Texas Water Commission supports the Safe Drinking Water Act (SDWA) Amendments of 1986. Both the Wellhead Protection and Sole Source Aquifer Demonstrations Programs represent significant changes in the roles and interrelationships of federal, state, and local governments to protect ground water. For the first time there is a federal statutory program for the protection of the ground water resource rather than for the control of specific contaminants or sources of contamination.

Pursuant to the requirements of the SDWA, the Texas Water Commission and the Texas Department of Health plan to actively participate in the above programs.

The Texas Water Commission stands ready to assist in any manner possible regarding the implementation of these amendments to the SDWA. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

LARRY R. SOWARD,  
Executive Director.

STATE OF FLORIDA, DEPARTMENT OF  
ENVIRONMENTAL REGULATION,  
Tallahassee, FL, July 14, 1987.

Hon. DAVID DURENBERGER,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR DURENBERGER: Recent news from Washington indicated that the House Appropriation Committee has dropped the \$8 million appropriated for the start-up of the Wellhead Protection (WHP) program from EPA's budget. If carried through, this unfortunate decision will inhibit many of the States' initiatives to develop ground water protection programs.

Florida is considered one of the few States who have developed a very sophisticated and potentially effective ground water program. This program has benefited significantly, not only from the EPA's financial support (provided through the ground water portion of the 106 grants) but also from the National attention being focused on the ground water issues through the various Congressional bills. While Florida's WHP program is considered one of the most advanced among the States, it is still in its infancy and is in need of nurturing and support. Elaborate plans were made in anticipation of the WHP funding assistance to continue and augment the existing program. These included:

Mapping of the high recharge areas in the State;

Mapping and delineation of future public water supply aquifers;

Delineation of zones of protection around public water supply wells, and

Monitoring of ground water for pesticides and other synthetic toxic chemicals.

Without Federal funding these and other activities, necessary for the establishment and operation of an effective ground water protection program, will have to be suspended.

The impact of the Committee's decision would be even more devastating on States that are still in the planning stages of new ground water protection programs. The elimination of the WHP grants will virtually

"pull the rug" from under those States and thwart their initiative.

As one of the managers of the Florida Ground Water Program, I urge you to do what you can to reinstate the appropriated funds. Senator, your efforts over the years have pushed the ground water protection problem to the forefront of this Nation's environmental issues. I and many of my counterparts in other States are confident that you can do a great deal to keep this most important of issues viable.

Sincerely,

RODNEY S. DEHAN, Ph.D.,  
Assistant Bureau Chief,  
Bureau of Ground Water Protection.

SOUTH CAROLINA  
DEPARTMENT OF HEALTH  
AND ENVIRONMENTAL CONTROL,  
Columbia, SC, July 15, 1987.

Hon. DAVID F. DURENBERGER,  
U.S. Senate, Washington, DC.

DEAR SENATOR DURENBERGER: With passage of the 1986 amendments to the Safe Drinking Water Act of 1974 (Public Law 99-339) Congress has taken important steps toward assuring that all citizens served by public water supply systems will have high quality water. Your work in the Senate Environment and Public Works Committee on S. 124 is greatly appreciated by the people of the State of South Carolina. We encourage you to continue this fine effort by supporting proper funding of the ground water related provisions of the bill.

As approximately 96 per cent of South Carolina's public water supply systems depend upon ground water we are keenly aware of the amendment's ground water protection provisions. Of particular interest is the Wellhead Protection program (Section 1428) which defers to the States responsibility for developing a program for protecting ground water source public water supplies through the establishment of Wellhead Protection areas. Strong support for State government programs in implementing the ground water provisions of the Act was offered by President Reagan when he signed the bill into law. Adequate funding of these provisions, especially the Wellhead Protection program (Section 1428) is needed. The states are charged with developing strong and effective ground water programs to deal with the highly sensitive local land use issues and decisions that will affect ground water and the public water supply systems which rely on this fragile resource.

Your support for full funding of this program will be greatly appreciated. Thank you for consideration of the matter.

Sincerely,

DON A. DUNCAN,  
Director.

NATIONAL DRINKING WATER  
ADVISORY COUNCIL,  
Washington, DC, July 20, 1987.

Re: Wellhead Protection Program Funding.  
Mr. LAWRENCE J. JENSEN,  
Assistant Administrator, U.S. EPA—Office  
of Water, Waterside East Bldg., Wash-  
ington, DC

DEAR MR. JENSEN: The National Drinking Water Advisory Council is concerned that the administrator's proposed \$8 million for the Wellhead Protection Program [WPP] has been eliminated by the House Appropriations Committee.

In expressing this concern, we are mindful of the following:

1. Protection of the Nation's drinking water wellheads should be one of the agency's highest priorities.

2. The Safe Drinking Water Act Programs are, in the opinion of the Council, some of EPA's most severely underfunded programs.

3. Resources at the federal level are tight and competition is great.

4. Priorities must be made in EPA's allocation of those limited resources.

5. The WPP, as designed by Congress, promises to be one of EPA's most cost effective programs in protecting the health of large percentages of the Nation's population.

6. The WPP is designed to protect water quality from ground water sources nationwide through controlling activities within designated wellhead protection areas.

7. The WPP is prevention oriented which is a sounder public policy since great uncertainties always exist in implementing remedial actions.

8. The WPP is a federal/state partnership which, with an initial federal investment, will enable states and locals to effectively administer ground water protection programs and provide a catalyst for state and local investment in protecting their ground water resources.

The Council supports Congress in the provisions of the 1986 Safe Drinking Water Act. Furthermore, the Council strongly recommends that the Administrator confer with the appropriate Congressional committees concerning funding for the wellhead protection program and other Safe Drinking Water Act programs at levels commensurate with the tasks assigned.

We appreciate your assistance with this recommendation.

Sincerely,

GAYLE J. SMITH,  
Chairman.

STATE OF KANSAS,  
OFFICE OF THE GOVERNOR,  
Topeka, KS, July 20, 1987.

Re: Funding for Wellhead Protection Program.

Hon. DAVID DURENBERGER,  
U.S. Senate, Committee on Environment  
and Public Works, Washington, DC.

DEAR SENATOR DURENBERGER: I'm asking your assistance because ground water is one of the most vital resources for the citizens of Kansas. Approximately 1.2 million people in Kansas rely on it as their source of drinking water, and 85 percent of the state's total use is derived from ground water. Obviously, protection of the quality of this vital resource is important to the well-being of our state.

With great interest, our state is following several congressional initiatives relating to national requirements for protection and regulation of ground water quality. We believe implementation of the Wellhead Protection Program set forth in Section 1428 of the 1986 Safe Drinking Water Amendments (Public Law 99-339) is particularly important to assuring future supplies of adequate quality drinking water for our public water systems. To this end, we are disappointed that none of the funds authorized for appropriation in FFY 1987 were appropriated, and even more disappointed that the House Subcommittee on HUD and Independent Agency Appropriations has eliminated the wellhead protection appropriation from the proposed FFY 1988 budget. The Kansas economy has suffered tremendously because of the depressed farm economy, oil and aircraft manufacturing industries. While the

oil industry appears headed for a rebound, our farm and aircraft manufacturing industries have a long way to go. It is unrealistic to assume the state budget will rebound sufficiently to fund new environmental protection initiatives, such as the Wellhead Protection Program, even though it is of tremendous importance to the quality of our ground water sources and the future economic growth. Thus, it will only be possible for the state to implement this federally-mandated program if federal funds are appropriated by the 1986 Amendments to the Safe Drinking Water Act.

I respectfully request your assistance in restoring fiscal year 1987 and fiscal year 1988 appropriations to the federal budget.

Sincerely yours,

MIKE HAYDEN,  
Governor.

STATE OF MARYLAND,  
DEPARTMENT OF THE ENVIRONMENT,  
Baltimore, MD, July 21, 1987.

HON. DAVE DURENBERGER,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR DURENBERGER: We have just learned that the House Budgetary Committee Report recommended against the funding of all new programs including the proposed Wellhead Protection Program. The defeat of this program would result in substantial environmental impact in the State of Maryland.

There are eight hundred vulnerable community drinking water wells in Maryland, serving fifteen percent of our population. Because the State's ground water has traditionally been of very good quality, treatment of these wells is often limited to disinfection. Such treatment is useless against contamination by industrial and commercial sources of pollution such as leaking gasoline tanks and industrial wastes.

Maryland is a small State, facing increasing development pressures. Continued growth in the Baltimore-Washington and Baltimore-Annapolis corridors is inevitable, and unless such growth is planned and managed wisely, further ground water contamination will result. The actions of the Critical Areas Commission to limit development along the shores of the Chesapeake Bay further increase the development pressure in other areas of the State.

Groundwater contamination is already a serious problem in Maryland. Several community water supplies have been forced to find alternative water sources as their wells have been contaminated. Treatment to remove organic chemicals is still prohibitively expensive, usually surpassing the entire budget of the town affected by ground water pollution. In addition, the contamination of private wells has in several instances necessitated the installation of a community water supply. Such community wells must be chosen carefully to ensure that they will not be contaminated by the same source as the private wells, and that they do not aggravate the problem by drawing contaminated water into areas of previously clean water.

The proposed Wellhead Protection Program offers a very cost-effective alternative to hundreds of potential cases of ground water contamination Statewide, and the resultant construction of costly treatment facilities. Compared to the one million dollar cost of cleaning up one typical incident of ground water pollution, Maryland's targeted share of \$100,000 for Fiscal Year 1988 is an excellent investment. The proper location

and construction of gasoline stations, septic systems, landfills, and public drinking water wells will preclude the necessity of a bill on the order of Superfund to clean up our public drinking water systems. Maryland would greatly appreciate anything you can do to restore the wellhead protection program funding in the FY 88 federal budget.

Sincerely,

WILLIAM M. EICHBAUM.

UTAH DEPARTMENT OF HEALTH,  
July 21, 1987.

Re: Wellhead Protection Program Funding.  
HON. DAVID DURENBERGER,  
U.S. Senate, Washington, D.C.

DEAR SENATOR DURENBERGER: I am pleased to write at your invitation regarding my feelings on National Wellhead Protection Program funding.

While the Earth's natural processes do a great job of treating water as it passes through the Earth's crust (especially with regard to viruses, cysts, bacteria, etc.), they have limited capabilities when dealing with chemical contaminants. Furthermore, once an aquifer is contaminated, it is very difficult, if not impossible, to renew the aquifer. If renewal is possible, it is always extremely expensive in terms of both time and money.

For many years states have recognized the need to protect ground waters, especially drinking water sources. Most states have statutes or regulations requiring protection of drinking water wells from pollution sources. However, these are extremely inadequate and usually applied against the utility, not the property owner.

The Wellhead Protection Program [WPP] is a very strategic part of any ground water protection program, state or federal. EPA's Office of Ground Water has done an outstanding job to facilitate appropriate use of funds (when they are made available) to the benefit of the states and the nation as a whole. The need to protect the nation's ground waters is emphasized by the high dependence on ground water and the increasing awareness of ground waters that have already been contaminated. In the state of Utah we depend upon ground water heavily. Ninety-seven percent of the total drinking water sources in the state are from ground water. Furthermore, seventy-five percent of the total water used in Utah's drinking water system is from ground water sources.

Funding the WPP will allow us to prepare a comprehensive protection plan and commence implementation. Without this financial assistance, we will not be able to get a quick start. It is my belief that when state legislatures really know the occurrence of ground water contamination in their states, the threat it poses to their citizens and what can be done about it, they will be much more willing to provide financial support for the protection of ground water sources.

In summary, I urge the Congress to support funding of the Wellhead Protection Program at the \$8 million level or higher.

Thank you for the opportunity to comment on this issue.

Sincerely,

SUZANNE DANDY, M.D., M.P.H.,  
Executive Director.

DEPARTMENT OF NATURAL RE-  
SOURCE AND ENVIRONMENTAL  
CONTROL,

Dover, DE, July 23, 1987.

HON. DAVE DURENBERGER,  
U.S. Senate, Washington, DC.

DEAR SENATOR DURENBERGER: I am writing you today to express my support of congressional funding for the new Wellhead Protection Program as included in the 1986 Amendments to the Safe Drinking Water Act. It has recently come to my attention that appropriations for this new and important program may not be forthcoming as originally expected and I wish to voice our concern at this new development.

As you well know, ground water is a critical source of water supply for the entire country. In particular, the State of Delaware relies very heavily on ground water to meet domestic, public, and industrial water demands. Furthermore, ground water in Delaware is extremely vulnerable to contamination due to our sandy soils and general hydrogeology. Protection of our ground water resources is therefore a priority for Delaware—and one in which the Wellhead Protection Program could play an integral part—provided funding for the program is forthcoming.

Your assistance in obtaining congressional funding for the Wellhead Program is deeply appreciated and if I may be of any further assistance please don't hesitate to contact me at (302) 736-4403.

Sincerely,

JOHN E. WILSON III,  
Secretary.

Mr. DURENBERGER. Mr. President, I also ask unanimous consent that one other letter be printed in the RECORD at this point. It is a letter to the distinguished chairman of the HUD Appropriations Subcommittee dated June 6, 1988, and signed by nine Senators. Its purpose is to urge the appropriation of \$8 million for the wellhead protection program in 1989. It is signed by Senators CHILES, MOYNIHAN, LAUTENBERG, SASSER, GRAHAM, D'AMATO, METZENBAUM, JOHNSTON, and myself.

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

U.S. SENATE,  
COMMITTEE ON THE BUDGET,  
Washington, DC, June 6, 1988.

HON. WILLIAM PROXMIER,  
Chairman, Subcommittee on HUD-Independent Agencies, Washington, DC.

DEAR MR. CHAIRMAN: Ground-water contamination and the associated health risks are emerging as one of the most serious and complex environmental challenges facing our nation today. Currently, the Environmental Protection Agency (EPA) is spending significantly more money on cleaning up ground water than on preventing contamination of the resource. In 1988 approximately \$700 million will be spent by EPA on cleaning up contaminated ground water at Superfund sites while the Agency will spend less than \$30 million to help states protect their resources. This spending pattern continues despite the fact that preventing contamination of ground water is not only environmentally sound but cost-effective as well. In order to address the current imbalance in spending on the nation's ground water, we urge you to support funding for a comprehensive federal program to help states protect their resources—the Wellhead Protection Program.



Unlike most environmental programs, the Wellhead Protection Program, authorized in the 1986 Safe Drinking Water Act Amendments (SDWAA), is the first federal groundwater program intended to help states protect their resources from all sources of contamination rather than specific sources of contamination or contaminants. Under the SDWAA, states are required to develop programs to protect all wellhead areas surrounding public drinking water wells from all contaminants that may have an adverse impact on human health. "Wellhead areas" are defined as the surface areas surrounding a well through which contaminants are likely to move and reach the ground water. States are to submit their programs to EPA for approval, and EPA is to provide technical and financial assistance to the states as well as oversight of the programs.

As you are aware, ground water is an extremely important resource in this country. Fifty percent of the population, or 117 million people, rely on ground water as their primary source of drinking water. Thirty-five percent of the drinking water supply in urban areas and 97 percent of the supply in rural areas comes from ground water. EPA estimates that the Wellhead Protection Program could potentially protect 90 percent of the ground water currently used in this country for drinking water. Further, it is expected to save the federal government millions of dollars in future clean up costs. The concept of protecting wellhead areas surrounding drinking water supplies is common in Europe.

The Wellhead Protection Program is strongly supported by many environmental groups including the Natural Resources Defense Council, the Environmental Defense Fund, the National Wildlife Federation, and the Environmental Policy Institute. In addition, EPA Administrator Lee Thomas has spoken often about the need to focus more federal resources on protection efforts in general and the Wellhead Program in particular.

Although the SDWAA authorizes \$20 million for grants to states in FY 87 and 88, and \$35 million in FY 89, no funds have yet been appropriated. Currently, 15 states are developing some type of wellhead protection program. If financial assistance is available from EPA, these states will be able to expand their programs, and many states which currently have no plans for a program will be able to begin developing one.

Clearly, the sooner all states are implementing programs to protect their groundwater resources, the less the federal government will have to spend in cleanup costs in the future, and the safer the drinking water supply will be for our nation's citizens. We therefore urge your support for an appropriation in the HUD-Independent Agencies Appropriations bill of \$8 million, the amount requested by the Administration in fiscal year 1988, to fund this program.

Sincerely,

Senators David Durenberger, Lawton Chiles, Daniel P. Moynihan, James R. Sasser, Alfonse M. D'Amato, J. Bennett Johnston, Frank R. Lautenberg, Bob Graham, Howard M. Metzenbaum.

Mr. DURENBERGER. So, Mr. President, I would argue there is broad support for wellhead protection. EPA felt so strongly they sought funds from the President on appeal of an OMB denial. A dozen States are going forward and will submit plans for Federal

approval, even without the promise of Federal funds. Many States are conducting pilot projects to gain experience with the concept while awaiting Federal grants. And two-thirds of the States I contacted actually sent letters from Governors or environmental commissioners in support of the program.

Mr. President, the wellhead protection program is in the direct interest of the Federal Government. For ground water protection and drinking water supply, we have become the deep pocket of last resort. We are now spending \$1.5 billion on the Superfund Program and most of those dollars go to cleanup ground water that has already been contaminated.

We need to make a commitment to prevention so that we will not have any more Superfund sites. Wellhead protection is a prevention program which is to be financed in a 50/50 partnership with the States. And it is a targeted prevention program. It addresses the ground water which directly surrounds current drinking water wells.

The program makes sense and deserves the support of the Senate.

#### NONPOINT POLLUTION AND WELLHEAD PROTECTION PROGRAMS

Mr. MITCHELL. Mr. President, I rise in support of the pending amendment.

The amendment would provide the first funding to two important new programs to protect water quality and the quality of underground drinking water supplies.

I want to express my appreciation to Senator DURENBERGER for offering this important amendment. Senator DURENBERGER played a key role in the development of the nonpoint pollution control provisions of the Clean Water Act and the Wellhead Protection provisions of the Safe Drinking Water Act.

The Clean Water Act amendments passed early in this Congress established a new program to assist States in addressing water pollution coming from diffuse, or nonpoint, sources. This type of pollution is estimated to cause as much as 50 percent of the remaining water quality problems in many States. Funding of this program is vital if we are to continue to make gains in cleaning up our rivers, lakes, and streams.

The new provision of the act, which has not yet been funded, provides for grants to States to carry out programs addressing these water pollution problems. The authorization level for these grants is \$100 million. But, given resource constraints, this amendment provides only a small startup amount of some \$25 million. Let me stress that these funds will go to State agencies, not to the EPA.

When Congress enacted amendments to the Safe Drinking Water Act

in the 99th Congress, we included a new program designed to help community water systems develop programs to protect areas around sources of ground water used for drinking water. Under this program, States receive grants to assist public water systems in identifying and controlling sources of contamination to drinking water supplies.

This program can go a long way toward assuring the safety and quality of the Nation's drinking water. This amendment provides a very modest startup appropriation of \$5 million.

Overall, the Durenberger amendment will be an important first step forward in implementing these important programs. I urge my colleagues to give the amendment their full support.

Mr. PROXMIER. Mr. President, I oppose the Senator's amendment. I do so reluctantly. The Senator is an expert in this area and he has done some fine work in the area. I certainly appreciate his viewpoint. But neither of his programs, neither wellhead protection nor nonpoint source, have ever been funded before, and I think it is difficult to justify funding these new initiatives at a time when funds are so limited. Moreover, to take \$25 million from other EPA programs would be devastating to the Agency in a year when we are recommending an increase of only about 6 percent to the agency's budget. We're almost \$19 million below the House in the abatement, control, and compliance portion of the budget. This amendment would put us \$29 million below the House in that portion of the budget. I seriously question whether my colleagues want to take this deep a cut in funding for such programs as air pollution control, pesticides, hazardous waste, and toxic substances programs.

I do not question the merit of the nonpoint source or wellhead protection program. In fact, the committee, in its report, recognized—this is in response to the Senator's point that he wrote us a letter about this—that wellhead protection was an important environmental issue to be dealt with but also recognize that funds are available for wellhead protection under the Construction Grants Program which we have increased by 40 percent above the administration's request.

I might point out, Mr. President, that some of the programs that would be cut are \$40 million for asbestos in schools. That would have to be reduced. It is already below the House increase of \$65 million; \$10 million for global climate studies; \$8 million for stratospheric ozone protection; and \$10 million for the Clean Lakes Program.

Each one of these programs, Mr. President, is essential. For that reason, I would have to resist the amendment

by the distinguished Senator from Minnesota.

Mr. ADAMS. Mr. President, I ask unanimous consent that this amendment might be temporarily set aside. I have an agreed-upon amendment, and if we are going to have an extended debate, we might set this amendment aside so my amendment will be out of the committee's way.

Mr. PRESIDING OFFICER. Is there objection?

Mr. DURENBERGER. Mr. President, reserving the right to object, I do not know that there is going to be an extensive debate. I know that some people are waiting for a vote and that a lot of our Members are aware of the fact we are going to vote. If this were one of those 90-second amendments that the Senator from Washington is proposing, I would have no objection.

Mr. PROXMIRE. If the Senator would permit me, we would have, I take it, a rollcall vote on the Durenberger amendment in all likelihood.

Mr. DURENBERGER. Yes.

Mr. PROXMIRE. For that reason, I hope the Senator from Washington would be permitted to go ahead. It will take about 90 seconds, in my judgment—I believe I can speak for the Senator from Utah—and I will be willing to accept the amendment.

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

The Senator from Washington.

#### AMENDMENT NO. 2571

(Purpose: To require the Administrator of the Environmental Protection Agency to submit a plan to the Congress under which such agency shall participate in the Pacific Northwest Hazardous Substance Research, Development, and Demonstration Center.)

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

Mr. PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington (Mr. ADAMS), for himself and Mr. EVANS, proposes an amendment numbered 2571.

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

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

The amendment is as follows:

At the end of the bill, add the following:  
Sec. . Not later than March 1, 1989, the Administrator of the Environmental Protection Agency shall submit to the Congress a plan pursuant to which the Environmental Protection Agency shall participate in the activities and operations of the Pacific Northwest Hazardous Substance Research, Development, and Demonstration Center. In preparing such plan, the Administrator shall, in addition to direct participation by the Environmental Protection Agency in research activities, give consideration to inkind, personnel exchange, interagency program coordination, and other measures

to maximize the benefit of the Center to the public.

Mr. ADAMS. Mr. President, this is an amendment on behalf of myself and Senator EVANS for the Northwest Hazardous Substance Research Center.

Mr. President, I rise today to offer an amendment on behalf of myself and my colleague from Washington State, Senator EVANS, concerning the Environmental Protection Agency's [EPA] participation in the Pacific Northwest Hazardous Substance Research, Development and Demonstration Center.

The amendment would simply require the Administrator to submit a plan to the Congress for EPA's participation in the center. It would not require EPA to carry out any activities at the center in fiscal year 1989; only to develop the plan. In preparing the plan, the Administrator would give consideration to personnel exchanges, interagency research coordination, inkind, and other types of activities in addition to direct participation in research activities. This is intended to give EPA the maximum flexibility in defining its role at the center.

Mr. President, this amendment is not aimed at just having another study. Many of us in the Northwest are extremely interested in having the EPA participate in this center because we have some very serious hazardous waste and Superfund problems in the Northwest. Just 3 weeks ago, EPA proposed to add four separate listings to the Superfund national priority list for sites on the DOE's Hanford Reservation. And just last week the U.S. Department of Energy issued a report indicating that it could cost as much as \$48 billion to clean up hazardous waste sites and facilities at the DOE's Hanford Reservation in Washington State. Let me emphasize that this is billions of dollars, not millions. The same report estimated that the cost for cleaning up these sorts of sites at the DOE's Idaho Engineering Laboratory, which is also in EPA region 10, may be in excess of \$2.3 billion.

Some of these DOE sites are strictly hazardous waste sites. One Hanford site, for example, includes a pit into which 15,000 gallons of battery acid were dumped. Others are mixed with radioactive waste. The cleanup of these sites falls under the authority of the Nation's principal hazardous waste laws—the Comprehensive Environmental Response, Compensation, and Liability Act and the Solid Waste Disposal Act—which are administered by EPA.

The end result is that the cost of cleanup of sites in the Northwest owned by the U.S. Department of Energy and regulated under Federal environmental laws administered by the U.S. Environmental Protection Agency, are simply staggering. If the

Federal Government is to live up to its obligations to clean up these sites we must develop new technologies for dealing with them. It is only logical, as was intended by my colleague from Washington, Congressman AL SWIFT, when he authored the original provision to establish the center in the 1986, to have EPA help us find those solutions.

The Northwest Hazardous Substance Center was originally authorized in the section 118(o) of the Superfund Amendments and Reauthorization Act of 1986 [SARA]. The center was supposed to be established through the Battelle Memorial Institute which operates the Pacific Northwest Laboratory for the U.S. Department of Energy [U.S. DOE]. The obligation to fund the center was intended to be divided between EPA and U.S. DOE. While EPA has never requested funding from its budget to carry out its obligations under section 118(o) of SARA, funding was provided in fiscal year 1987 and fiscal year 1988 through the U.S. DOE budget to establish the center. The fiscal year 1989 energy and water appropriations bill provides an additional \$3 million in U.S. DOE funding to operate the center. In point of fact, the center is in operation notwithstanding EPA's failure to request funding for it.

The purpose of this amendment is to begin to involve EPA in the center's activities in keeping with the original intent of SARA.

As I said at the outset, this amendment is intended to give EPA the maximum flexibility in defining its role in participating in the center. We are not asking EPA to establish the center as originally envisioned in SARA since it already exists. We are not asking EPA to depart from its program of peer-reviewed research. We are not asking EPA to subsidize the Department of Energy. We are simply asking EPA to prepare a plan to participate in an interagency research effort with U.S. DOE for hazardous waste cleanup as originally intended by Congress in 1986.

Mr. EVANS. I am pleased to cosponsor this amendment of my colleague from Washington State. It's a simple and straightforward amendment, and necessary to get some definitive response from the EPA soon about its role in the Pacific Northwest Hazardous Waste Center.

The amendment builds upon the appropriations of \$3 million provided for the Pacific Northwest Hazardous Waste Research Center in the 1989 energy and water appropriations bill, H.R. 4567 that has already passed the Congress. Although the provision for funding the center is in report language, it sends a clear message to the Department of Energy to fund this important program promptly.



The intent of this amendment is to send a similar signal to the EPA. It doesn't dictate the level or type of funding; it merely requires the EPA to sit down and analyze how it wishes to participate in this center.

The center is an important and innovative part of the cleanup effort at Hanford. The Hanford site includes a large amount of mixed radioactive wastes that are unique and require further characterization and analysis. The center will contribute to the resolution of these waste characterization and remediation issues through innovative research and development projects.

The EPA has already designated four areas on the Hanford reservation as Superfund sites on the national Priority list. But that action is only the start of the huge cleanup effort that will be required at the Hanford site. The Department of Energy, the EPA, and the State of Washington need to work out a cooperative program now for cleanup. This effort won't necessarily be easy. Participation by both DOE and EPA in this center will help set a cooperative framework toward cleanup on a long-term basis.

I thank the managers for their support and urge the adoption of the amendment.

Mr. ADAMS. Mr. President, as I understand it, this amendment has been agreed upon on both sides. I thank the managers on both sides for their kindness in working with us on the amendment.

Mr. PROXMIRE. Mr. President, as I understand it, what it simply does is authorize EPA to develop a plan to take part in the Northwest Hazardous Substance Research Center. It is a very good amendment.

Mr. GARN. Mr. President, I am willing to accept the amendment.

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

The amendment (No. 2571) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. ADAMS. Mr. President, I thank both managers very much for their kindness and I thank the Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I understand that my colleague from Rhode Island has an amendment or two that may be accepted. I ask unanimous consent to set aside my amendment for that purpose.

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

## AMENDMENT NO. 2572

(Purpose: To provide for an EPA study on the regulation of ozone depleting substances)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE) for himself, Mr. BAUCUS, Mr. STAFFORD, and Mr. DURENBERGER, proposes an amendment numbered 2572.

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

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

The amendment is as follows:

On page 25, line 25, strike the period and insert in lieu thereof the following: "Provided further, That using available funds, the Administrator of the Environmental Protection Agency shall prepare and submit a report to Congress not later than 4 months after the date of enactment of this Act examining the direct economic and environmental impacts that are likely to result from implementation of regulations reducing but not eliminating the production of ozone depleting substances. Such study shall include an examination of profits attributable to production of chlorofluorocarbons between 1974 and 1988, estimates of anticipated profits attributable to implementation of such regulations, the effect that such profits may have on decisions to market safe substitutes, possible regulatory or legislative responses to recapture such profits, potential uses of revenues derived from such responses, and the effect that such responses may have on the consuming public."

Mr. CHAFEE. Mr. President, this amendment builds upon the excellent work of the Appropriations Committee with respect to EPA's program to control destruction of the Earth's protective ozone shield. It directs that EPA use some of the funds being provided in this act to examine an economic issue that may have significant environmental effects.

The problem is this. On August 1, 1988, EPA is planning to promulgate regulations that implement the Montreal Protocol on Substances that Deplete the Ozone Layer. We are all for that. That was a magnificent achievement.

As many of us will remember, the Montreal agreement calls for a phased 50-percent reduction in the production of chlorofluorocarbons [CFC's] between now and 1998.

The theory is that a 50-percent reduction will stimulate sufficient market demand for substitutes and lead to the voluntary phaseout of regulated CFC's.

However, a number of experts have analyzed this situation and concluded that this may not be the case. Unless the regulations mandate a virtual elimination of CFC's—a position that I have been advocating for some time

now—we will be creating a false market setting where supply is artificially reduced and demand stays high. That will lead to higher prices and, in turn, undeservedly large profits for producers of CFC's.

If these profits are large enough, the producers may have an incentive to delay the introduction of safe substitutes. From an environmental standpoint, that would be unacceptable.

The obvious solution is some mechanism to recapture these excess profits. The difficulty here is the fact that, unless the program is structured just so, the producers will simply pass the cost of any fee or tax along to the consumer and still reap their profits.

This amendment will force EPA to examine some of these important issues and should help the Agency or Congress design a solution to this problem.

Mr. PROXMIRE. Will the Senator yield?

Mr. CHAFEE. I will.

Mr. PROXMIRE. Mr. President, I commend the Senator on this amendment. It is an excellent amendment. After all, we all know of the very serious problem we have in the greenhouse effect. You cannot go outside and swelter and sweat without recognizing that.

The Senator from Rhode Island has an excellent amendment and I am happy to support it.

Mr. GARN. Mr. President, I am also happy to accept the amendment.

Mr. CHAFEE. I want to thank the distinguished managers of the bill and I will say no more. And I urge adoption of the amendment.

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

The amendment (No. 2572) was agreed to.

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

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 2573

Mr. GARN. Mr. President, I have an amendment that will be very quick if the Senator from Minnesota would be willing to, once again, set his amendment aside.

Mr. DURENBERGER. Yes, Mr. President; I ask unanimous consent that I may lay aside the amendment.

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

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Utah [Mr. GARN], for Mr. HECHT, proposes an amendment numbered 2573.

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

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

The amendment is as follows:

Add the following new section at the end of the bill, as amended

"Sec. . Within six months of the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall report to the Congress on the feasibility of using treated effluent waters from communities within the Carson River Basin, Nevada, to improve the Lahontan Valley wetlands, and enhance the fish and wildlife populations that depend on them. In preparing the report, the Administrator shall consult with the United States Fish and Wildlife Service, the State of Nevada, and interested local governments. The report shall include an analysis of the costs, environmental benefits, adequacy of existing State and federal authorities, and consistency with Nevada State water law. The report shall also identify any federal grant programs which may be available to fund any such project in whole or in part."

Mr. HECHT. Mr. President, this amendment provides for the study of one of many options that need to be explored in order to find ways to protect the Lahontan Valley wetlands of northwestern Nevada. These wetlands are a vital way station for hundreds of thousands of migratory waterfowl and shorebirds that use the Pacific flyway. These wetlands are under intense pressure today, not only from the drought affecting the entire country, but also from recent Federal Government decisions to reallocate water resources in the region.

The amendment calls for the environmental protection agency to work with the State of Nevada, local Nevada governments, and the U.S. Fish and Wildlife Service to explore ways that the clean water that is the effluent of sewage treatment plants of communities located in the Carson River Basin, in Nevada, could be provided to the wetlands that are water-poor, but at the same time so important to the wildlife resources of Nevada and the entire Pacific flyway.

I don't know what the results of this EPA study will be, but I do know that the wildlife resources of the Lahontan Valley are so important that we need to be creative and thorough in investigating all possible ways to preserve them.

Mr. President, I would like to thank the Appropriations Committee and the Environment Committee for their help and cooperation with this amendment.

Mr. GARN. Mr. President, I am willing to accept the amendment.

Mr. PROXMIRE. Mr. President, I am happy to accept the amendment.

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

The amendment (No. 2573) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2569

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I will be brief in response to the comments by my colleague from Wisconsin. I appreciate his kind comments about the work that I have done in this area.

I would just like to remind my colleagues in addition to the \$5 million wellhead protection program in this amendment there is the \$25 million appropriation for nonpoint-source pollution and the reason there is some urgency to that, Mr. President, is that the phased implementation of that program is about 3 weeks from the Administrator of the EPA's desk.

In other words, as I explained earlier there is a three-step process, the last of which is the submission of the plans by the 50 States to the Administrator of the Environmental Protection Agency. Deadline for the presentation of those plans in August 4, 1988. Thereafter comes the implementation and that is why that particular appropriations is so important.

The Senator from Wisconsin indicated that these were new programs, and they are. They are 2 years old. One is 2 years old, the other is 1 year old. No money has yet been appropriated for them. That is true.

But, as I glanced through the bill before us there are quite a few programs included here which have not had appropriations for them before.

There is an appropriation for regional radon center of \$900,000 in this bill. There is an appropriation for radon contractor program for \$600,000 that is in there. There is a pesticide in the ground water study which I support. That is new. Two million dollars.

NAS global climate study which I support also, \$700,000. It is a brand-new program. There is a minority contractor program, \$500,000. There is an NIEHS program, \$6 million. All of these are new programs, Mr. President.

So, the objection to my amendment should not be that it is a new program.

Mr. President, there are a variety of very good programs funded in this bill. I mentioned the asbestos in the schools program, \$40 million; the global climate studies, \$10 million; stratospheric ozone, \$10 million. The most my amendment could take from any one of those programs would be

slightly less than 2 percent in order to fund these two relatively small programs. But it would also take 2 percent of some programs I never looked at before I took a look at this program. There is a \$500,000 program called the University of North Dakota study; a \$450,000 program called the CANUA study; there is a \$5 million program for a Great Lakes office. There is a \$1 million program for the Chesapeake Bay. There is a \$300,000 program for Denver vehicle testing.

Like all appropriations bills, Mr. President, there are a variety of interests being served, some new, some old; some general and some special. I just would argue to my colleagues that the \$10 million appropriation taken from over \$1.6 billion, in all very good programs will enable us to get a start on two broad 50-State general-interest programs, and I would urge my colleagues' support for the amendment before us. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Washington [Mr. ADAMS], and the Senator from Texas [Mr. BENTSEN] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

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

The result was announced—yeas 63, nays 33, as follows:

#### [Rollcall Vote No. 246, Leg.]

##### YEAS—63

Armstrong	Evans	Melcher
Baucus	Exon	Mitchell
Bingaman	Ford	Moynihan
Bond	Garn	Murkowski
Boren	Grassley	Pell
Boschwitz	Harkin	Pressler
Bradley	Hatch	Quayle
Burdick	Hatfield	Riegle
Byrd	Heinz	Roth
Chafee	Humphrey	Rudman
Chiles	Karnes	Simpson
Cohen	Kassebaum	Specter
Conrad	Kasten	Stafford
D'Amato	Kennedy	Stevens
Danforth	Kerry	Symms
Daschle	Lautenberg	Thurmond
DeConcini	Levin	Trible
Dodd	Lugar	Wallop
Dole	McCain	Warner
Domenici	McClure	Weicker
Durenberger	McConnell	Wilson

##### NAYS—33

Breaux	Cochran	Dixon
Bumpers	Cranston	Fowler



Glenn	Leahy	Reid
Gore	Matsunaga	Rockefeller
Graham	Metzenbaum	Sanford
Gramm	Mikulski	Sarbanes
Hecht	Nickles	Sasser
Heflin	Nunn	Shelby
Hollings	Packwood	Simon
Inouye	Proxmire	Stennis
Johnston	Pryor	Wirth

## NOT VOTING—4

Adams	Biden
Bentsen	Helms

So the amendment (No. 2569) was agreed to.

Mr. DURENBERGER. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, if I might inquire, are there other amendments that will require a rollcall vote?

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. BYRD. Yes.

Mr. DOLE. I discussed a possible amendment with the distinguished majority leader. He indicated that the Interior bill will follow this. On that basis I will not offer it.

Mr. BYRD. Very well. If there are other amendments that will be accepted but no other amendments that will require a rollcall vote, I would like to get consent that the bill go to third reading following those amendments that will be accepted and carry over the vote on passage to the morning. Anybody have an amendment on which they want a rollcall vote?

Mr. President, how many amendments then remain?

Mr. GARN. I would say to the majority leader I only know of two. They are both mine, and they are agreed to. I know of no others that are going to be offered. I am sorry, Senator CHAFEE has one that we have agreed to accept, so there would be three.

## UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. All right. Mr. President, I ask unanimous consent that the amendments that remain to be called up be limited to those three, one by Mr. CHAFEE and two by Mr. GARN; that there be no further amendments; that upon the disposition of those amendments the bill be advanced to third reading and that that vote on final passage occur tomorrow morning without further debate—that at 9:30 tomorrow morning then the vote occur on final passage without any further motions, debate, or intervening action of any kind.

The PRESIDING OFFICER. Is there objection?

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

Mr. BYRD. Mr. President, I change that voting time to 10 o'clock a.m. tomorrow morning under the same conditions.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered. Mr. BYRD. Mr. President, I thank all Senators. There will be no more rollcall votes tonight.

## AMENDMENT NO. 2574

(Purpose: To express the sense of the Senate urging the President of the United States to call for an international convention on the greenhouse effect and protection of the Earth's climate)

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I had a thought that everybody was staying around to hear my amendment but in a lesson in humility I find that is not true. I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island, Mr. CHAFEE (for himself, Mr. DURENBERGER, Mr. BAUCUS, Mr. STAFFORD, and Mr. MITCHELL) proposes an amendment numbered 2574.

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

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

The amendment is as follows:

Insert the following new section at an appropriate place in the bill:

"SEC. . PROTECTING THE GLOBAL ENVIRONMENT.

"Whereas four of the hottest years on record occurred in the 1980's and, based on the first five months of this year, 1988 is the hottest year on record;

"Whereas it is 99 percent certain that the rising temperature trend is a result of the atmospheric build-up of greenhouse gases—carbon dioxide, chlorofluorocarbons, methane, nitrous oxide, and tropospheric ozone—and is not the result of natural variation;

"Whereas the continued build-up of greenhouse gases is increasing the likelihood of dramatic climate change and extreme events such as the heat wave and drought that is affecting much of our nation;

"Whereas scientists predict that, although average global temperatures have not risen by 3 degrees Fahrenheit for more than 10,000 years or by 9 degrees for more than 10 million years, the greenhouse effect will increase average global temperatures by 3 to 9 degrees in the next 40 to 60 years, a rate that will preclude natural evolutionary responses;

"Whereas the rise in global temperature is predicted to cause (1) a thermal expansion of the oceans and the melting of glaciers and polar ice, thus causing sea levels to rise by 1 to 4 feet by the middle of the next century, (2) disruptive shifts in rainfall patterns and the loss of adequate moisture in the midcontinent agricultural belt; (3) increases in the number and severity of hurricanes; (4) changes in the location of deserts; and (5) the death of large portions of the world's forests;

"Whereas on March 31, 1988, 42 Members of the U.S. Senate wrote to the President urging him to call upon all nations of the world to begin the negotiation of a convention to protect our global climate;

"Whereas on June 27, 1988, Prime Minister Gro Harlem Brundtland of Norway, speaking before an international conference in Toronto, called for a global convention on the protection of the climate, to coordinate research, information exchange and concrete measures to reduce emissions of harmful substances, and Prime Minister Brian Mulroney of Canada delivered a similar message;

"Whereas the best predictions available indicate potentially severe economic and social dislocation for present and future generations, which will worsen international tensions and increase the risk of conflicts among and within nations;

"Whereas the impact of global climate change may be greater and more drastic than any challenges mankind has faced with the exception of nuclear war; Now, therefore, be it

"Resolved, That it is the sense of the Senate that the President of the United States should call promptly and publicly upon the leaders of the world to begin the negotiation of an international convention on the greenhouse effect and protection of the climate, to coordinate research, information exchange and concrete measures to reduce emissions of harmful substances."

Mr. CHAFEE. Mr. President, this amendment should be noncontroversial. It does not add any money to this bill. It does not redirect funds that have already been allocated by the Appropriations Committee.

What this amendment does is express the sense of the Senate that it is time to begin the process that will help the world cope with the greenhouse effect.

It is prompted by the growing realization that human activity is altering our atmosphere and destroying the delicate balance that controls the Earth's climate. We are polluting our air with industrial and agricultural gases. We are releasing record amounts of carbon dioxide by destroying tropical forests and burning more and more oil and coal. The result is a phenomenon known as the greenhouse effect. The Sun's heat comes in but is unable to escape from the atmosphere. It is trapped.

These gases trap the Sun's heat like the glass in a greenhouse and cause temperatures to rise.

My amendment will simply restate a suggestion that 42 Members of this body made to the President by letter dated March 31, 1988.

In that letter, a bipartisan coalition of Senators urged the President to call upon all nations of the world to begin the negotiation of a global convention to protect our climate. On May 16, we received a polite but evasive reply from the administration.

But that was not the end of the matter. On June 27, the Prime Minister of Norway, Gro Harlem Brundtland, spoke at an international conference in Toronto and issued a call for a global convention to protect the climate. The Prime Minister correctly stated that it is time to coordinate research, information exchange, and

concrete measures to reduce emissions of greenhouse gases. The Prime Minister of Canada made a similar speech that same day.

Although I would have preferred to see our country take the lead on this matter, I was pleased to see that at least two of the world's leaders agree with our suggestion and are willing to speak out on it.

Mr. President, I first became aware of this problem in early 1986. I studied the matter, gave speeches on it and, in June 1986, chaired a series of hearings to hear from the world's leading experts. Those hearings captured the attention of the national and international press corps. There were headlines, front page stories in leading newspapers, evening news reports, and feature length articles in magazines as diverse as *Sports Illustrated* and *Newsweek*.

During much of 1986 and 1987, most of our attention was focused on the related but distinct problem of ozone loss, the destruction of Earth's protective ozone shield through the use of chemicals known as chlorofluorocarbons or CFC's. Our work in that area led to the historic Montreal Protocol to Protect the Ozone Layer.

Although we still have a long way to go before we have solved that problem, the public's attention has once again shifted back to the greenhouse effect. The problem of global warming and the widespread climate changes that will result from such a warming is back in the news.

The current heat wave and drought, two events that may be harbingers of things to come, are fostering this renewed interest. The cover of this week's *Newsweek* reads: "The Greenhouse Effect, Danger: More Hot Summers Ahead."

Many of us in this body have been trying to deal with this problem for some time. Senators DURENBERGER, BAUCUS, MITCHELL, GORE, WIRTH, and BUMPERS have all had the privilege of chairing hearings on the subject. Senator STAFFORD has been a leading voice in the growing chorus of concern.

This widespread concern is more than justified for, as Prime Minister Brundtland said, "The impact of climate change may be greater and more drastic than any challenges mankind has faced with the exception of nuclear war."

For too long, people have been discounting the importance of this issue by saying "the greenhouse effect is just a theory, there is too much we do not know, it would be premature to put controls in place." Finally, that is starting to change. It must change. We cannot afford to sit by and wait for the problem to solve itself.

Scientists are telling us that four of the hottest years on record occurred in the 1980's and that, based on the first 5 months of this year, 1988 will

be the warmest yet. Dr. Jim Hansen, one of the world's foremost authorities on climate has testified that he is 99 percent certain that the rising temperature trend is the result of the greenhouse effect.

We are no longer just talking about a theory. The greenhouse effect is here and global warming has begun.

Scientists predict that the greenhouse effect will increase average global temperatures by 3 to 9 degrees Fahrenheit in 40 to 60 years. This is the average. At higher latitudes the increase will be even greater, reaching as much as 20 degrees.

To put this in perspective, keep in mind that the global temperature has not risen by 3 degrees for more than 10,000 years. Now we are talking about much larger changes in less than 60 years. This rate of change will preclude natural evolutionary responses.

What happens with this increased heat? First, it is predicted that glaciers and polar ice will melt and thermal expansion of the oceans will cause sea levels to rise by 1 to 4 feet in the next 60 years. This will inundate low-lying coastal areas and, since nearly one-third of the world's population lives within 40 miles of a coastline, this will create massive dislocation.

A 3-foot rise in sea level could displace 15 million people in Bangladesh and up to 10 million people in Egypt alone. EPA experts have predicted that in the United States it will cost between \$10 and \$50 billion to replace beaches washed away by rising tides and that it may even become necessary to move the Port of New Orleans as hundreds of thousands of acres in Louisiana are flooded.

In addition to rising sea levels, the greenhouse effect is predicted to cause shifts in rainfall patterns, the loss of adequate moisture in the midcontinent agricultural belt, increases in the number and severity of hurricanes and other storms, changes in the location of deserts, and the dying off of large portions of the world's forests.

We often hear of "winners and losers" when we talk about the greenhouse effect. But as one expert has testified, "there will be no winners." The severe economic and social dislocation that will result will worsen international tensions and increase the risk of conflicts among and within nations.

To those who say it is premature to consider a global treaty that is aimed at reducing greenhouse gases and protecting the Earth's climate, I would point out that we will never get there if we do not get started. The international process moves slowly enough as it is. We cannot afford to delay any longer. The time for action is now.

This is a tremendous threat to our globe and the United States must take a leadership role in addressing it. Not only have we traditionally been lead-

ers in the environmental arena, a position that I hope we could recapture, but the United States is still one of the largest contributors to the problem. Despite significant accomplishments under the Clean Air Act and various energy laws, the United States still produces approximately one-fourth of the world's carbon dioxide emissions and manufacturers about one-third of the world's CFC's.

Mr. President, my amendment is a simple and straightforward statement. After reciting many of the problems, as I have outlined them here, the resolved clause expresses the sense of the Senate that the President of the United States should call upon the leaders of the world to begin the negotiation of an international convention on the greenhouse effect and protection of the climate.

This is a commonsense amendment. The problem is real. The time for action is now and I urge all our colleagues to support this amendment.

Mr. President, I ask unanimous consent that the two letters to which I referred printed in the RECORD.

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

U.S. SENATE,  
COMMITTEE ON ENVIRONMENT AND  
PUBLIC WORKS,  
Washington, DC, March 31, 1988.

HON. RONALD W. REAGAN,  
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge that you continue and expand recent initiatives on the international environmental problem of the greenhouse effect and global climate change, such as those announced at the conclusion of the December 1987 summit meeting with Soviet General Secretary Gorbachev. Specifically, we urge that, at the next summit meeting with the General Secretary in Moscow and at the upcoming economic summit meeting this June in Toronto, you call upon all nations of the world to begin the negotiation of a convention to protect our global climate. Such a convention could be modeled after the historic Vienna Convention to Protect the Ozone Layer.

You are to be congratulated for including the problem of global climate change as part of the agenda at the December 1987 summit meeting with General Secretary Gorbachev. It is encouraging to observe the growing commitment that our two nations are making to deal with the environmental threat of global warming. Of particular note was the Joint Summit Communique which stated that the "two sides will continue to promote broad international and bilateral cooperation in the increasingly important area of global climate and environmental change."

Scientists have warned us that increasing concentrations of certain pollutants in the atmosphere will increase the earth's temperature over the coming years to a level which has not existed for tens of millions of years. There is some urgency to this matter since scientists predict that, as a result of past pollution, we are already committed to a significant global warming. These greenhouse gases will lead to substantial changes in the climate of our planet with potentially



catastrophic environmental and socio-economic consequences.

The predicted global warming and climate changes are expected to occur at a rate and in a fashion that will preclude natural evolutionary responses. The likely effects of the greenhouse effect include rising sea levels, changes in the location of deserts, extremely high temperatures in cities during the summer months, increases in the number and severity of hurricanes, the death of large portions of forests, and the loss of adequate moisture in the mid-continent agricultural belt.

The challenge of reducing this threat to the planet's well being is considerable. One of the most significant greenhouse gases is carbon dioxide, a by-product of fossil fuels. The United States and the Soviet Union are the world's two largest contributors of carbon dioxide. Together, we account for almost one-half of the global total.

For these reasons, the United States and the Soviet Union must take positions of global leadership on this matter and call for a convention on global climate change. Such a convention could address our scientific understanding of the problem, the need for the limits of adaptation as a response to future climate change, as well as strategies to stabilize atmospheric concentrations of greenhouse gases at safe levels.

Negotiations to achieve a climate convention would have to take place on a multilateral basis. However, cooperation between the United States and the Soviet Union is an essential precondition of a successful international response to the greenhouse effect. The problems associated with global climate change provide an historic opportunity for our two countries to cooperate on a long term basis to insure the habitability of Earth. These facts were recognized and endorsed in the recently enacted Global Climate Protection Act (P.L. 100-204, sections 1101-1106).

For these reasons, we urge you and General Secretary Gorbachev to use the upcoming summit meeting scheduled to be held in Moscow as a forum to call for the negotiation of a convention on global climate change and to commit the United States and the Soviet Union to a leadership role in that process. At the same time we suggest that you expand and elevate the level of ongoing bilateral U.S.-U.S.S.R. activity which could enhance our understanding of the problem. We endorse the establishment of a high level working group to study potential responses to climate change, including greenhouse gas emissions reductions and adaptation to climate change. This expanded bilateral activity should be recognized and supported as an important priority within the United States' foreign and environmental policy agenda.

Similarly, we urge you to use the seven nation economic summit that is scheduled to be held during the month of June in Toronto as a forum to urge the negotiation of a global climate convention. At last year's economic summit, the leaders of the seven nations stated: "We underline our own responsibility to encourage efforts to tackle effectively environmental problems of worldwide impact such as . . . climate change. . . ." This year's economic summit is the appropriate opportunity to take the next step and call for a global climate convention.

Thank you for your attention and commitment to this important, international environmental issue. We look forward to work-

ing with you and assisting you in our mutual efforts to protect our fragile planet.

Sincerely,

Senators John H. Chafee, John F. Kerry, Dave Durenberger, Albert Gore, Pete Wilson, Terry Sanford, Max Baucus, George J. Mitchell, Dale Bumpers, Frank Murkowski, David Pryor, Robert T. Stafford, Carl Levin, Spark M. Matsunaga, Wyche Fowler, Jr.

Senators Tom Harkin, Timothy E. Wirth, Bob Graham, Dennis DeConcini, Steven D. Symms, Bob Packwood, Daniel J. Evans, Frank R. Lautenberg, Donald W. Riegle, Jr., Patrick J. Leahy, Bob Kasten, Jeff Bingaman, Thomas A. Daschle, Nancy Landon Kassebaum.

Senators Brock Adams, Alfonse M. D'Amato, Quentin N. Burdick, Arlen Specter, Edward M. Kennedy, Pete V. Domenici, Thad Cochran, William S. Cohen, Claiborne Pell, Richard G. Lugar, William V. Roth, Jr., Dan Quayle, John Heinz.

U.S. ENVIRONMENTAL  
PROTECTION AGENCY,

Washington, DC, May 16, 1988.

Hon. JOHN H. CHAFEE,  
U.S. Senate, Washington, DC.

DEAR SENATOR CHAFEE: Thank you for your March 31, 1988 letter to President Reagan, co-signed by forty-one of your colleagues, regarding international initiatives on global climate change. Despite considerable uncertainty regarding the extent of man's influence on the global atmosphere, the possibility of global climate change warrants high-level attention in the international arena. Accordingly, the United States is engaged in a wide range of cooperative research activities—both bilateral and multilateral—to improve our scientific understanding of this issue. The U.S.-Soviet Summit in May and the Toronto Economic Summit in June could provide good opportunities to discuss this issue.

At the December 1987 Summit in Washington, President Reagan and General Secretary Gorbachev agreed to develop cooperative atmospheric science programs between our two nations, including a detailed study on the climate of the future. The United States and the Soviet Union are now negotiating a range of proposed projects for the acquisition, coordination and exchange of space-based data related to global climate change.

Cooperative research with the Soviet Union to help establish the scientific base for documentation and assessment of global climate change has also been conducted for years under the U.S.-U.S.S.R. Agreement on Cooperation in the Field of Environmental Protection. A "protocol", which lays out joint activities in this area for 1988, includes over 30 possible projects, exchanges and experiments.

The United States is also engaged in bilateral programs with other nations with active research programs on this issue. Cooperation with the People's Republic of China, for example, will be carried out under the U.S.-PRC Science and Technology Agreement which covers exchanges on atmospheric science and environmental protection. The U.S.-PRC Protocol for Scientific and Technical Cooperation which specifies five major areas of atmospheric research. Studies on the role of the ocean in climate change are conducted under the U.S.-PRC Bilateral Agreement on Coopera-

tion in Marine and Fisheries Science and Technology. Both countries also support related training and educational exchange programs.

In addition to bilateral activity, the United States supports the establishment by the United Nations Environment Program (UNEP) and World Meteorological Organization (WMO) of an intergovernmental panel to develop methodology for and carry out internationally coordinated assessments of the scientific understanding, magnitude, timing and possible effects of climate change. The results of these assessments, along with other pertinent information, will provide a basis for considering a wide range of options to deal with the global climate issue, including the possibility of a climate convention. The United States will be an active participant in the work of the WMO/UNEP intergovernmental panel.

In addition to UNEP and WMO, over seventy nations including the United States and Soviet Union have endorsed the International Geosphere-Biosphere Program (IGBP). Established in 1986 by the International Council of Scientific Unions, this transdisciplinary research program is directed at improving our understanding of the interactive physical, chemical and biological processes that regulate the total Earth system.

In short, the United States is engaged in numerous cooperative research programs which will improve our scientific understanding of man's influence on the global atmosphere. The upcoming summits will provide us with excellent opportunities to discuss this international cooperation. Our interest in international cooperation serves to supplement our domestic research programs related to global climate change which show an increase in the President's budget request for 1989.

We appreciate your continued interest in global environmental issues and look forward to working with you in the future.

Sincerely,

LEE M. THOMAS.

Mr. CHAFEE. Mr. President, what this amendment does is to urge the President of the United States to call upon the leaders of the world to begin negotiation of an international convention on the greenhouse effect and the protection of the climate. That is it. It is a resolution.

Scientists are telling us that four of the hottest years on record have occurred in this decade. Four of the hottest years on record have occurred in the 1980's, and based on the first 5 months of this year, this year, 1988, will be the warmest of them all.

Something is happening, Mr. President, and I think it is well for the President to call an international convention on the greenhouse effect, as there was an international convention on the ozone layer, which came forth with some excellent recommendations which are being carried out. We are all riding on the same globe. It is the spaceship Earth. I think we should do what we can to preserve it for the future.

Mr. PROXMIER. Mr. President, I commend the distinguished Senator

from Rhode Island, and I am happy to accept his amendment.

Mr. GARN. Mr. President, I am pleased, also, to accept the amendment.

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

The amendment (No. 2574) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I thank the distinguished managers of the bill for accepting my amendment.

Mr. President, in the report language, the committee recommends \$5 million for ongoing treatment of post-traumatic stress disorders. I commend the members of the Appropriations Committee for dealing with this matter. This is an extremely serious problem that is affecting primarily veterans of the Vietnam war, although it affects the other veterans as well.

This is a special allocation that is in there for posttraumatic stress disorder treatment. It is very worthwhile, and I am pleased that it is included in the report.

I thank the managers of the bill.

#### AMENDMENT NO. 2575

(Purpose: To express the sense of the Senate that the Space Station should be adequately funded and that the budget allocation for the HUD-Independent Agencies Subcommittee be raised to accommodate such amounts and to address the array of other high priority programs funded by this bill)

Mr. GARN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Utah (Mr. GARN) proposes an amendment numbered 2575.

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

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

The amendment is as follows:

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

SEC. . It is the Sense of the Senate that funds should be provided in fiscal year 1989 for the National Aeronautics and Space Administration to permit development and production of the international civilian space station at a level which permits meaningful and efficient progress towards its deployment in the mid-1990's and furthermore, that the budgetary allocation of the HUD-Independent Agencies Subcommittee be increased to permit the provision of such critically needed funds as well as sums necessary to accommodate other high priority program requirements for veterans services and benefits, homeless and housing programs, community and economic development, environmental programs, and for sci-

ence and engineering research and education programs.

Mr. GARN. Mr. President, the Senate has heard me speak at length over the last few weeks about the lack of funding for NASA. This amendment is simply a sense-of-the-Senate resolution asking that the space station and NASA should be fully funded to the budget allocation. This does not bind anyone. It is one that I hope expresses the sense of the Senate, recognizing that we have had limited funds, and it will strengthen our position with the House in conference, as they have a higher amount.

I believe the chairman is willing to accept this.

Mr. PROXMIRE. Mr. President, I am happy to support the amendment.

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

The amendment (No. 2575) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2576

(Purpose: To establish a new Science, Space and Technology Education Trust Fund, to provide grants to the Challenger Center and other educational programs on a matching basis)

Mr. GARN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Utah (Mr. GARN) proposes an amendment numbered 2576.

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

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

The amendment is as follows:

On page 37, line 3, insert the following before the period: "Provided further, That should a contract award be made for the development and production of the advanced solid rocket motor which provides for non-federal ownership of a production facility, up to \$27,000,000 of the funds provided herein may be transferred and merged with sums appropriated for 'Space flight, control and data communications'.

#### "SCIENCE, SPACE AND TECHNOLOGY EDUCATION TRUST FUND"

"There is appropriated, by transfer from funds appropriated in this Act for 'Construction of facilities', the sum of \$15,000,000 to the 'Science, Space and Technology Education Trust Fund' which is hereby established in the Treasury of the United States: *Provided*, That the Secretary shall invest such funds in U.S. Treasury special issue securities, that such interest shall be credited to the Trust Fund on a quarterly basis, and that such interest shall be available for the purpose of making grants for programs directed at improving science, space and technology education in the

United States: *Provided further*, That the Administrator of the National Aeronautics and Space Administration, after consultation with the Director of the National Science Foundation, shall review applications made for such grants and determine the distribution of such available funds on a competitive basis: *Provided further*, That such grants shall be made available to any awardee only to the extent that said awardee provides matching funds from non-Federal sources to carry out the program for which grants from this Trust Fund are made: *Provided further*, That of the funds made available by this Trust Fund, \$250,000 shall be disbursed each calendar quarter for a ten-year period to the Challenger Center for Space Science Education: *Provided further*, That the Administrator of the National Aeronautics and Space Administration shall submit to the Congress an annual report on the grants made pursuant to this paragraph".

Mr. GARN. Mr. President, this amendment establishes a new \$15 million trust fund for science, space and technology education. Interest from this trust fund will be disbursed in the form of matching grants: First, to the Challenger Center for Space Science Education at a rate of \$250,000 per quarter for 10 years for the construction of a core educational center in the Washington metropolitan area, with 10 satellite regional sites located across the Nation, as a living memorial to those who perished in the Challenger tragedy; and second, to other programs on a competitive basis which seek to improve and enhance space science and technology education in the United States.

I believe the chairman is willing to accept this amendment, as well.

Mr. PROXMIRE. I am, indeed. It is a very good amendment, and I am happy to support it.

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

The amendment (No. 2576) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### TRACER TECHNOLOGY

Mr. BURDICK. Mr. President, I would like to call attention to language in the committee report to accompany H.R. 4800. The language directs EPA to allocate \$500,000 to support tracer technology research being conducted at the University of North Dakota. I offered this recommendation when the full committee considered the bill and appreciate that the committee, and particularly my good friend, Senator PROXMIRE, the chairman of the HUD and Independent Agencies Subcommittee, supported its inclusion.

The UND Aerospace Center has had an active research program on cumu-



lus clouds for several years. The technology they have pioneered could yield very valuable information on pollutant formation and acid deposition transport. Further, this work complements ongoing acid rain research supported by the administration. EPA Administrator Lee Thomas has spoken favorably of this research in hearings before the Environment and Public Works Committee.

While \$500,000 is generally considered a modest sum when it comes to research work, it will enable UND to make substantial progress in the area of pollutant tracer work. This money will be very well spent in advancing our knowledge of the transport and fate of pollutants. I stand ready to work with my colleagues on the Appropriations Committee to have this recommendation retained in the conference report on the HUD and Independent Agencies appropriations bill.

Mr. NUNN. Mr. Chairman, as you know, many States and metropolitan areas continue to grapple with the problem of ozone control. In the Southeast, this problem has been particularly frustrating because billions are being spent to meet current Federal control regulations without often achieving desired improvements in air quality.

In May, the Georgia Department of Natural Resources, the University of Georgia, and the Georgia Institute of Technology briefed the Georgia congressional delegation on the existing ozone problem in the Southeast and the belief of Southeastern environmental experts that current ozone control strategies do not adequately account for regional differences including climate, topography, and natural sources of emissions.

In an effort to better understand the causes for ozone problems in the South, regional scientists and State and local air quality control experts met in June to share what is currently known about the causes of ozone pollution in the South and make recommendations for additional research. This conference, titled "Atmospheric Photochemical Oxidants: A Southern Perspective," included experts with nationally recognized credentials in ozone issues from EPA, the U.S. Forest Service, the National Oceanographic and Atmospheric Administration, the National Center for Atmospheric Research, and several universities which specialize in air quality control research.

It is my understanding that a report on the specific scientific conclusions and recommendations is being written and circulated for peer review and will be ready in a few weeks. However, a general consensus was reached by the workshop participants on some major scientific points including the following:

Despite the implementation of the present federally mandated regulations and control measures in the South and in other areas, the ozone problem is not improving.

There is considerable scientific uncertainty about atmospheric chemistry and the relative importance of anthropogenic and natural precursors of ozone in the South. Much of this uncertainty is a result of insufficient research.

The expenditure of some \$9 billion annually for the next 15 years by industries and small businesses will allow all reasonable available control technologies to be applied, but even this level of control will not result in more than half of the Nation's nonattainment areas attaining the ozone standard.

All conference speakers were in agreement that additional scientific attention is needed before we can solve the ozone problem in the South. As previously mentioned, the workshop report will outline specific research concerns and recommendations. In addition, the Sunbelt Institute, in cooperation with the Sunbelt caucus, will be organizing a congressional briefing to discuss these issues further.

Mr. Chairman, I believe that the conference report on the bill should reflect concern for regional differences in the origin of ozone and direct EPA to focus funding in research areas that will help us better understand the science and control of ozone in areas such as the Southeastern United States. I encourage the chairman to address this issue in the conference with the House.

Mr. PROXMIRE. I assure the Senator that I will urge the conferees to take into consideration his concerns regarding regional differences in the origin and control of ozone and the need for additional research to understand these problems.

#### THE CONGREGATE HOUSING SERVICES PROGRAM IS WORKING

Mr. HEINZ. Mr. President, during this year's appropriating process, we have had to be mindful of budgets—staying within the budget guidelines and saving precious dollars wherever possible. One Federal program, the Congregate Housing Services Program [CHSP], contained in the HUD appropriations package before us today has, for relatively few dollars spent, saved money, as well as allowed many older Americans an opportunity to remain in their own homes for as long as possible.

By providing nonmedical services to over 2,000 frail residents of federally assisted housing in 33 States, the CHSP has been proven to be very effective in preventing the unnecessary institutionalization of many older and disabled residents. Enacted by Congress in 1978 within the Department of Housing and Urban Development,

CHSP provides hot meals, transportation to doctors' offices, house-cleaning help, and other services to disabled and low-income older persons. These are exactly the kinds of services that older persons need to remain independent and out of nursing homes. In fact, the American Association of Retired Persons [AARP] estimates that about 24 percent of older residents in low-income housing, more than 165,000 persons, have problems performing routine daily functions such as preparing meals and bathing. Often—much too often—being unable to perform these tasks is the reason older persons are uprooted and moved into nursing homes.

Despite these facts, the CHSP has been funded at a level to accommodate only 60 of the Nation's 6,500 federally subsidized housing projects. The appropriations measure before us, however, recommends a fiscal year 1989 appropriation target for CHSP of \$7 million, up from \$4.2 million for fiscal year 1988. Considering the cost effectiveness of the program, I have argued that we should fund the program at its authorization level of \$10 million. Certainly \$7 million, enough to establish CHSP programs at 25 to 30 additional sites, will be money well spent.

Two of the current CHSP programs are operating at sites in my own State of Pennsylvania. The directors of these programs have provided me with an overview of the services they now provide and the people they now serve. I commend the program directors, Mr. Gregory Kern of Germantown House and Ms. Grace Whitney of Opportunity Towers, and their dedicated staffs for the obvious commitment they are bringing to their assignments, and I ask unanimous consent that their reports be printed in the *Record* at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. HEINZ. Mr. President, this is an important measure before us today. It contains funding recommendations for many worthwhile programs that merit our support. I urge the committee's conferees to hold fast when determining final funding levels for section 202 and for the CHSP programs. We must take this opportunity to expand these programs that are not only cost effective, but essential to enable many of our Nation's older citizens an opportunity to live in their own neighborhoods with dignity.

#### EXHIBIT 1

#### THE CONGREGATE HOUSING SERVICES PROGRAM AT OPPORTUNITIES TOWER

##### INTRODUCTION/BACKGROUND

Our Congregate Housing Service Program (CHSP) began in 1982. The sponsor is Opportunities Industrialization Centers of America (OIC/A) and its subsidiary OIC Community Revitalization, Inc. When

CHSP started, it served the residents of OIE's 202 building, Opportunities Tower I. Tower II opened in October, 1987. The two buildings join on the ground level and residents share the common areas. Together there are two hundred seventy-five apartment units.

The original CHSP for Tower I was given special permission to enroll CHSP participants from both buildings not to exceed a total of 30 participants. At present we have a total of 29 active participants (see attached breakdown of quarterly enrollee characteristics).

Since inception, the project has served over 100 individuals. The services we provide are 2 meals a day, seven days a week, housekeeping, some personal care, coordination of medical transportation, and related services such as limited family counseling. The scope of services are determined and delivered under the oversight of an active, voluntary Professional Advisory Committee (PAC).

The balance of this report provides anecdotal descriptions of the impact of this project on various individuals. It should be noted that every person served has been profoundly helped, and enabled to enjoy their own home. An independent life-style they have enjoyed the psychological benefits of dignity and pride can bring that being cared for by staff that respects those concepts.

#### SOME CASE STUDIES

Mrs. Lulu B. is presently 99 years old, she is our oldest resident and CHSP participant. Mrs. B. disabilities are arthritis and heart disease. She is very fragile; however she is very alert and often will quote scriptures from the Bible and tell stories of her life in the South at the turn of the century. Mrs. B. has been on the CHSP since becoming a resident of the Towers in 1982. Mrs. B. has very little family support, mainly because she has outlived most of her relatives and never had children of her own. The CHSP's meals and housekeeping services has enabled Mrs. B. to remain at the Towers. She is still in relatively good health and spirits, soon to celebrate her 100 birthday August 12th. The Tower's will give Mrs. B. a 100th birthday party in her honor.

Mrs. Mary A. is age 84 she has resided at the Tower's since 1982, her disabilities are hypertension, heart disease. Mrs. A. receives CHSP's meals and occasionally housekeeping services, she is still able to do light chores which she takes pride in. Mrs. A. has one living relative, a granddaughter who resides outside of the city. Mrs. A. has lived in the area all of her adult life after migrating from Poland. Mrs. A. and her granddaughter are very thankful for the CHSP's program and the excellent living conditions at Opportunities Tower.

Rosemary N. is one of our younger handicapped participants. Her disabilities are Anxol Degeneration, a crippling disease that progresses with age. Rosemary is 49 years old; her diseases developed in her adult life. The CHSP provides meals and housekeeping services. Without CHSP Rosemary could not remain at an independent living facility and would have to return home to her parents. Opportunities Tower is able to provide her with an environment that is protective but enables her to live independently.

Mr. George B. died at age 69 one year ago. He had polio all of his life along with hypertension. Although he was wheelchair bound, he was able to live-out his adult life in the independent way that he always wanted. With the aid of the CHSP services, Mr. B. was able to maintain an apartment unit. It

was the first time Mr. B. had ever lived alone. He had a very supportive family which encouraged him to be as independent as possible. Mr. B. expressed also desire to learn how to drive a car, and take a trip alone "downtown." We often joked that he operated his wheelchair like a car. Mr. B.'s family was so appreciative of the care he received while he was a resident and CHSP participant, they donated a cherry tree to the building. The tree had been planted on the grounds at the main entrance.

Mrs. Alice F. was admitted into the CHSP program in 1983. Mrs. F. was discharged from the hospital after a operation to relieve pressure on a nerve; Mrs. F. had a tumor behind her eye socket. Mrs. F. was unable to cook for herself or do any household chores. Before the operation, Mrs. F. was able to prepare her meals and perform basic housekeeping tasks. Mrs. F. was a CHSP participant for four months. Today, five years later, Mrs. F. is still a Tower resident, who is very active in the Tenants Council. Her short term illness immediately required supportive in-home service. Without the CHSP at the site she would have required nursing home placement. Mrs. F. has often expressed her appreciation of the CHSP, stating, "I may have to get on the program again".

#### SUMMARY/COST EFFECTIVENESS

At the Opportunities Towers, the CHSP has been a literal life saver for many of its participants. Beyond the human value to the individual, however, this program has provided to the federal government that supports it a more than 100% return on each dollar invested. It costs us approximately \$10,400 per year in CHSP and Section 8 subsidies to maintain our participants in the program. In Pennsylvania, it costs on average \$22,000 to \$25,000 for nursing home care for the same very low income person.

There is no doubt of the need for this program. In the other 202 housing that we have sponsored, we have the disheartening task, on a far too frequent basis, of notifying a family or local aging service, or health service that a tenant can no longer live independently—that we do not have the ability to care for the small needs that would avert their premature, unnecessary institutionalization. National expansion to all elderly facilities, as an automatic provision of the Section 202/8 Housing for the Elderly Program, should be mandated.

This problem will not go away. Life expectancy is increasing; the reliance of the poor elderly population for this care is growing and will continue to grow. Intermediate, home based care, whether in concert with housing delivery systems or through more traditional service agencies is the only cost beneficial approach. Our bias and strong recommendation is that the program, where federal elderly housing funds are involved, be linked to housing administration and managed by the Federal Housing Administration. In this way it is coordinated with and accountable to those with overall responsibility for the facility, and assures that site administrators can coordinate their identification of need and knowledge of their tenants with the immediate availability of services and ongoing oversight of overall tenant progress. Creating an on-site team approach to housing management/CHSP services is crucial for efficient communication and effective program delivery.

#### THE CONGREGATE HOUSING SERVICES PROGRAM AT GERMANTOWN HOUSE, PHILADELPHIA, PA, JUNE 1988

The Philadelphia Housing Authority, was one of the initial CHSP recipients and has been providing services since March of 1980.

In light of the population projections, we believe wholeheartedly in the need for additional programs like CHSP through our developments. With the rise of the elderly population to 20% of the population, we must be able to anticipate the future demands both for low cost housing and long-term care services.

The cost of the institutional care is already placing a financial burden in the Government Resources. The experience of low institutional care by the Western European countries such as Sweden, Netherlands and United Kingdom, that offer group quarters rich in supportive services, should be highly considered. Programs like CHSP, which integrate housing and services at a much lowered cost, will offer the infirm elderly housing tenants and their families a way of addressing their needs in a manner that can be cost-effective and still provide the opportunity for extended independent living.

The population residing in our developments has continued to increase, continued to "age in place" and are becoming increasingly more frail.

The Philadelphia Housing Authority congregate housing services program is located in an eight story high-rise in the northwest section of the city. There are one-hundred and seventy elderly and handicapped tenants residing at Germantown House. The average of the residents is 76.93 years. Eighty-seven (87%) percent are females and thirteen (13%) percent are males. Eighty (80%) percent are blacks and twenty (20%) percent are white. Ninety-five (95%) percent are living alone, with a limited support system.

PHA's program provides two meals per day, seven days per week and homemaking services. For those clients that require personal care the caseworker taps into the Philadelphia Corporation for Aging (PCA) the Area Agency on Aging. PHA is using PCA's assessment as part of the tool for assessing clients needs. On an annual basis, the HRCA Vulnerability Index developed by the Hebrew Rehabilitation Center (HRCA) and used by the HUD Evaluation Team is used for the CHSP population. A review and comparison of this Index has allowed PHA to see that the population we are serving is a highly vulnerable population.

Since 1980, the Authority has provided services to one-hundred and sixty-eight (168) residents. Out of these, thirty-five (35) have been placed in nursing homes; forty-five (45) have died and sixteen (16) have moved in with their families, because they could no longer live alone. The average age of the residents that have received CHSP care is 77.3 years.

PHA believes that its program provides a viable, accessible alternative to nursing home care. The average age of the CHSP clients placed in nursing homes was 85 years. These figures indicate that by assisting clients to remain with supportive services in public housing for up to 72 months, we have been able to free beds for an older population that requires skilled intermediate care.

The Professional Assessment Committee (PAC) has continued to meet for a period of three hours on a monthly basis. They review the assessment, reassessments and



follow-up reports made by the caseworker and make a determination for the initial and continued need for services. During 1986-87 contract year the PAC reviewed 144 assessment, reassessment and follow-up visits made by the caseworker.

In 1985, Elaine Anderson of the St. Paul's Housing testified before the House of Representatives, Select Committee on Aging that in her program, the daily cost of a wide-range of subsidies including housing was \$12.70 per day versus \$40.30 for nursing home care.

During our 1986-87 contract year, using the same formula, PHA was able to provide services at a cost of \$12.99 per day versus \$35.02 per day for nursing home care.

Therefore, PHA staff wants to stress the need for continued support for the CHSP program. Whether the funds for this program flows from HUD or DHHS is not critical. What is important is that Public Housing Authorities are an important link within the long-term care system and because of this linkage PHA's should continue to receive funds to better address the long-term care issues in their developments.

#### VETERANS' ADMINISTRATION FUNDING

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I would like to comment on various aspects of the funding for Veterans' Administration programs under the pending measure, the fiscal year 1989 HUD-independent agencies appropriations bill (H.R. 4800). In many areas the pending measure would provide adequate funds for crucial veterans' programs, but in certain respects it falls short of the levels of funding I would like to see enacted.

At the outset, I would like to recognize the tremendous efforts and support of the Senator from Wisconsin [Mr. PROXMIER] and the subcommittee staff to provide fair and adequate funding for veterans' programs. I wrote to Senator PROXMIER on June 7, 1988, to urge his support for fair and adequate funding for veterans' programs, and stressed four key areas—staffing under the VA's medical care and general operating expenses accounts, and funding for the program of community-based care for homeless and certain other chronically mentally ill veterans and for the Veterans' Job Training Act Program. I believe that he did the best that could be done for veterans under the constraints of a clearly inadequate allocation to his subcommittee under section 302(b) of the Budget Act—which was \$1.06 billion in budget authority and \$477 million in outlays below the amounts assumed in the Senate-passed budget resolution. I am especially pleased that the Senate Appropriations Committee was able, as was the House committee, to add funding to maintain the current medical care account staffing level of 194,140 FTEE's.

Mr. President, I hope that the distinguished chairman of the Appropriations Subcommittee and the other Senate conferees will be successful, in conference negotiations with the House, in sustaining the Senate posi-

tions with respect to funding for the Department of Veterans' Benefits, the chronically mentally ill homeless treatment program, and certain other key areas where the Senate measure provides the appropriate funding level, while coming as close as possible to adopting the House level for the medical care account, which is essential to enable the VA to provide effective health care for our veterans.

#### SECTION 302(B) SUBCOMMITTEE ALLOCATION

Before I discuss a number of aspects of the committee-reported levels for VA programs, I want to note my keen disappointment that the Appropriations Committee's allocation to the HUD-Independent Agencies Subcommittee was so inadequate. I twice wrote each member of the full Appropriations Committee to urge a fair allocation for that subcommittee. Yet the allocation was increased only marginally from the level initially proposed. I will insert the text of my two letters in the RECORD at the conclusion of my remarks.

#### HEALTH CARE FACILITY STAFFING

Mr. President, certain provisions of the House-passed version of this measure and language included in the House Appropriations Committee's report on the bill (H. Rept. No. 100-701) cause me concern; that is, limitations on the numbers of health-care support personnel and a direction to limit the VA facilities to which nurses and physical therapists are assigned for their scholarship service obligation to the 50 percent of VA facilities with the most serious recruitment and retention problems.

#### ADMINISTRATIVE AND ENGINEERING STAFFING LIMITATIONS

The House-passed bill would limit the number of administrative support staff under the medical care account to 37,900, and the House committee's report would direct the VA to limit the number of engineering support staff under that account to 26,700. The House committee—on page 56 of its report—stated that the limitation on the number of administrative staff was included in the bill because the increase in nondirect patient care staffing had been more than proportional to the overall increases in personnel over the past 6 years, thus resulting in a decrease in direct patient-care staff. In my view, the House committee's action does not give adequate recognition to the role support personnel play in the provision of services incident to the provision of an appropriate quality of direct patient care. For example, employees designated as administrative support personnel include ward secretaries who relieve nurses of the task of transcribing physician orders, scheduling patient tests and treatments, and answering the patient-call intercom to ascertain patient-needs; admissions clerks who gather information from patients awaiting entry into

a VA hospital and determine bed availability, ensuring that veterans are assigned to beds as quickly as possible; and medical records librarians who have the responsibility of maintaining patient history and treatment files and locating these records for members of the health-care team when the patient returns for treatment. Engineering support staff, such as biomedical engineers and building maintenance personnel, also have a direct impact on patient-care services. Biomedical engineers and technicians have the responsibility for ensuring that computers and other pieces of high-technology equipment—which are increasingly used in the diagnosis and care of veterans—are in good working order, and building maintenance personnel focus on the upkeep of the physical plant, providing a safe environment and preventing or delaying the need for costly construction of new facilities.

Mr. President, not only does employing a sufficient cadre of support personnel have an impact on the quality of care provided, but the recruitment and retention of scarce health-care professionals is greatly affected by the availability of support personnel. Nursing leaders, for example, have called for an increase in the numbers of support staff within hospitals. On September 3, 1987, Sigma Theta Tau, an international honor society of nurses, issued several recommendations to counter the current nursing shortage; one of their recommendations called for "providing appropriate support services including clerical, technical and environmental assistance." On May 5, 1988, 33 nursing organizations issued a strategy document to resolve the nursing shortage. This group included among its short-term strategies actions to "Expand utilization and employment of ancillary personnel responsible to nurses to assist in the clinical and nonclinical support tasks essential to nursing care." On several occasions, representatives of the Nurses Association of the Veterans' Administration [NOVA] have testified before our committee on the need for such support. Most recently at our June 16 hearing the NOVA witness stated,

VA nurses say give us improved and consistent support services and as nurses we will care for the patients.

A letter I recently received from a concerned VA medical center director summarizes the problem well, as follows:

To compensate for the loss of employees in these [administrative and engineering] services, employees have been required to "double up" on some tasks and work an excessive amount of overtime and holidays \* \* \*. Management has helped to alleviate the situation through innovative management of manpower resources and reducing services where possible. However, manpower

has been stretched as thin as possible in some areas. This situation can be handled on a temporary basis, but not on a permanent basis \* \* \*. Consequently, employee morale is down and absenteeism is up.

An adequate supply of support employees is an essential ingredient of furnishing an appropriate quality of care. Hence, I urge the Senate Appropriations Committee not to accept the House provision or report language limiting the numbers of these support workers.

#### PLACEMENT OF SCHOLARSHIP RECIPIENTS

The House Appropriations Committee, on page 58 of its report, also directed the VA to "reduce the number of facilities to which nursing and physical therapy scholarship recipients are assigned for their service obligation to the 50 percent of facilities with the most serious recruitment and retention problems." At first glance this appears to be a reasonable approach that could provide some short-term relief to current VA problems at some facilities. However, it also could hinder the development of an effective response to the longer term needs of VA facilities.

Mr. President, the shortage of nurses and other health-care professionals within some VA facilities is acute. Beds have been closed and services have been reduced as a direct result of these staffing shortages. According to the VA, there are approximately 260 nursing scholarships and 40 physical therapy scholarships available. Placement of such a large number of health-care professionals within the hospitals designated by the House committee could be of great assistance. If it was anticipated that this problem were going to last only a short time, I would applaud the action taken by the House committee. However, enrollments in educational programs leading to degrees in various health-care professions are decreasing, and it must be assumed that the shortage of personnel will not be alleviated in the short term.

In the longer term, I believe the House committee's directive has the potential for creating additional shortages in locations not yet hard hit and could lead to a decrease in the retention of personnel. Although the shortage has not yet seriously affected all VAMC's, it is expected to involve most. From a system perspective, it might be better to contain the more serious problems to a few areas, if possible, rather than allowing the shortage to become entrenched in all. Therefore, if VA Central Office foresees the worsening of a situation which might be prevented in a key facility by placement of scholarship recipients, that flexibility should be available rather than placing them only in facilities already experiencing the problem.

Perhaps as important is the effect that the House committee's approach

might have on the retention of VA employees who are nursing scholarship recipients, for whom this program has been very successful under current law and existing practices. Section 4316 of title 38, as recently amended by Public Law 100-322, states that the period of obligated service will occur "in an assignment or location determined by the Administrator." The VA's Health Professional Scholarship Program Applicant Information Bulletin states very clearly that the location of the obligated service rests with the Administrator. I am aware of no evidence that scholarship recipients are not being placed in VA facilities having a need and, in fact, the Senate Veterans' Affairs Committee staff has been advised by VA staff, that in a recent survey of VA facilities to determine placement possibilities, only two responded that they had no needs. Additionally, when selecting scholarship recipients, VA staff are alert to those who appear unwilling or unable to relocate and, if this is found to be the case, these candidates are eliminated from consideration.

Mr. President, the VA scholarship bulletin also states that "an attempt will be made to match preferences with VA needs." In practice this is implemented by asking students close to graduation to state their first three choices for employment, and these preferences are then matched to VA needs. According to the VA, out of 434 nurses who have enrolled in the scholarship program, 329—73 percent—remained with the VA upon completion of their obligations. This figure is inordinately high when compared to other like programs and proves the success of this one. If many of these 329 nurses left because they felt their needs and preferences were not being taken into consideration, the VA would be in more dire straits than it is today and, indeed, the program would become a very expensive method of recruitment. Studies have shown that when employees feel they are permitted to have an input into the decision-making process they are more apt to remain with an organization than if they feel otherwise. What could be more important in this respect than the decision about where one will be spending 2 years of one's life?

For the reasons I have just expressed, I strongly urge the Senate Appropriations Committee not to accept in its current form the House committee language in conference.

#### SPECIAL PAY RATES

In contrast, Mr. President, I congratulate the House committee for its add-on to the medical care account for, as noted on page 56 of the House committee report, \$45 million for special pay rates for nurses and other scarce health-care specialties. The Senate add-on is only \$20 million for this purpose. According to the VA, in

the approximately 12-month period between mid-February 1987 and March 1, 1988, the number of DM&S employees authorized for special salary rates rose from an estimated 9,700 to 19,500. This figure includes approximately 13,000 registered nurses, up from 6,500; 2,500 licensed practical nurses, up from 570; and 1,700 pharmacists, up from 1,000. The total cost of these special rate authorizations is approximately \$81 million. If this funding is not available from VA Central Office, the cost must be absorbed by the facility paying the special rate.

It is my understanding that in some VA facilities the number and amount of special pay rates required are so great that funds for this purpose have had to be diverted from funds earmarked for equipment and funds set aside for maintenance and repair projects and that these sub-accounts are now depleted. Although a facility might get by doing this once without affecting the quality of care or the integrity of the environment within which care is provided, it cannot occur repeatedly. On the other hand, an appropriate quality of health care cannot be provided without adequate numbers of well-qualified staff. In today's health-care environment where the competition for health-care professionals is keen, the VA must remain competitive in the area of salary and benefits. Directors of VA facilities are being pulled between these two priorities, and the loser will be our Nation's veterans.

The additional \$25 million for payment of special salary rates by which the House bill exceeds the bill reported in the Senate is sorely needed. I encourage my good friend, Senator PROXMIRE, and other members of the Senate HUD-Independent Agencies Appropriations conference committee to accept this House provision in conference.

#### TUITION REIMBURSEMENT

Mr. President, I also want to express my pleasure with both the House's and Senate's inclusion in the medical care account of an add-on of \$5 million for tuition reimbursement. On May 12, 1987, I introduced the Veterans' Administration Health-Care Personnel Act of 1987, which included a provision for tuition reimbursement to VA health-care professionals. This provision was incorporated by the Veterans' Affairs Committee in S. 9 as reported and was passed by the Senate on December 4 as part of a substitute text for a House-passed measure, H.R. 2616. The Senate agreed to the conference report on H.R. 2616/S. 9 on April 28 which amended the original provision so as to provide for tuition reimbursement to employees seeking a nursing degree. The President signed this measure into law on May 20, 1988.



I believe this program will be instrumental in recruiting and retaining registered nurses for our VA facilities and will go a long way in assisting the agency in the furnishing of quality care to our Nation's veterans.

#### FEDERAL CIVILIAN PAY INCREASE COSTS

Mr. President, the House bill also included an additional \$42.4 million in the medical care account to fund fully, with respect to those employed under this account, an anticipated 2-percent Federal civilian pay increase in January 1989 rather than expect the VA to absorb one-half of the proposed increase as the administration's request calls for. As noted by the House committee on page 56 of its report on this measure, providing full funding in this bill is important in order to "ensure that hospital staffing will not be reduced at the beginning of the fiscal year"—as the Office of Management and Budget has required in past years based on its assumption that funding for a substantial part of the costs of the pay raise would not be requested or appropriated.

If full funding for the pay-raise costs is not provided or assured when this measure is enacted, VA health-care facilities may be forced to consider reducing their employment levels to levels less than those intended by the Congress or to divert funding intended for other important purposes, such as equipment purchases or facility maintenance and repairs, to fund the pay-raise costs. As I have noted earlier, such diversion has previously occurred to fund special salary rates and other personnel costs, and further neglect of the nonpersonnel needs of VA health-care facilities could seriously jeopardize their ability to furnish an appropriate quality of care.

Mr. President, I also strongly urge the Senate conferees to do all they can to accept the House position on this issue.

#### AIDS

Mr. President, the House-passed appropriations bill would provide an addition in the medical care account of \$27 VA million and 350 FTEE's for the 25 VA medical centers treating the largest numbers of AIDS patients.

I would like to note specifically the importance of including additional funding to cover the cost of treating patients with AIDS. The VA has provided care and treatment to more than 4,500 veterans since the epidemic began—about 6 percent of the total number of Americans with AIDS. In fiscal year 1987, the VA treated 1,927 veterans with AIDS, and the VA estimates that it will be providing care to 2,400 new veteran-patients with AIDS in fiscal year 1988 and 2,800 in fiscal year 1989.

Mr. President, nine VA medical centers, located in California, New York, New Jersey, Florida, Texas, and Puerto Rico, provide care to 50 per-

cent of the VA's total AIDS caseload. The vast majority of veterans with AIDS are concentrated in only 25 VA medical centers.

Because of this uneven distribution and deficiencies in the VA's resource allocation methodology [RAM], VA medical centers with the heaviest AIDS workloads are under tremendous financial strains. Although it costs the VA about \$25,000 a year to provide care to an AIDS patient, the average reimbursement for AIDS to a VA medical center under the RAM is between \$4,000 and \$5,000. I have been pressing the VA over the last 2 years to revise its reimbursement system to reflect more accurately the true costs of AIDS. In the interim, I have been urging the VA to provide special funding for those VA medical centers most in distress. For fiscal year 1988, the VA has allocated \$10 million for that purpose.

The Senate committee reported bill does not include any funding specifically for treatment of AIDS patients. Yet, the number of veterans with AIDS will continue to grow and the VA must have the capacity to meet their needs. Additional funding is essential for that effort, and I thus strongly urge the Senate conferees to work toward the funding level included in the House-passed bill for this category of care.

#### READJUSTMENT COUNSELING

Mr. President, in my June 7 letter, I sought Senator PROXMIRE's support for adequate funding for certain crucial veterans' programs and services, including the VA's Readjustment Counseling Program for Vietnam-era veterans, also known as the Vet Center Program. The administration had proposed a reduction of \$4.7 million and 79 FTEE's in this program, premised on its projection of a decreased demand for readjustment counseling services that has no basis in fact and is contradicted by data showing an increasing demand in recent years. I would like to thank Senator PROXMIRE and the other Appropriations Committee members for rejecting the administration's proposed reduction for this program, which the House also rejected.

#### COMMUNITY-BASED RESIDENTIAL TREATMENT FOR HOMELESS VETERANS WITH CHRONIC MENTAL ILLNESS DISABILITIES

Mr. President, I am delighted that the committee indicated expressly, both in the bill and in the committee's report as I had urged in my June 7 letter, that the VA is to maintain in fiscal year 1989 the current-services level of \$13,252,000 for the agency's Community-based Residential Treatment Program for homeless veterans suffering from chronic mental illness disabilities. This program was originally begun in fiscal year 1987 pursuant to authority provided in Public Law 100-6 and most recently was reauthor-

ized as a pilot program by section 115 of Public Law 100-322, enacted on May 20, 1988.

As I indicated in my June 7 letter to Senator PROXMIRE, the authorization level of only \$6 million in Public Law 100-322 was a compromise level reached with our colleagues on the House Veterans' Affairs Committee in response to their concerns about expenditures for new programs coming out of the base amount for the VA health-care system. Although I understand this concern, I believe that it would be a serious mistake to cut back on the level of services that the VA has been providing to homeless, chronically mentally ill veterans and, therefore, deeply appreciate Senator PROXMIRE's efforts in seeing to it that the Appropriations Committee included in the bill as reported an express provision specifying that \$13,252,000 of the funds provided to the VA's medical care account are set aside for this program in order to maintain the current level of operations in the coming year.

#### POSTTRAUMATIC STRESS DISORDER

Mr. President, I have long been very concerned about the VA's overall effort to meet the needs of veterans—most especially Vietnam veterans and, among them, those who served in combat—who experience significant psychological problems related to their military service. In that regard, I am very pleased that, as I had urged, the committee has included in the bill \$5 million for fiscal year 1989 to be used by the agency to enhance its activity in this area.

The Centers for Disease Control, in the recently released Vietnam experience study, found that 14.7 percent of the CDC-estimated 2.7 million veterans who served in Vietnam have experienced combat-related post traumatic stress disorder [PTSD] at some time since their service and that 2.2 percent of the veterans in the study had this disorder during the month before their examinations—in 1986-87. These findings are borne out by preliminary data from the extensive PTSD study that Congress mandated the VA to carry out 4 years ago and which is being conducted by Research Triangle Institute [RTI]. Our committee will be receiving from RTI at our July 14 oversight hearing on PTSD matters RTI's findings about the incidence of PTSD among Vietnam veterans.

The VA presently has 13 inpatient PTSD units which, together with other VA facilities, provided care in fiscal year 1986—the last year for which such data are available—to over 13,500 veterans diagnosed with this disorder. The VA also provides substantial assistance to veterans with PTSD through the Vet Center Program. The findings on PTSD from the CDC and RTI studies above highlight this area as one demanding still fur-

ther and special attention. Among other actions, the VA needs to support more research into the disorder, a priority recognized for service-related conditions by Congress earlier this year in the legislation that was enacted as Public Law 100-322; to perfect treatment methods; and to ensure better coordination and cooperation between its Department of Medicine and Surgery and its Department of Veterans Benefits relating to PTSD.

With further reference to the overall issue of PTSD, our committee on June 29 ordered reported as section 601 of S. 2011 a provision I proposed to require the VA to furnish inpatient and outpatient mental health services to Vietnam veterans diagnosed as suffering from PTSD related to service in Vietnam. The \$5 million added by the committee for PTSD treatment fits exactly with the authorizing committee's priorities in this area.

Consistent with the view expressed by the Appropriations Committee on page 88 of its report (S. Rept. No. 100-401) regarding the use of the funds and our committee's proposed new PTSD mandate to the VA, I urge that the VA use the additional \$5 million to enhance ongoing PTSD-treatment efforts, either by increasing resources for the 13 existing special in-patient PTSD treatment programs, by supporting the establishment of new such programs, or by enabling VA medical centers without special in-patient PTSD units to establish PTSD treatment teams for inpatient or outpatient PTSD care.

#### CONSTRUCTION

Mr. President, I am also very pleased that the Senate committee's report on this bill—on page 92—directs that \$3 million of the \$19.6 million appropriated for the advance planning fund "be allocated to begin advance planning work and required environmental impact studies associated with constructing a new VA medical center in Hawaii." I offer my congratulations and appreciation to Chairman STENNIS and Subcommittee Chairman PROXMIER for their leadership on this issue and also to Appropriations Committee member Senator INOUE and Senator MATSUNAGA of our committee for their efforts and advocacy toward meeting the health-care needs of Hawaii's veterans.

Our committee's resolutions of approval of VA major medical facility construction projects—under section 5004(a) of title 38, United States Code—for both fiscal year 1988 and fiscal year 1989 approved \$21.8 million for site acquisition for a new Hawaii VA center and nursing home care unit and \$6 million to develop preliminary plans for these facilities. We approved this project in the resolution based on recommendations made in a comprehensive study by the VA's Hawaii Veterans' Health Care Task Force, which

were endorsed by the VA's Chief Medical Director on February 11, 1988.

#### VETERANS' JOB TRAINING ACT

Mr. President, I regret that the measure reported by the Senate Appropriations Committee, like the House-passed measure, did not include any fiscal year 1989 funding for the Veterans' Job Training Act [VJTA]. This excellent program has provided more than 61,000 Vietnam-era and Korean-conflict veterans with the chance to gain the skills and on-the-job experience needed to help them break away from sustained unemployment.

Section 11(c) of the Veterans' Employment, Training, and Counseling Amendments of 1988 (Public Law 100-323), enacted on May 20, 1988, which I am proud to have authored, authorizes appropriations of \$60 million for each of fiscal years 1988 and 1989 and provides for the availability of funds through the end of fiscal year 1991. However, as I noted in my June 7 letter, the program likely could operate successfully in fiscal year 1989 with a funding level of \$30 million, which could provide quality training to approximately 10,000 unemployed veterans.

I believe the kind of help which the VJTA Program provides continues to be needed. According to the Bureau of Labor Statistics, as of March 31, 1988, more than 623,000 veterans of the Korean conflict or Vietnam era were unemployed and nearly 26 percent of all workers whose jobs are displaced by foreign competition are veterans while veterans make up only 13 percent of the work force.

I remain hopeful that a means can be found to keep this program operational when current funding is exhausted later this year.

#### STAFFING UNDER THE GENERAL OPERATING EXPENSES ACCOUNT

Mr. President, as I noted earlier, Senator PROXMIER and the other Appropriations Committee members have done particularly good work in their funding recommendations for the Department of Veterans' Benefits [DVB], an area I had stressed in my June 7 letter. The measure now before us, like the House-passed bill, would add \$17.5 million and 590 FTEE's to the budget request—which proposed to cut these amounts from current levels—to maintain the fiscal year 1988 FTEE level for DVB.

The DVB has had to absorb staffing cuts averaging 500 FTEE's per year since fiscal year 1980, and the result has been a serious decline in the VA's ability to provide benefits on a timely and effective basis. Thus, for example, the VA is now meeting only 4 of its 28 timeliness standards for compensation and pension claims. Only 29 percent of service-connected disability compensation claims are processed within 90 days of application, down from 36 per-

cent in March 1986. Only 72 percent of such claims are processed within 6 months, down from 79 percent in March 1986. Five regional offices take in excess of 138 days just to initiate evaluations of service-connected disabled veterans' chapter 31 vocational rehabilitation benefits. These are but a few examples of less than adequate service to veterans in claims processing.

In the Home Loan Guaranty Program, inadequate staffing levels appear to have contributed substantially to the tremendous increase in program costs, since there has been insufficient staff to provide adequate financial counseling to veterans when they go into default on VA-guaranteed loans. This lack of counseling has contributed to a decrease from 85.4 percent to 77.1 percent, from fiscal year 1983 to fiscal year 1987, in the number of loans in default which were cured rather than foreclosed. The inability promptly to process bids on VA-acquired foreclosed properties has caused sales of such properties to fall through, resulting in the VA having to pay the often substantial costs of holding such properties. The VA also has lacked sufficient staff to market foreclosed properties aggressively—a factor which has doubtless contributed to a VA inventory as of March 31, 1988, of 3,685 foreclosed properties which had been held for more than 12 months.

Additionally, the Senate committee's bill would reject the House's deletion of \$6.6 million for general administration, a position which I strongly urge the Senate conferees to adhere to in conference.

Another GOE area of great concern is staffing for the Office of General Counsel [OGC], and I thank Senator PROXMIER for agreeing to my proposal to include in the bill \$360,000 for 9 FTEE's to maintain the fiscal year 1988 staffing level for the OGC. Despite workload increases of 7 to 9 percent per year over the past 5 years in the OGC, its staffing has actually decreased, from 697 FTEE's in fiscal year 1985 to 693 FTEE's in fiscal year 1988, and the administration's fiscal year 1989 budget request would have reduced that amount even further—to 684 FTEE's.

In the executive branch budget process, the VA proposed to OMB that OGC be provided with 45 additional FTEE's, but OMB responded with an OGC cut of 8 FTEE's. Concurrently, the VA's Department of Medicine and Surgery has requested that an increased number of attorneys be "out-stationed" in the larger VA hospitals to provide more immediate and efficient provision of legal services needed in VA medical facilities. Although this appears to be an appropriate and, in the long term, cost-effective use of



personnel, the OGC simply does not have sufficient FTEE's available to provide the staffing needed for out-stationing.

I therefore urge that the Senate conferees maintain the funding for these nine FTEE's in conference.

#### CONCLUSION

Although in these times of budget austerity we must focus on making fiscally responsible funding decisions, it also is essential that we ensure that our veterans—who have already been asked to sacrifice so much for our Nation—are not required to shoulder a disproportionate share of the sacrifices needed to meet budget deficit targets. The passage of this measure and adoption of appropriate and equitable funding levels in conference will help ensure that our veterans are treated fairly.

Mr. President, I ask unanimous consent that the texts of my June 7 letter to Senator PROXMIER and my April 25 and May 10 letters to the members of the Appropriations Committee be printed in the RECORD at this point.

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

U.S. SENATE,

COMMITTEE ON VETERANS' AFFAIRS,

Washington, DC, June 7, 1988.

HON. WILLIAM PROXMIER,

Chairman, Subcommittee on HUD-Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR BILL: I am writing, as Chairman of the Veterans' Affairs Committee, to urge that your Subcommittee support adequate FY 1989 funding levels for the Veterans' Administration.

Although the Appropriations Committee on May 13 agreed to Senator DeConcini's amendment to add \$200 million in budget authority to the proposed allocation, under section 302(b) of the Budget Act, to your Subcommittee of funding expected to be available under the FY 1989 Budget Resolution, the allocation as so increased and adopted by the full Committee is still \$1.06 billion in BA and \$477 million in outlays below the amounts assumed in the Senate-passed resolution. I therefore am greatly concerned that, in the division of funds within the Subcommittee, the VA receive sufficient funding to allow it effectively to provide services and benefits to our Nation's veterans.

The Veterans' Affairs Committee, in our March 25, 1988, report on our FY 1989 budget views and estimates (copy enclosed), unanimously recommended FY 1989 funding levels of \$29.230 billion in BA and \$28.656 billion in outlays for VA programs, which were only \$156 million and \$132 million, respectively, more than the CBO baseline levels. Our recommendations are for essentially a current services budget that provides for the activation of newly-constructed medical facilities scheduled to come on line in FY 1989 and for selected, forward-looking initiatives, including funding for implementation of provisions enacted on May 20, 1988, in Public Law 100-322 to help the VA overcome difficulties in the recruitment and retention of health-care personnel, for alternatives to institutional care, for improvements in health-care quality-assurance pro-

grams, and for AIDS and drug abuse treatment and research efforts.

In urging your careful consideration of our Committee's views, I would like to emphasize our specific areas of concern—staffing under the VA's medical care and general operating expenses accounts, and funding for the program of community-based care for homeless and certain other chronically-mentally-ill veterans and the Veterans' Job Training Act program.

#### HEALTH-CARE FACILITY STAFFING

The FY 1988 appropriations for the VA's medical care account maintained the FY 1987 staffing level (194,140 FTEEs), but required that approximately 2,000 FTEEs for the staffing of newly-activated facilities be derived from staffing reductions at existing facilities. This absorption of about 2,000 FTEEs for new activations has been required for each of the last 4 fiscal years. Another 1,882 FTEEs are estimated to be needed for new activations for FY 1989. Requiring existing VA facilities once again to absorb these new FTEEs could seriously threaten the VA's ability to provide quality healthcare to our veterans.

VA staff-to-patient ratios already are well below comparable ratios in community facilities, and I see no basis for believing that reducing these ratios in VA facilities can be accomplished without an adverse impact on the care furnished for veteran-patients. Moreover, it is not just the number of patients that determines the number of staff needed, but the amount of care which they need as well. The aging of the veteran population and the growing numbers of patients suffering from AIDS—the VA treats approximately 6-7 percent of all U.S. AIDS patients and will treat approximately 2,800 new AIDS patients in FY 1989—require more intensive care and thus increased, not decreased, staffing ratios. At a minimum, therefore, funding sufficient to maintain staffing at the level for which funds were appropriated in FY 1988 is essential to enable the VA to maintain the current level of care.

Staffing in the VA health-care system has been under a serious strain in the past year, and the VA is having a difficult time responding to the competitive tactics of non-Federal facilities. There are significant shortages of nurses, pharmacists, physical and occupational therapists, and other specialized health-care professionals. Beds have been closed and services have been reduced as a direct result of these staffing shortages. To give the VA some of the tools it needs to compete effectively with the private sector for the services of health-care professionals, Congress enacted in sections 211, 212, 214 and 216 of Public Law 100-322 (copies of the conference report and CBO's cost estimate are enclosed) new authorities to enhance salaries and benefits for personnel in areas where the VA is experiencing shortages.

According to the Administration, these provisions could cost up to \$66 million. It is important for this funding to be provided in order to make it possible for the new authorities to be utilized without a reduction in funding available for other essential costs of furnishing care.

There is one other area involving the medical care appropriation that I want to bring to your attention. The President's budget proposed a reduction of \$4.7 million and 79 FTEEs in the VA's Readjustment Counseling Program (RCP) for Vietnam-era veterans. From our Committee's hearing and related activity, it has become clear that this reduction was premised on a decrease that

the Administration assumed in the demand for readjustment counseling services. No such decrease has occurred and there is no factual basis for believing that it is likely to occur in the next year. I therefore urge that you reject this proposed reduction and that your Committee's report expressly indicate that the RCP is to receive full funding in FY 1989.

#### COMMUNITY-BASED CARE FOR HOMELESS AND CERTAIN OTHER CHRONICALLY MENTALLY ILL VETERANS

I also seek your support for FY 1989 funding for the pilot program established by section 115 of Public Law 100-322 to provide community-based care and treatment and rehabilitative services to certain homeless and other veterans suffering from chronic mental illness (CMI) disabilities. The VA projects a need for \$12.9 million in FY 1989 to continue to provide such CMI services at the FY 1988 level. The early reports on a predecessor program which currently is ongoing—and which the pilot program replaces—have been very encouraging (a copy of a recent article on the program's accomplishments is enclosed), and I urge your help for ensuring that we can continue to assist homeless, mentally-ill veterans.

Although the pilot program as included in the new law reflects an authorization of only \$6 million, this figure was included at the insistence of the House conferees because of their concerns about expenditures for new programs coming out of the base amount for the VA health-care system without the concomitant appropriation of new funds. Although that concern is not groundless, I believe this program is an important one and, inasmuch as the VA continues to project a need for \$12.9 million in FY 1989 to continue the current level of necessary services to homeless, chronically mentally ill veterans, I urge you to support that amount in full rather than require a cut-back in such badly-needed services.

Also, since section 115(f)(3) of Public Law 100-322 provides that in FY 1989 only funds specially appropriated for the program may be obligated, I ask that report language expressly specify the amount included in the medical care account for this program (which I urge be \$12.9 million).

#### STAFFING UNDER THE GENERAL OPERATING EXPENSES ACCOUNT

The Department of Veterans' Benefits (DVB) has had to absorb staffing cuts averaging 500 FTEEs per year since FY 1980, and the result has been a serious decline in the VA's ability to provide benefits on a timely and effective basis. Thus, for example, the VA is meeting only 4 of its 28 timeliness standards for compensation and pension claims. Only 29 percent of service-connected disability compensation claims are processed within 90 days of application, down from 36 percent in March 1986. Only 72 percent of such claims are processed within 6 months, down from 79 percent in March 1986. Five regional offices take in excess of 138 days just to initiate evaluations of service-connected disabled veterans' chapter 31 vocational rehabilitation benefits. These are but a few examples of less than adequate service to veterans in claims processing.

In the home loan guaranty program, inadequate staffing levels appear to have contributed substantially to the tremendous increase in program costs, since there has been insufficient staff to provide adequate financial counseling to veterans when they go into default on VA-guaranteed loans.

This lack of counseling has contributed to a decrease from 85.4 percent to 77.1 percent, from FY 1983 to FY 1987, in the number of loans in default which were cured rather than foreclosed. The inability to process promptly bids on VA-acquired foreclosed properties has caused sales of such properties to fall through, resulting in the VA having to pay the often substantial costs of holding such properties. The VA also has lacked sufficient staff to market foreclosed properties aggressively, resulting in a VA inventory as of March 31, 1988, of 3,685 foreclosed properties which had been held for more than 12 months.

Another area of great concern is staffing for the Office of General Counsel (OGC). Despite workload increases which the OGC estimates to have been 7 to 9 percent per year over the past 5 years, staffing has actually decreased, from 697 FTEs in FY 1985 to 693 FTEs in FY 1988, and the Administration's FY 1989 budget request would reduce that amount even further—to 684 FTEs. This year, the VA proposed to OMB that OGC be provided with 45 additional FTEs but instead received a cut of eight FTEs. Concurrently, the VA's Department of Medicine and Surgery has requested that an increased number of attorneys be "outstationed" in the larger VA hospitals to provide more immediate and efficient provision of legal services needed in VA medical facilities. Although this appears to be an appropriate and, in the long-term, cost-effective use of personnel, the OGC simply does not have sufficient FTEs available to provide the staffing needed for outstationing.

I therefore urge that, at a minimum, sufficient funds be provided to maintain in FY 1989 the FY 1988-funded FTEE levels for DVB and OGC.

#### VETERANS' JOB TRAINING ACT

I also strongly urge FY 1989 appropriations of \$30 million for the Veterans' Job Training Act (VJTA) which promotes training and employment opportunities for long-term jobless Vietnam-era and Korean-conflict veterans through a program of cash incentives to employers to help them defray the costs of employing and providing training to these veterans. Section 11(c) of the Veterans' Employment, Training, and Counseling Amendments of 1988 (Public Law 100-323), enacted on May 20, 1988, authorized appropriations of \$60 million for each of fiscal years 1988 and 1989 for the VJTA. This excellent program has provided more than 61,000 veterans with the chance to gain the skills and on-the-job experience needed to help them break away from sustained unemployment. A September 1986 VJTA evaluation by an independent consultant found that VJTA produced statistically-significant positive impacts upon the employment rates and the earnings levels of participants in both the training period and in the following year.

This kind of help continues to be needed by those who served in these periods of war. According to the Bureau of Labor Statistics, as of March 31, 1988, more than 623,000 veterans of the Korean conflict or Vietnam era were unemployed and nearly 26 percent of all workers whose jobs are displaced by foreign competition are veterans while veterans make up only 13 percent of the workforce. Unemployment among disabled Vietnam-era veterans—a key target group under VJTA—is estimated by the Bureau of Labor Statistics to be 8.1 percent but is believed actually to be double that rate due to such veterans becoming discouraged and leaving the workforce.

In addition, I believe the VJTA program will become even more successful as a result of modifications enacted in Public Law 100-323 to establish both a nationwide program of case-management services designed to monitor the progress of, and provide assistance to, VJTA trainees throughout their training period as well as local programs of job-readiness skills development and counseling services designed to assist veterans in finding, applying for, and successfully completing programs of job training under VJTA.

Finally, in light of the fact that obligations of VJTA funds in FY 1988 are occurring at a somewhat slower rate than in some previous fiscal years and that the VA anticipates carrying over to FY 1989 about \$8 million in FY 1988 funds, I believe that the program could likely operate successfully in FY 1989 with an appropriation level of \$30 million.

Bill, I appreciate your tremendous help and support in the past for fair and adequate funding for veterans' programs, and I look forward to your help once more. Although I am sure we all agree that, in these times of budget austerity, we must make fiscally-responsible funding decisions, it is just as necessary that we ensure that the veterans of our country—who have already been asked to sacrifice so much for our Nation—are not required to shoulder a disproportionately greater share of the sacrifices needed to meet budget deficit targets.

With warm regards,

Cordially,

ALAN CRANSTON,  
Chairman.

U.S. SENATE,

Washington, DC, April 25, 1988.

HON. JOHN C. STENNIS,  
Chairman, Committee on Appropriations,  
U.S. Senate, Washington, DC.

DEAR JOHN: As the Appropriations Committee begins deliberations on making allocations among its Subcommittees, I am writing in support of the budget priorities reflected in our recently-passed FY 1989 Budget Resolution with respect to the HUD-Independent Agencies and Labor-HHS-Education and Related Agencies Subcommittees. I understand that consideration is being given to proposals which would reduce the allocations to these two subcommittees substantially below the levels assumed in the Budget Resolution.

As Chairman of the Veterans' Affairs Committee and of the Housing and Urban Affairs Subcommittee of the Banking, Housing and Urban Affairs Committee, I am particularly aware of the very serious problems that a reduction in the allocation made to the HUD-Independent Agencies Subcommittee would have on the vital programs which fall within the jurisdiction of that Subcommittee.

Last year, many of these programs were cut well below the levels contemplated in the Senate-passed or Congressionally-approved budget resolution. A repetition of reductions in the allocation to this Subcommittee would be devastating. In addition to jeopardizing our ability to respond appropriately to the housing and urban development needs of our Nation and maintain the current level of veterans' health-care and benefits programs, further cuts would adversely affect the ability of the EPA and NSF to carry out their critical responsibilities and the ability of NASA to pursue its important mission.

Similarly, reductions in the allocations to the Labor-HHS-Education and Related

Agencies Subcommittee would undermine our efforts to meet the human services, health, and education and training needs of our Nation, especially our ability to educate our children, fight AIDS, and combat drug and alcohol abuse.

I feel strongly that the national priorities reflected in the programs under the jurisdiction of these two subcommittees are among the very highest that need to be reflected in our budgetary and appropriations decisions, and thus I strongly urge allocations for these two subcommittees along the lines contemplated in the Senate-passed FY 89 Budget Resolution.

Cordially,

ALAN CRANSTON.

U.S. SENATE,

Washington, DC, May 10, 1988.

HON. DALE BUMPERS,  
Committee on Appropriations, U.S. Senate,  
Washington, DC.

DEAR DALE, enclosed is a copy of a letter I sent to you and each member of the Appropriations Committee two weeks ago expressing my concerns that adequate budget allocations be provided to the HUD-Independent Agencies and the Labor-HHS-Education and Related Agencies Subcommittees.

I understand that the Appropriations Committee is likely to make its subcommittee allocation decisions this week. I would greatly appreciate your giving careful consideration to the issues raised in my letter as you make these decisions.

Cordially,

ALAN CRANSTON.

Mr. CRANSTON. Mr. President, I would like to discuss with my good friend, the distinguished chairman of the Appropriations Subcommittee on HUD-Independent Agencies, Mr. PROXMIER, certain of the issues I have just outlined with respect to VA appropriations.

At the outset, I want to stress that I know he did the best he could, within the inadequate allocation to his subcommittee, to meet the needs of veterans and their families. I am very appreciative for the many good things provided for in the committee bill, especially regarding salaries in the general operating expenses account, the homeless veterans CMI program, PTSD treatment, and mobile treatment units, among other items.

As noted in my statement, I am deeply concerned about the quality of healthcare the VA provides to our Nation's veterans. Adequate healthcare staffing is one essential ingredient to ensuring quality of care. The healthcare community is currently facing a recruitment and retention crisis of tremendous proportions. Hence, we must ensure that the VA has the tools necessary to compete in this difficult market.

I would like again to express my gratitude to the chairman for his cooperation in retaining in this measure the House-proposed \$5 million add-on in the medical care account for the tuition reimbursement program. I believe this program, which was created under legislation I authored that re-



cently was enacted in Public Law 100-322, will be an important tool for the VA to use to recruit and retain registered nurses.

Mr. PROXMIRE. Mr. President, I appreciate the remarks of the able chairman of the Committee on Veterans' Affairs. As he knows, I share fully his concern that the men and women who fought on behalf of this Nation be afforded high quality healthcare. I hope that this new program he has designated and we have funded will indeed help the VA combat its healthcare personnel shortage.

Mr. CRANSTON. Mr. President, another important recruitment and retention tool is special salary rates. Providing special pay rates in areas where healthcare personnel salaries are very competitive helps the VA attract and keep qualified staff.

The House included a \$45 million add-on, \$20 million more than in the Senate bill, to provide the funding necessary for the payment of special salary rates for the increasing numbers of nurses and other scarce healthcare employees being paid at these rates. If adequate funding is not provided, the VA may have to pay for these much-needed special salary rates by taking away from other, equally important, healthcare accounts.

The House also provided an additional \$42.3 million in the medical care account to fund an anticipated 2-percent Federal civilian pay increase in January 1989 for those employed under this account. As I have indicated, this funding would prevent the VA from having to absorb one-half of the increase proposed by the administration. If full funding is not provided, VA healthcare facilities may be forced to consider reducing their employment levels to levels less than intended by the Congress or to divert funding intended for other important purposes that if abandoned could seriously jeopardize the quality of care furnished in VA healthcare facilities.

Mr. President, I strongly urge the distinguished subcommittee chairman and the other Senate conferees to do all they can to accept these House figures.

Mr. PROXMIRE. Mr. President, I very much appreciate and sympathize with the Senator's point of view, and I will do my very best, keeping very much in mind the recommendations of the Veterans' Affairs Committee and its distinguished chairman, in our negotiations with the House.

Mr. CRANSTON. Again, I thank the very able Appropriations Subcommittee chairman.

I would next like to mention the inclusion in the medical care account in the House-passed bill of an add-on of \$27 million and 350 FTEE for the 25 VA medical centers treating the largest numbers of AIDS patients. I earlier noted specifically the importance of

including additional funding to cover the cost of treating patients with AIDS. In fiscal year 1987 alone, the VA treated 1,927 veterans with AIDS and estimates that it will be providing care to 2,400 new veteran patients with AIDS in fiscal year 1988 and 2,800 in fiscal year 1989. Although it costs the VA about \$25,000 a year to provide care to an AIDS patient, the average reimbursement for AIDS to a VA medical center is between \$4,000 and \$5,000.

The Senate Appropriations Committee was unable this year to include any funding specifically for treatment of AIDS patients. Yet, the number of veterans with AIDS will continue to grow and the VA must have the capacity to meet their needs. Additional funding is essential for that effort, and I thus strongly urge that the Senate conferees work toward the funding level included in the House-passed bill for this category of care.

Mr. PROXMIRE. Again, I appreciate the concerns of my colleague from California. Last year, we were able in the Senate bill to add money for AIDS treatment, and we will do our best again this year in conference to take this concern into account within the allocation to our subcommittee.

Mr. CRANSTON. Mr. President, I thank the Senator from Wisconsin. I would now like to focus for a moment on the language in the House committee report, which I noted earlier, directing the VA to limit the number of healthcare facilities to which scholarship recipients may be assigned to 50 percent of the facilities with the most serious recruitment and retention problems. I believe this approach, which focuses on the short-term problem by providing staff only to facilities already suffering from staffing shortages, does not provide the VA with the flexibility it needs to address the long-term nature of the recruitment and retention problem.

In addition, I note that the House-passed bill would limit the number of VA administrative support staff employed under the medical care account and that the committee report directs the VA to limit the number of engineering support staff. The House committee stated as its reason for these provisions that nondirect patient care staffing has increased disproportionately to other staff over the last 6 years, thus reducing the overall number of direct patient care staff. As I mentioned earlier, I believe the House approach does not adequately recognize the important role support personnel play in providing services that enhance the quality of direct patient care. Employing adequate support staff also improves the VA's ability to recruit and retain these direct patient care staff.

In my view, these two approaches do not respond appropriately to the VA's

recruitment and retention problem and staffing needs, and I urge that the Senate conferees not accept them.

Mr. PROXMIRE. Mr. President, I think the chairman of the Veterans' Affairs Committee makes some compelling arguments on these issues, and I plan to raise these same points in conference.

Mr. CRANSTON. Mr. President, I thank the chairman for taking the time to consider these matters and would like again to express my deep appreciation for his close cooperation, and that of his most able chief professional staff member, Tom van der Voort, with the authorizing committee and for the many actions on behalf of our Nation's veterans taken by the Appropriations Subcommittee under his leadership.

#### REPLACEMENT OF DEMOLISHED PUBLIC HOUSING UNITS

Mr. CRANSTON. Mr. President, I am concerned about language in the appropriations bill, page 6, lines 5 through 9, that reverses an important, hard-won provision of the Housing and Community Development Act of 1987.

The language is inconsistent with congressional policy. In recent years, the Department of Housing and Urban Development has been satisfied with using a housing voucher to replace a public housing unit that is demolished or sold. The Senate and House authorizing committees have strongly opposed this policy, because a low-rent housing unit is a scarce, long-term asset that we will be able to replace only at great cost. A short-term voucher is no reasonable substitute for that asset.

The 1987 Housing Act contained a carefully drawn compromise that would permit the demolition of units that cannot reasonably be saved. The act requires public housing authorities to replace public housing units that are either demolished or sold on a one-for-one basis. The act provides that a PHA can satisfy the replacement requirement either with newly developed public housing, with acquired units, with section 8 moderate rehabilitation units or with 15-year section 8 existing certificates.

The Senate and House authorizing committees specifically considered and rejected allowing 5-year certificates for use as replacement housing. The result was a bipartisan agreement with the administration.

This appropriations bill now proposes to brush aside that agreement and provide 1,000 5-year replacement certificates. That appears to accept a policy of this administration that Congress has considered to be short-sighted and unwise.

I ask the chairman of the Appropriations Subcommittee to describe the intent of this change.

Mr. PROXMIRE. I reassure the chairman of the Housing and Urban Affairs Subcommittee that the decision to fund 5-year certificates was not intended to be a rejection of the principle of one-for-one replacement contained in the 1987 act. The action was taken in response to the realities of the budgetary process.

Put simply, the budget authority needed to fund 15-year certificates is three times as high as that needed to fund 5-year certificates. By proposing to waive the 15-year requirement for fiscal year 1989, the committee sought to fund greater numbers of section 8 certificates that will be used by new recipients. A worthy policy would be temporarily waived in order to achieve higher units of incremental rental assistance.

Mr. CRANSTON. I thank the chairman for his explanation. Budgetary constraints are forcing difficult trade-offs in every arena.

I understand the desire for gaining the largest number of rental certificates with available budget authority. I believe, however, that the principle of long-term replacement of demolished or sold housing units is especially important now that the supply of housing available and affordable to low-income Americans is declining rapidly.

I note that the House appropriations bill requires that the 1987 act restrictions on replacement housing be satisfied. The requirement might lead to a lower number of replacement certificates being funded and perhaps some delay in the demolition or sale of some units. However, the House provision ensures that replacement of public housing will proceed judiciously. Once those units are gone, they are gone for good.

I urge Senate conferees to accept the House provision, or if HUD estimates that more replacement certificates are needed for fiscal year 1989, to provide for the requisite number of 15-year certificates.

Mr. PROXMIRE. I assure the chairman of the Housing Subcommittee that the Appropriations Committee will give his comments serious consideration in resolving this issue with the House in conference.

#### TIJUANA SEWAGE DEFENSIVE SYSTEM

Mr. CRANSTON. I would like to ask the manager of the bill about funding for a critical Federal project in California. The project is the Tijuana sewage defensive system.

The House has included \$27 million in its version of the fiscal year 1989 HUD and independent agencies appropriation bill for the construction of defensive works to protect San Diego, CA, from Mexican sewage flowing across the border. However, there are no funds for this project in the Senate bill before us.

I am aware that the manager of the bill is reluctant to earmark funds for specific sewage projects and prefers for cities to follow the normal process of applying for grants from their State's share of Federal construction grant funds. However, the Tijuana sewage defensive system is a Federal project. Congress authorized EPA to build the project to address this international pollution problem and public health threat.

Today an average of 8 million gallons of raw sewage flows across the border every day. EPA says the level will reach 34 million gallons a day by 1990 and 100 million gallons soon after the year 2000. This Mexican sewage is polluting the federally protected Tijuana estuary. It is polluting California beaches, forcing their closure to the public.

The Federal Government has a responsibility to protect its citizens from Mexican sewage. Congress has already recognized this Federal responsibility by authorizing the Tijuana project and appropriating \$5 million for planning the defensive works. Now an appropriation of \$27 million is needed so that EPA can construct and complete the project.

In light of this situation, I would like to ask the floor manager of the bill if he will accept the House funding for this project in conference.

Mr. PROXMIRE. I thank the Senator from California for his comments. I understand the importance of this project and the Federal Government's responsibility to protect its citizens from the Mexican sewage flowing across the border into San Diego. The House, as you know, has included funds for this project in its bill. I assure you I will help in conference with the necessary Federal funding.

#### THE SAN JOAQUIN VALLEY AIR QUALITY STUDY

Mr. CRANSTON. I wonder if I could engage the manager of the bill in a brief colloquy regarding the fiscal year 1989 HUD appropriations bill and specifically the San Joaquin Valley air quality study.

Mr. PROXMIRE. I would be happy to discuss it with the Senator from California.

Mr. CRANSTON. The San Joaquin Valley air quality study is a project to collect information and certain data in order to address more effectively the ozone pollution problem in the valley. The severity of the air pollution in the San Joaquin Valley poses a serious threat to the health of the residents and is damaging the valley's \$8 billion agricultural crop. Although the problem has been recognized for a number of years and controls have been instituted in the area, they have not been as effective as was anticipated.

The problem, as I understand it, is that the agencies involved have been operating on limited information, and because certain essential information

is lacking, the area has met with limited success in reducing the ozone levels in the valley.

The study would provide the information needed to make future controls truly effective. By collecting information regarding the ozone transport problem and the chemical makeup and percentage amounts contributed by each source to the total problem, this data can then be used to devise an appropriate and effective control strategy.

Last year, although \$1 million was provided in the House bill, the matter was dropped in conference. This year, although funding was not provided in the Senate bill, \$3 million, which represents the total Federal commitment to the project, was included on the House side.

I certainly appreciate the great fiscal restraints under which the appropriations committees are laboring this year. I would simply request of the manager of the bill that in conference he take another look at this project and see if there is any available funding that could be provided this year to get the project underway.

Mr. PROXMIRE. I can assure my colleague that when we go to conference with the House on this bill, I will take another look at the project and do my best to see if funding can be provided.

#### SECTION 8 MODERATE REHABILITATION PROGRAM

Mr. BUMPERS. Mr. Chairman, I would like to thank you for all the hard work you have put in on this bill. The HUD bill funds many valuable and innovative Government programs, and in our current budget environment, we have been forced to make some hard choices. I do not think you can touch a place in this bill without someone saying "ouch."

Mr. PROXMIRE. Well, I thank the Senator for his remarks, and I know that he is committed as I am to getting our monumental deficits under control and rebuilding our fiscal strength.

Mr. BUMPERS. And because of the weight of these staggering deficits, it is tragic that we are now unable to deal with the issues we believe in most, which are fundamental to our value system—basic and critical things like educating our people, providing quality health care, and preserving our natural lands. I think the HUD bill reflects some of the hard cuts we have had to make, and I wonder if the Senator would not mind entertaining a few questions about HUD's section 8 moderate rehabilitation program and where it might be going.

Mr. PROXMIRE. I would be happy to respond, Senator.

Mr. BUMPERS. I have an amendment to restore funds for the section 8 moderate rehab program, which, as you know, was zero-funded by the



Senate. The House appropriated \$549,675,000 for 5,000 units, and I can see why.

This program seems to be well-conceived, and I think we need to do all we can to encourage the private sector to get involved in housing. As the Senator knows, with a growing and alarming number of homeless Americans and skyrocketing rents in many quarters, it seems to me that the low-income renter—just like the middle class—is being squeezed out. This program seems to be a good way to do a lot for everyone—the owner wins because he can cheaply rehabilitate his building and maintain a steady source of income; the section 8 tenant wins because he now has a decent place to live.

I am concerned about this program, and wonder if in a few years we are not going to have another cataclysm on our hands from the kind of action we are taking now. Could I have the Senator's thoughts on that?

Mr. PROXMIRE. I agree with the Senator. Section 8 mod rehab is a vitally important program. But after much consideration, the committee decided that these dollars could be better spent in modernizing our public housing stock and funding other valuable programs, such as those in the EPA. These are very painful choices, and do not reflect negatively on the great merit of the section 8 moderate rehabilitation program. We simply could not fund everything and met our responsibility under the Budget Act.

Mr. BUMPERS. Senator, I am aware the Senate zero-funded this program last year, fiscal year 1988 whereas the House provided \$595,170,000 for 6,000 units. The conference came out at \$495,975,000 for 5,000 units.

In fiscal year 1987, in a Republican-controlled Senate, the House appropriated \$716,287,500 for 7,500 units and the Senate came out at \$477,525,000 for 5,000 units. The conference adopted the House figure.

There seems to be a rough pattern here. Does the Senator have any thoughts on where it will come out this year?

Mr. PROXMIRE. Well, Senator, let me say this. This is a very popular program, and an important one. It enjoys substantial support in both the House and Senate. I will do all I can in conference to find funds for the section 8 moderate rehabilitation program.

Mr. BUMPERS. I thank the Senator. And with that in mind, I will not offer my amendment.

#### DE WILDE POOL FUNDS

Mr. D'AMATO. Mr. President, I want to discuss an issue of importance to New York as well as 10 other States. The issue revolves around unexpended balances of section 236 funds and agreements reached in 1973 between HUD and certain State-housing agencies on how to obligate these funds.

These so-called De Wilde agreements stipulated that the excess section 236 funds would be released. Over the years disputes between HUD and the State agencies arose over which projects could be obligated. The Department's position has been that these funds could only be obligated for the specific projects outlined in the De Wilde agreements. The State agencies felt that the funds could be used for projects not stipulated in the De Wilde agreements, but currently receiving section 236 funds.

Mr. PROXMIRE. If the Senator from New York would yield, Wisconsin is one of the States that has a claim on a portion of the De Wilde pool funds. Last year, the Housing and Community Development Act of 1987 resolved the dispute between HUD and the State agencies interested in the De Wilde issue. Section 430 of the act expanded the number of projects that could be funded beyond the original De Wilde pool agreements. Section 430, however, requires that release of the available funding must be approved in an appropriations act.

Mr. D'AMATO. The chairman of the subcommittee is correct. As a result, the House-passed HUD-Independent Agencies Appropriations Act includes report language instructing the Secretary to release the De Wilde pool funds. Indeed, the chairman supported similar language in the report accompanying the HUD-independent agencies bill as reported by our subcommittee.

Mr. PROXMIRE. The Senator from New York is correct. I supported the report language in the HUD-Independent agencies bill as reported by our subcommittee. However, it was brought to my attention by the Budget Committee that the De Wilde pool report language would trigger outlays and thus the language was removed from the report in full committee. But I want to assure the Senator from New York that I do support report language instructing the Secretary to release the De Wilde Pool funds.

Mr. D'AMATO. Mr. President, I greatly appreciate the chairman's comments. Is it the chairman's intention to recede to the House when the De Wilde report language is raised in conference?

Mr. PROXMIRE. Mr. President, as I stated earlier, I want to comply with section 430 of the House reauthorization bill and I strongly support the report language passed by the House. I would hope we could accept the House language in conference.

Mr. D'AMATO. Mr. President, I appreciate the chairman's support. I yield the floor.

#### EPA'S CLEAN LAKES PROGRAM AND LAKE WASHINGTON IN RHODE ISLAND

Mr. CHAFEE. Mr. President, as the managers of this bill know, I have

been working with them to assure adequate funding for a host of EPA programs including the Clean Lakes Program that is authorized under the Clean Water Act Amendments of 1987. Last year we found ourselves in the unfortunate position of approving a continuing resolution that included no funds for Clean Lakes even though the House and Senate had each approved bills that would have provided money for this important program. This year, I am pleased to see that both bodies have again included funds for this program and am confident that these provisions will survive in conference with the House.

My question for the managers is a simple one. Is the listing of lakes on page 44 of the committee report that allocates money for demonstration programs as authorized by section 315(b) of the Water Quality Act an exclusive list?

Mr. PROXMIRE. No, that list is not intended to be an exclusive list. Since that report was written, it has come to my attention that a Federal grant of \$70,000 is needed to supplement State and local efforts to clean up Lake Washington in Rhode Island. Such a grant should be included in the list the Senator has referred to. It may be possible to have Lake Washington specifically mentioned in the conference committee report on this measure.

Mr. CHAFEE. I thank the chairman for his help and understanding. The Lake Washington Association has been working for a number of years to clean up this beautiful lake. Following congressional recognition of the importance of this project in section 315(b) of the Water Quality Act, the General Assembly of Rhode Island appropriated \$30,000 for the State share of this joint State-Federal project. In addition, the town of Glocester approved \$2,000 of local funds to study how the lake should be cleaned up and has established a six member commission to oversee the project. It is now time for the Federal Government to provide its share of the project costs.

If the managers of the bill will accept a decision to fund the Lake Washington project as the Senate position and press for specific reference in the conference committee report dealing with funding for demonstration projects under section 315(b) of the Water Quality Act or, failing that, under the base program for Clean Lakes, I will be most appreciative.

Mr. PROXMIRE. The Senator from Rhode Island has my assurances that we will consider funding for Lake Washington as part of the Senate position and will seek to have it mentioned in the conference report.

Mr. GARN. I agree with my colleague from Wisconsin. The Senator from Rhode Island has presented the rationale for this project in his usual

convincing fashion and the course he has outlined is agreeable to this Senator.

Mr. CHAFEE. I thank my colleagues for their help in this matter.

VA NURSING HOME-CARE FACILITY, WILKES-BARRE, PA

Mr. HEINZ. Mr. President, my colleague Senator SPECTER and I wish to engage the distinguished managers of the bill in a colloquy regarding the Department of Housing and Urban Development and Independent Agencies Appropriation.

The House has approved \$4,670,000 for the construction of a 60-bed nursing home care facility in Wilkes-Barre, PA. Congress, back in fiscal year 1986, directed the VA to design this nursing home and anticipated that funds for construction would be included in the fiscal year 1987 budget request. Public Law 100-202, the fiscal year 1988 continuing resolution directed the VA to proceed with the nursing home design project following the VA's failure to heed the language contained in the fiscal year 1986 conference report. The VA, to its credit, has moved to procure a design. My concern is that this process not be disrupted any further, and I want to ask whether the managers anticipate completion of this design in fiscal year 1988.

Moreover, my colleague Senator SPECTER and I support the appropriation contained in the House measure. Above all, Mr. President, I want the managers to know that the long delay that has already taken place is of tremendous harm to the valorous veterans of northeastern Pennsylvania. These outstanding former servicemen and women must now wait months for a bed, even for service-connected injuries. Non-service connected veterans may never be served unless Congress approves the additional nursing care facility.

So I rise to alert my colleagues, Senator PROXMIRE and Senator GARN, to this urgent need. We urge them to accept the House action in conference, and would be most interested in their comments.

Mr. SPECTER. I join Senator HEINZ in asking the managers to carefully consider this issue in conference. I chose not to raise this issue in committee, because I was and am well aware of the severe funding constraints the HUD and Independent Agencies Appropriations Committee is under. As a practical matter, I was aware of the absence of sufficient funds to place this project in the Senate bill. However, in the give and take of the conference, there are inevitably certain trade-offs and I urge my colleagues during the conference committee to give favorable consideration to receding to the House position. As a member of the Senate Veterans' Affairs Committee, I have taken a close look at the nursing problems of north-

eastern Pennsylvania and feel that this issue needs to be addressed. Wilkes-Barre's existing VA nursing home is occupied at all times. On any given day the waiting list consists of approximately 250 names. The average wait for a veteran with service-connected injuries is 3 to 4 months. Non-service connected veterans must wait indefinitely.

This disservice to veterans should not continue. The delays in provision of services by new nursing care facilities for these veterans is totally unacceptable. Thus, it is imperative that the Senate recede to the House amendment in conference, and provide the appropriation of \$4.6 million for construction to go forward.

Mr. PROXMIRE. I thank my colleagues for bringing their concerns to our attention. It is the subcommittee's understanding that the VA is proceeding with the design for this facility. We are told by the VA that complete working drawings will be available by February 24 of next year.

As for the House appropriation, we will be happy to review the matter of this particular nursing care facility in conference. I know my colleagues are aware of the constraints this appropriation must adhere to, and that any adjustments in conference will, in all probability, require adjustment to the subcommittee's 302(b) allocation. In conference, if we are able to do so, we will try to assist the Senators with their concerns.

Mr. GARN. I appreciate the comments of the Senators from Pennsylvania. We do expect that the requirements of appropriations originating in our subcommittee will be adhered to. No one wants to see veterans put on long waiting lists for health care. In conference we will try to address this problem.

Mr. HEINZ. I thank my friends for their attention to what is becoming a very serious problem for northeastern Pennsylvania's veterans, and I hope they will resolve this matter favorably in conference.

Mr. SPECTER. I also want to thank Senator PROXMIRE and Senator GARN for their help, and I look forward to working with them when the measure goes to conference.

#### STATEMENT ON THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS BILL FOR FISCAL YEAR 1989

Mr. CHILES. Mr. President, Senate Budget Committee scoring of the Department of Housing and Urban Development appropriations bill for fiscal year 1989 as reported by the full Appropriations Committee shows that the bill is exactly at its 302(b) budget authority allocation by and exactly at its outlay target. I commend the distinguished chairman of the subcommittee, Senator PROXMIRE, and the ranking minority member, Senator GARN, for their efforts to stay within

their 302(b) allocations in crafting this bill. I would note that any amendment which would have the effect of increasing either the budget authority or outlay levels reported by the committee will be subject to a 302(f) point of order under the provisions of the Budget Act.

Mr. President, I have a table from the Budget Committee showing the official scoring of the HUD appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

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

#### SENATE BUDGET COMMITTEE SCORING OF H.R. 4800—HUD-INDEPENDENT AGENCIES—SPENDING TOTALS

(Senate reported, in billions of dollars)

	Fiscal year 1989	
	Budget authority	Outlays
302(b) bill summary:		
H.R. 4800, Senate reported (new budget authority and outlays).....	59.1	34.5
Enacted to date.....		29.7
Adjustment to conform mandatory programs to resolution assumptions.....	— (1)	+ 3
Scorekeeping adjustments.....		
Bill total.....	59.1	64.5
Subcommittee 302(b) allocation.....	59.1	64.5
Difference.....	— (1)	— (1)
Bill total above (+) or below (—):		
President's request.....	+ 4	— 6
House-passed bill.....	— 6	— 3
Summit cap summary:		
Defense spending in bill.....	.4	.3
Allocation under defense cap.....	.4	.3
Difference.....	0	— (1)
Domestic discretionary spending in bill.....	42.7	48.2
Allocation under domestic cap.....	42.7	48.2
Difference.....	— (1)	— (1)

(1) Less than \$50 million.

Note: Details may not add to totals due to rounding.

Source: Prepared by Senate Budget Committee Staff.

Mr. DOMENICI. Mr. President, I support the HUD-independent agencies appropriations bill as reported by the committee.

The bill provides \$59.1 billion in budget authority and \$34.5 billion in new outlays for the Department of Housing and Urban Development and for independent agencies such as NASA, EPA, the Veterans' Administration, and the National Science Foundation.

Taking into account outlays from prior-year budget authority and other adjustments, the HUD Subcommittee has stayed within its allocation under section 302(b) of the Budget Act.

As reported, the bill is below the subcommittee's section 302(b) allocation by only about \$2 million in budget authority and outlays. Therefore, I urge my colleagues to reject any amendments that would increase spending totals in this bill.



## NSF RESEARCH IN ASTRONOMY

Mr. President, I am pleased that the Senate Appropriations Committee has gone on record supporting an adequate level of funding for research in astronomy through the National Science Foundation.

As our colleagues on the House Science and Technology Committee have forcefully laid out, we have a crisis waiting to happen in astronomy if we do not enhance this basic research and astronomy facilities as we have in other disciplines.

Other than funding for the very long baseline array radio telescope network—the highest priority for ground-based astronomy for this decade—overall funding for astronomy has been held level over the past several years. This comes at a time when the administration has requested significant annual increases for NSF and a doubling of its budget over the next 5 years.

I share the concern of my colleagues that astronomy is being shortchanged. I commend the Senate Appropriations Committee for including language in its report that funding for astronomical sciences shall be maintained at the level requested in the President's budget.

Even at this level, it will be difficult to maintain our research infrastructure and adequately staff observatories.

I believe these are high-priority programs and fully expect that every effort will be made to operate astronomy facilities adequately in fiscal year 1989, including the Sacramento Peak Observatory and the very long baseline array in New Mexico.

Mr. President, the United States is a leader in science and technology. But in many fields, including astronomy, foreign competition jeopardizes the excellence we have attained. I hope the action by the Senate and House Appropriations Committees will ensure that the Nation remains the world's leader in astronomical sciences.

Mr. WILSON. Mr. President, I rise today to speak on behalf of a critical sewer works projects that is designed to keep fugitive Mexican sewage flows out of the United States.

The project I speak of is what is known as a "defensive sewer works system" that is intended to capture sewage from Tijuana, Mexico, before it flows over the border into San Diego. This project is not intended to service San Diego sewage—a separate challenge itself that Congress will have to confront at a later date—rather, these proposed defense works are designed to protect the U.S. side of the border from sewage overflows originating in Tijuana.

Regrettably, the bill before us today does not contain the necessary funds

to complete construction of this project.

Much to my surprise, the reason for the deletion of these funds does not apparently turn on the merits of this proposed project, rather it has to do with the fact that the committee does not wish to earmark funds for specific projects in this bill. In fact, I understand that earmarks for the three other sewer projects that were specifically included in the House version—funds for Boston Harbor, a wastewater plant in Des Moines, and utility relocation costs in New York City—were also struck from this bill.

Mr. President, this policy of opposing the earmarking of funds for special projects makes no sense.

It is the responsibility of this body to prioritize what we think to be the highest budget priorities. When we don't, and the House does, then our conference committee members are limited to a consideration of whatever the House deems to be the most important items.

Even though the House has included \$27 million for the funding of the Tijuana sewage project that I am interested in today—thus making this particular item conferenceable—I remain vigorously opposed to this policy of no earmarking for special projects.

Had the House not included funding, then we would have lost the opportunity to fund this project not because it fails to qualify for funding on its own merits—because I am certain that my colleagues will agree that it does deserve to be funded—but because it would have been viewed as an earmark and therefore automatically rejected.

In order to keep this project on track, it will be necessary for the forthcoming House/Senate conference on this bill to adopt the House mark of \$27 million.

The problem of Tijuana sewage is nothing new. Sewage from Mexico has been penetrating our international border since the 1930's. We have gone to great lengths in the past to convince the Government of Mexico to address this problem, but our efforts have been largely to no avail.

The particular problem for San Diego is twofold. First, the existing Tijuana sewer works are notorious for malfunctioning. When its system fails, the Tijuana sewage flows down hill and across the border into San Diego.

Second, even when Mexico's system does work, it is incapable of capturing all of Tijuana's sewage. As a result, at least 10 to 12 million gallons a day [mgd] of raw sewage flows directly in the Tijuana River as it crosses the border into the United States—polluting a federally recognized estuary in the process.

What is even more disturbing is that the problem promises to become much worse in the next few years. The Environmental Protection Agency esti-

mates that Tijuana sewage flows will reach 34 mgd by 1990 and increase dramatically to 100 mgd by the year 2005. Given that Tijuana's existing sewer system capacity is only 34 mgd—and there are no immediate plans or money to increase that capacity—we are confronted with a situation where tomorrow's Tijuana sewage will have no place to go but over the border and into the United States.

San Diego's worst fears are beginning to come true. This beautiful city and its surrounding communities are in peril of being polluted with Tijuana waste. San Diego is struggling to cope with its own sewer system needs, and it does not need its problems compounded by Tijuana.

The solution to this problem is one that the Congress has already determined to be appropriate. In 1984, we decided to authorize \$32 million to finance a Tijuana sewage defensive works system along the United States-Mexico border. This system is basically designed to link up an emergency sewer pipe to Tijuana's main pump station. In the event of a pump failure, Mexican sewage would flow into this emergency pipe, which extends along the United States border. The pipe would then dump the sewage back into Tijuana's treatment system at a point where a gravity flow channel moves the Tijuana sewage to treatment lagoons further down the Mexican coastline. This pipe will also be designed to capture fugitive Tijuana sewage that is flowing directly into the Tijuana River.

For fiscal year 1988, Congress appropriated \$5 million for engineering and design of this project. To further this cause, we now need \$27 million in fiscal year 1989 to permit the timely completion of this defensive sewer works system.

In closing, let me emphasize the uniqueness of this project. As many and varied as are the sewer works systems needs of this country, none are intended to cope with the real threat of foreign waste. We already have a Clean Water Sewer Grant Program that is intended to help local communities finance treatment works projects. But we don't have a program designed to address the threat of foreign waste because, quite frankly, it has not been a problem anywhere but Tijuana.

The \$27 million that is needed to complete construction of the defensive sewer works project will go a long way toward addressing this unique Tijuana problem. I urge my colleagues to support this project in the forthcoming House-Senate conference on this bill.

And finally, I hope that in the future, we here in the Senate will dispense with the notion that there should be no earmarking of funds and that instead we will act to prioritize

what we agree are the highest priority projects.

Mr. GARN. Mr. President, I know of no further amendments to the bill.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment of the amendments and the third reading of the bill.

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

The bill was read the third time.

Mr. BYRD. Mr. President, have the yeas and nays been ordered on final passage?

The PRESIDING OFFICER. No, they have not.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GARN. Mr. President, before we close, I once again thank my colleague from Wisconsin. This will be the last time we will have the opportunity to manage an appropriations bill together.

For 14 years, we have served on these committees together, and I will sincerely miss my friend and colleague. I commend him for all the great work he has done, for a long, long time before I came here.

Mr. PROXMIRE. I thank my good friend from Utah. He is an outstanding Senator in every way, and it is always a great pleasure to work with him.

One of the reasons I regret leaving the Senate is that I will no longer work with him, although I am looking forward to not having to go through some of this turmoil. That makes it a little easier.

#### MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business not to extend beyond 10 minutes, and that Senators may speak therein.

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

#### MESSAGES FROM THE HOUSE

At 4:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4174. An act to amend the Small Business Act and the Small Business Investment Act of 1985, and for other purposes.

H.R. 4315. An act to provide for the inclusion of certain lands within the John Muir National Historic Site;

H.R. 4375. An act to improve the management of certain public lands in the State of Michigan;

H.R. 4915. An act to amend the Public Health Service Act to revise and extend the program of grants for the prevention and control of sexually transmitted diseases; and H.J. Res. 600. Joint resolution to commemorate the fiftieth anniversary of the passage of the Federal Food, Drug, and Cosmetic Act.

#### MEASURES REFERRED

The following bills and joint resolutions were read the first and second time by unanimous consent, and referred as indicated:

H.R. 4315. An act to provide for the inclusion of certain lands within the John Muir National Historic Site; to the Committee on Energy and Natural Resources.

H.R. 4375. An act to improve the management of certain public lands in the State of Michigan; to the Committee on Energy and Natural Resources.

H.R. 4915. An act to amend the Public Health Service Act to revise and extend the program of grants for the prevention and control of sexually transmitted diseases; to the Committee on Labor and Human Resources.

H.J. Res. 600. Joint resolution to commemorate the fiftieth anniversary of the passage of the Federal Food, Drug, and Cosmetic Act; to the Committee on Labor and Human Resources.

#### MEASURES PLACED ON THE CALENDAR

Pursuant to the order of the Senate of July 6, 1988, the following bill was placed on the calendar:

H.R. 4174. An act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

#### PETITIONS AND MEMORIALS

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

POM-571. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on the Budget.

##### "HOUSE JOINT RESOLUTION 50

"Whereas the Alaska Legislature believes it is inappropriate that the dedicated trust funds for highways and airports are subject to the Unified Federal Budget process; and

"Whereas the highway and airport trust funds are funded by user fees collected in advance of expenditure and are dedicated to highway and airport improvement programs; and

"Whereas, at the national level, the Highway Trust Fund can support an annual spending level of over \$15,000,000,000 and the Airport and Airway Trust Fund can support an annual spending level of \$5,000,000,000; and

"Whereas inclusion in the Unified Federal Budget has limited appropriations from the Highway Trust Fund to less than \$13,000,000,000 a year and appropriations from the Airport and Airway Trust Fund to approximately \$3,500,000,000 a year; and

"Whereas the inclusion of appropriations from the highway and airport trust funds in the Unified Federal Budget prevents Alaska from receiving \$20,000,000 each year in highway funds and \$6,000,000 each year in

airport funds to which the state is entitled; and

"Whereas reductions in highway and airport transportation trust fund appropriations hamper Alaska's, as well as the other states', ability to address identified, critical transportation needs; and

"Whereas the money in the highway and airport trust funds cannot be transferred to other programs included in the Unified Federal Budget; and

"Whereas limitations on highway and airport trust fund expenditures reduce only the total federal budget but do not result in a real reduction in the federal deficit: Be it

"Resolved, That the Alaska State Legislature respectfully requests the Congress to remove the Highway Trust Fund and the Airport and Airway Trust Fund from the Unified Federal Budget."

POM-572. A resolution adopted by the Senate of the Commonwealth of Puerto Rico; to the Committee on Energy and Natural Resources:

##### "RESOLUTION

"To request the Congress of the United States to approve legislation to authorize the Legislature to fix tariffs on certain agricultural products which are not produced in the United States of America.

##### "STATEMENT OF MOTIVES

"Puerto Rico is at present engaged in a special effort to revitalize its agriculture. In order for this effort to produce optimum fruits it is necessary to use all possible resources until this sector of our economy can overcome the most important difficulties which it faces at present.

"To the use of good varieties and strains, additional methods of cultivation, and in general, the use of the most advanced technology, we must add other mechanisms, albeit temporarily, to give the needed boost to our agriculture.

"It is a usual practice to resort to the system of tariffs to protect certain sectors for the required time until their development and stability is achieved. In harmony with this concept, we see the possibility that the fixing of tariffs on the importing of certain items can be an effective instrument to give our agriculture the vigor, financial solvency and stability it should have.

"This mechanism shall be used in those tropical agricultural products which are not produced in any part of the United States.

"In consideration of the above, this Senate hereby approves this Resolution; Be it

"Resolved by the Senate of Puerto Rico:

"Section 1.—To request the Congress of the United States to approve legislation to authorize the Legislature of Puerto Rico to fix tariffs on certain agricultural produce imported to Puerto Rico which are not produced in the United States of America.

"Section 2.—Request the Resident Commissioner in Washington, D.C. to introduce said legislation before the Congress of the United States, and to use the resources available to him to achieve its prompt approval.

"Section 3.—This Resolution, duly translated into the English language, shall be remitted to the Congress of the United States of North America."

POM-573. A resolution adopted by the City Council of Arcadia, Kansas requesting that Congress avoid exercising their authority with regard to acid rain until the causes



are more clearly discernible; to the Committee on Environment and Public Works.

POM-574. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

**"SENATE CONCURRENT RESOLUTION No. 41**

"Whereas, on October 17, 1986, the Superfund Amendments and Reauthorization Act of 1986 (SARA) was enacted into law; and

"Whereas, TITLE III of that act establishes requirements for federal, state and local governments and industry regarding emergency planning and community right-to-know reporting on hazardous toxic chemicals; and

"Whereas, certain local governments are aware of the businesses and industry that are included under TITLE III and who must file TIER II reports; and

"Whereas, compliance with this law places an enormous burden on certain local governing authorities; and

"Whereas, certain local governing authorities do not have the necessary finances to accept and manage TIER II information in a manner regarded as adequate by the SARA TITLE III provision of the law; therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to provide guidance to local governing authorities as to methods of funding TITLE III of the Superfund Amendments and Reauthorization Act of 1986; be it further

*Resolved*, That a copy of this Resolution be transmitted to the Secretary of the United States and the Clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation."

POM-575. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources:

**ASSEMBLY JOINT RESOLUTION No. 62**

"Whereas, After food, shelter, and taxes, child care is the fourth highest family expense and ranges anywhere from \$250 to \$500 per month per child; and

"Whereas, California's subsidized child-care program only meets the needs of 7 percent of low-income working families who are eligible; and

"Whereas, There are at least 1.2 million children in California who have working parents in need of some child care, yet our state can only accommodate a portion of this need; and

"Whereas, Predictions show that within 10 years, the number of children under the age of six needing child care will increase by 50 percent; and

"Whereas, The need for, and price of, child care will continue to rise; and

"Whereas, Experimental programs have proven that low-income children who have been enrolled in high-quality child-care programs developed higher levels of self-esteem, grow up to be more confident, and become productive adults and are less dependent upon social programs; and

"Whereas, Our congressional leaders have recognized the need for more affordable, better quality child care through House Bill 3660 and Senate Bill 1885, the Act for Better Child Care Services of 1987; and

"Whereas, This act will provide \$2.5 billion to help states supplement current child-care programs, resulting in \$221 million for California; and

"Whereas, The act will make funds available to increase the number of child-care openings, provide training and technical assistance to child-care providers, help local governments improve licensing standards, and help providers meet licensing standards; and

"Whereas, The act has received bipartisan support and is supported by more than 150 national organizations; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully joins in support of House Bill 3660 and Senate Bill 1885, the Act for Better Child Care Services of 1987 and calls for its enactment; 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, to the Speaker of the House of Representatives, and to each Senator and Representative in the Congress of the United States."

POM-576. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Commerce, Science, and Transportation:

**CONCURRENT RESOLUTION No. 3**

"Whereas, according to federal government statistics, approximately twenty-two thousand front seat occupants of passenger cars are killed annually; three hundred thousand more sustain moderate to severe injuries; and another two million suffer minor injuries; and

"Whereas, studies have shown a clear connection between use of seat belts or other occupant restraints, and the reductions of automobile accident fatalities and serious injuries; and

"Whereas, it is estimated that seat belts are used in only twelve and one half percent of the nation's cars; and

"Whereas, airbags are cushions that rapidly inflate with gas to provide automatic protection to an occupant in the event of a crash; and

"Whereas, automatic restraints would protect occupants while mandatory seat belt laws protect only those occupants who comply with the statute, therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to consider legislation requiring automobile manufacturers to install airbags or other automatic passenger restraints in new automobiles; be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the Secretary of the United States Senate and the Clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation."

**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. WILSON:

S. 2630. A bill to correct the unfair treatment by the tax laws of the United States of citizens performing jury duty; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. MELCHER, Mr. DOLE, Mr. PRYOR, Mr. COCHRAN, Mr. BOREN, Mr. BOSCHWITZ, Mr. HEFLIN, Mr. MCCONNELL, Mr. HARKIN, Mr. BOND, Mr.

FOWLER, Mr. WILSON, Mr. DASCHLE, Mr. KARNES, Mr. BREAUX, Mr. DURENBERGER, Mr. RIEGLE, Mr. GRASSLEY, Mr. SIMON, Mr. PRESSLER, Mr. GORE, Mr. KASTEN, Mr. STENNIS, Mr. QUAYLE, Mr. EXON, Mrs. KASSEBAUM, Mr. BENTSEN, Mr. MCCLURE, Mr. DIXON, Mr. DANFORTH, Mr. MOYNIHAN, Mr. HEINZ, Mr. METZENBAUM, Mr. BURDICK, Mr. SASSER, Mr. CONRAD, Mr. KENNEDY, Mr. LEVIN, Mr. SPECTER, Mr. ROCKEFELLER, and Mr. WALLOP):

S. 2631. A bill to provide drought assistance to agricultural producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. RIEGLE:

S. 2632. A bill entitled the "Michigan Public Lands Improvement Act of 1988"; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself and Mr. GARN):

S. 2633. A bill to provide jurisdiction and procedures for claims by individuals for injuries or death due to exposure to radiation from nuclear testing; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 2634. A bill for the relief of Harold M. Wakefield; to the Committee on the Judiciary.

**STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS**

By Mr. WILSON:

S. 2630. A bill to correct the unfair treatment by the tax laws of the United States of citizens performing jury duty; to the Committee on Finance.

**TAX TREATMENT OF PAY FOR JURY DUTY**

● Mr. WILSON. Mr. President, today I am introducing a bill to correct the unfair treatment by our tax laws of citizens performing jury duty. This bill would allow a taxpayer to deduct jury pay from gross income if that income is turned over to his or her employer.

It is common practice among employers to require that the employee turn in all jury pay received for the period of service in return for continuing the employee's normal pay during jury service.

A taxpayer is required to report jury duty pay as "other income" on his tax return. Prior to the 1986 tax bill, jury pay that was turned over to the employer could be deducted as a miscellaneous itemized deduction. With the changes made in 1986, unless the miscellaneous itemized deductions exceed 2 percent of adjusted gross income, the payment to the employer cannot be deducted. The result is that the taxpayer ends up paying tax on phantom income.

Mr. Kendall Barckley of Fountain Valley, CA, brought this shortcoming to my attention. The legislation I am introducing today will correct this problem. It will allow all taxpayers, whether they itemize or not, to deduct jury duty pay from their income when

this pay is turned over to their employer.

Those who serve on juries sometimes give up weeks of their time to ensure that the judicial process is carried out properly. To financially penalize these people for carrying out one of the most important duties of a U.S. citizen is not fair.

I ask my colleagues to join me in correcting this problem by supporting this bill.●

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. MELCHER, Mr. DOLE, Mr. PRYOR, Mr. COCHRAN, Mr. BOREN, Mr. BOSCHWITZ, Mr. HEFLIN, Mr. MCCONNELL, Mr. HARKIN, Mr. BOND, Mr. FOWLER, Mr. WILSON, Mr. DASCHLE, Mr. KARNES, Mr. BREAUX, Mr. DURENBERGER, Mr. RIEGLE, Mr. GRASSLEY, Mr. SIMON, Mr. PRESSLER, Mr. GORE, Mr. KASTEN, Mr. STENNIS, Mr. QUAYLE, Mr. EXON, Mrs. KASSEBAUM, Mr. BENTSEN, Mr. MCCLURE, Mr. DIXON, Mr. DANFORTH, Mr. MOYNIHAN, Mr. HEINZ, Mr. METZENBAUM, Mr. BURDICK, Mr. SASSER, Mr. CONRAD, Mr. KENNEDY, Mr. LEVIN, and Mr. SPECTER):

S. 2631. A bill to provide drought assistance to agricultural producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

#### DROUGHT ASSISTANCE ACT

Mr. LEAHY. Mr. President, once again I am here to talk about the drought of 1988 and the havoc it has created for our farmers. Once again I am here to lament the fact that literally it could not have come at a worse time. And once again I must point out that many farmers, just beginning to see daylight after a number of lean and desperate years, have been thrown back into a deep despair.

Mr. President, we are prepared to act. From that specter of bankruptcy, we want to give the hope of a new crop and new herds next year.

My good friend, Senator LUGAR, the senior Senator from Indiana and I are going to introduce today a drought relief package that is going to give our farmers the kind of hope they need to get through this miserable crop season and the kind of assurance they need that they are going to be in business next year.

I believe that this plan will tell American farmers that the American people support them and the American people want to help them. The public knows how important their role is in keeping high quality food on the table at reasonable prices.

The package we are introducing today is a product of the bicameral and bipartisan process which the Senate and House Agriculture Committees initiated last month. It covers

all types of agricultural producers from all over the country who have suffered losses from the ravages of drought. The leadership of the House Agriculture Committee is introducing identical legislation in the other body.

There are three important principles that govern this legislation. First, we will protect farm income so that farmers who have struggled through the recent farm depression will be back in production next year. Producers will receive 65 percent of their expected return for losses greater than 35 percent of their normal crop. This is a generous proposal, Mr. President. In 1986, for example, compensation was limited to 50 percent of a producer's losses.

Second, foundation livestock herds will be protected. We do this so that livestock producers can survive this drought and protect the continuation of meat and poultry supplies for the consumers of this country. Through restructuring and new authority for the Secretary, an expanded number of producers of livestock and other animals will have access to the emergency feed programs.

Third, all producers will be treated equitably and fairly. This includes producers of program and nonprogram crops, as well as producers of program crops who did not participate in Federal farm programs. Producers will be allowed to keep their advance deficiency payments on the portion of their crops that they have lost, but will not receive both a disaster payment and a deficiency payment for any portion of their crops.

We are saying, Mr. President, in laymen's terms, there are not going to be double payments.

All disaster benefits for each producer will be capped at \$100,000—just as they were limited in 1986. Federal crop insurance payments will be taken into account and the January 1, 1989, 50-cent dairy price support reduction will be canceled. The Secretary will be given additional authority to assist producers of livestock who do not grow their own feed. Some conservation reserve program funds not otherwise spent will be used.

Mr. President, I believe that this is a balanced package. It is fair to the farmer and fair to the taxpayer. It is based upon farm program savings, not budget-busting election year politics. It is compassionate, but it is reasonable.

This legislation will move as quickly through the committee and the Senate as the members want it to move. I ask for the cooperation of every Member of this body in moving this legislation as expeditiously as possible.

Mr. President, I must say that we would not be at this point without the cooperation of Senators of both parties. I wish to especially commend my

good friend, the senior Senator from Indiana, Senator LUGAR, who worked with us as we have been developing this. He met with the President of the United States along with myself, Chairman DE LA GARZA, and Congressman MADIGAN yesterday. I am pleased to see the support the President is giving for our efforts to move a package of drought relief through here.

When you have drought, the weather does not ask whether a farmer or rancher is Republican or Democrat or independent. I suspect, Mr. President, in my State, as well as all other States, when people turn on the news and they see what these men and women throughout our country are going through, their heart goes out to them. There is not anybody who is looking at them and saying, "Well, they are from a different State," or "They are from a different political background so, therefore, we cannot help them." I think the reaction is the same as farmers and nonfarmers who I talked with in Vermont. They say these people are hurting. They are valuable to us; they are valuable to our national security; they are valuable to our economy. We want them there next year.

We are not going to see their lives as farmers and ranchers end this year because of a freak of nature, not if we have a country and a Government and a people who want to help. We are going to give them the mechanism to help with. We are going to give them the formulas, and we are going to give them the legislation to do that, Mr. President.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the bill, a section-by-section analysis and a copy of the bill.

I ask that we be allowed on this bill, which will be introduced by Senator LUGAR and I, to introduce a list of cosponsors and that all cosponsors who are added on today shall be listed as original cosponsors.

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

Mr. LEAHY. Mr. President, last but not least, lest I forget, I send to the desk the legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

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

S. 2631

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Drought Assistance Act of 1988".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

#### TITLE I—EMERGENCY LIVESTOCK ASSISTANCE

Sec. 101. Assistance for livestock producers.  
Sec. 102. Assistance for dairy farmers.



## TITLE II—DISASTER PAYMENTS

- Sec. 201. Payments to program participants for basic commodities.
- Sec. 202. Payments to program nonparticipants for basic commodities.
- Sec. 203. Peanuts, sugar, and tobacco.
- Sec. 204. Soybeans and nonprogram crops.
- Sec. 205. Effect of Federal crop insurance payments.
- Sec. 206. Transfer of funds.
- Sec. 207. Crops harvested for forage uses.
- Sec. 208. Timing and manner of disaster payments.
- Sec. 209. Use of Commodity Credit Corporation.
- Sec. 210. Payment limitations.

## TITLE III—GENERAL PROVISIONS

## SUBTITLE A—COMMODITY STOCK ADJUSTMENT

- Sec. 301. Soybeans, sunflowers, and cottonseed and sunflower seed oil.
- Sec. 302. Oats.
- Sec. 303. Producer reserve program for wheat and feed grains.

## SUBTITLE B—DISASTER CREDIT AND CREDIT FORBEARANCE

- Sec. 311. FmHA farm operating loans.
- Sec. 312. Forbearance and restructuring on farm loans.

## SUBTITLE C—CONSERVATION AND WATER ASSISTANCE

- Sec. 321. Conservation and wildlife enhancement.
- Sec. 322. Water-related projects.

## SUBTITLE D—RURAL BUSINESSES

- Sec. 331. Business and industrial loans.
- Sec. 332. Survey of agriculture-related rural businesses and enterprises.

## TITLE I—EMERGENCY LIVESTOCK ASSISTANCE

## SEC. 101. ASSISTANCE FOR LIVESTOCK PRODUCERS.

(a) IN GENERAL.—The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by adding at the end thereof the following new title:

## "TITLE VI—EMERGENCY LIVESTOCK FEED ASSISTANCE ACT OF 1988

## "SHORT TITLE

"Sec. 601. This title may be cited as the 'Emergency Livestock Feed Assistance Act of 1988'.

## "DEFINITIONS

"Sec. 602. As used in this title:

"(1) The term 'livestock producer' means—

"(A) any established producer or husbander of livestock, or dairy producer, who is a citizen of, or legal resident alien in, the United States; or

"(B) any farm cooperative, private domestic corporation, partnership, or joint operation in which a majority interest is held by members, stockholders, or partners who are citizens of, or legal resident aliens in, the United States, if such cooperative, corporation, partnership, or joint operation is engaged in livestock production, dairy production, or husbandry.

"(2) The term 'livestock' means cattle, sheep, goats, swine, poultry (including egg-producing poultry), equine animals used for food or in the production of food, fish used for food, and other animals designated by the Secretary (at the Secretary's sole discretion) that—

"(A) are part of a foundation herd (including producing dairy cattle) or offspring; or

"(B) are purchased as part of a normal operation and not to obtain additional benefits under this title.

"(3) The term 'State' means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

"(4) The term 'feed', for the purposes of emergency feed assistance, means any type of feed (including feed grain, mixed feed, liquid or dry supplemental feed, roughage, pasture, forage) that—

"(A) best suits the livestock producer's operation; and

"(B) is consistent with acceptable feed practices.

## "EMERGENCY LIVESTOCK ASSISTANCE

"Sec. 603. The Secretary shall provide emergency feed assistance under this title for the preservation and maintenance of livestock in any State, county, or area of a State, where, because of disease, insect infestation, flood, drought, fire, hurricane, earthquake, storm, hot weather, or other natural disaster that adversely affects livestock or handling of livestock, the Secretary determines that a livestock emergency exists.

## "DETERMINATION OF NEED FOR ASSISTANCE

"Sec. 604. (a)(1) Whenever the Governor of a State or a county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(b)) determines that a livestock emergency due to a natural disaster exists in the State or county, the Governor or county committee may submit a request for a determination by the Secretary of a livestock emergency in a State, county, or area and for emergency livestock feed assistance under this title.

"(2) The Governor's or county committee's request for a livestock determination and for emergency livestock feed assistance shall include recommendations to the Secretary of those options that will most fully use fields available through local sources, to the extent feasible.

"(b) The Secretary may consider a State, county, or area in a State for emergency livestock feed assistance under this title whether or not a request for assistance is submitted, as described in subsection (a).

"(c) The Secretary shall act on requests for determinations under subsection (a) and make final determinations on whether a livestock emergency exists in any State, county, or area in accordance with regulations issued by the Secretary that ensure thorough and prompt action and provide for appropriate notification procedures.

"(d)(1) Notwithstanding the preceding provisions of this section, any State, county, or area determined eligible, due to drought or related condition in 1988, for the emergency feed program or emergency feed assistance program prior to the effective date of this title shall continue to be eligible for such program and may be eligible for other programs under this title for such drought or related condition.

"(2) As soon as practicable after the effective date of this title, the Secretary shall determine whether any of the programs described in section 606, other than the emergency feed program and the emergency feed assistance program, should be made available in such State, county, or area. If the Secretary makes such determination, the Secretary shall make such programs immediately available to livestock producers in the State, county, or area.

## "ELIGIBLE LIVESTOCK PRODUCERS

"Sec. 605. (a) If the Secretary determines that a livestock emergency exists in a State, county, or area, subject to the limitation on benefits provided in section 609, livestock

producers located in such State, county, or area shall be eligible for feed assistance in accordance with the following paragraphs:

"(1) A livestock producer shall be eligible for such assistance if the producer has suffered a substantial loss in feed normally produced on the farm for such producer's livestock as a result of the emergency and does not have sufficient feed that has adequate nutritive value and is suitable for such producer's livestock (as of the date of the request, or initiation of consideration, for a determination of a livestock emergency under section 604) for the estimated duration of the emergency. Such producer shall be eligible for feed assistance under the programs specified in section 606 made available where the producer is located in quantities sufficient to meet the feed deficiency with respect to the producer's livestock normally fed with feed produced by the producer.

"(2) A livestock producer that does not produce feed on the farm or ranch or that produces feed on such producer's farm or ranch but normally not in quantities sufficient to feed all the producer's livestock, with respect to the portion of such producer's livestock not normally fed with feed produced on the farm, such producer shall be eligible for (A) assistance under section 606 for the preservation and maintenance of foundation herds of livestock (including producing dairy cattle) if the producer does not have, and is unable to obtain through normal channels of trade without undue financial hardship, sufficient feed for such livestock as a result of the emergency, as determined by the Secretary, and (B) such other assistance under section 606 as the Secretary, in the Secretary's discretion, determines necessary to alleviate a crisis caused by the livestock emergency.

"(b) Any livestock producer located in a State, county, or area in which benefits under the emergency feed program or the emergency feed assistance program were made available due to the drought or related condition in 1988 prior to the effective date of this title, who qualifies for assistance under such pre-existing program, shall be eligible for assistance for such drought or related condition as prescribed in paragraph (1) (or, at the producer's option, for assistance under such pre-existing programs) and paragraph (2).

## "ASSISTANCE PROGRAMS

"Sec. 606. (a) The following assistance programs may be made available by the Secretary under this title, subject to the limitation on benefits under sections 605 and 609, to livestock producers:

"(1) The donation of feed grains held by the Commodity Credit Corporation to producers who are financially unable to purchase feed at market prices or to participate in any other program set forth in this subsection.

"(2) The sale of feed grain held by the Commodity Credit Corporation to producers for livestock feed at a price, established by the Secretary, that does not exceed—

"(A) with respect to assistance provided for drought or related condition in 1988, 75 percent of the current basic county loan rate for such feed grain in effect under this Act (or at a comparable price if there is no such current basic county loan rate), or

"(B) with respect to assistance provided for any other livestock emergency, 50 percent of the average market price, as determined by the Secretary.

"(3) Reimbursement of not to exceed 50 percent of transportation and handling expenses incurred by producers in connection with feed grain donations or sales under paragraph (1) or (2).

"(4) Reimbursement of not to exceed 50 percent of the cost of feed purchased by producers for their livestock during the duration of the livestock emergency.

"(5) Hay transportation assistance of not to exceed 50 percent of the cost of transporting hay purchased from a point of origin beyond such producer's normal trade area to the livestock, subject to the following limitations:

"(A) The transportation assistance may not exceed \$50 per ton of eligible hay (\$12.50 for silage).

"(B) The quantity of eligible hay may not exceed—

"(i) 20 pounds per day per animal unit; or  
 "(ii) the lesser of the producer's feed loss or the quantity of additional feed needed for the duration of the livestock emergency.

"(6) Livestock transportation assistance to producers of not to exceed 50 percent of the cost of transporting livestock to and from available grazing locations, subject to the following limitations:

"(A) Transportation assistance may not exceed \$24 per head of eligible livestock.

"(B) Transportation assistance may not exceed the lesser of the producer's feed loss or the quantity of additional feed needed for the duration of the livestock emergency.

"(b) If assistance is made available through the furnishing of feed grains under paragraph (1) or (2) of subsection (a), the Secretary may provide for the furnishing of the feed grains through a dealer or manufacturer and the replacing of the feed grains so furnished from feed owned or controlled by the Commodity Credit Corporation.

"(c) In providing assistance under paragraph (2) or (4) of subsection (a), the Secretary may make in-kind payments through the issuance of negotiable certificates that the Commodity Credit Corporation shall exchange for a commodity in accordance with the rules prescribed by the Secretary.

#### "ADDITIONAL ASSISTANCE

"Sec. 607. (a) In addition to the assistance provided under section 606, if the Secretary determines that the livestock emergency in a State, county, or area also requires the provision of the assistance described in subsection (b), the Secretary shall provide such assistance.

"(b) Special assistance under this section includes—

"(1) the donation of feed held by the Commodity Credit Corporation with respect to livestock stranded and unidentified as to its owner, including the cost of transporting feed to the affected area, during such period as the Secretary shall by rule prescribe;

"(2) emergency water assistance to eligible farmers and ranchers for livestock under the program designated ECP EC-6 by the Department of Agriculture; and

"(3) making Commodity Credit Corporation catalog commodities available to producers through the use of catalog lots of a size that it is economically feasible for small producers to purchase.

#### "USE OF THE COMMODITY CREDIT CORPORATION

"Sec. 608. The Secretary shall carry out this title through use of the funds, facilities, and authorities of the Commodity Credit Corporation.

#### "PAYMENT LIMITATION

"Sec. 609. (a) For each livestock disaster, the total amount of benefits that a person

receives under one or more of the programs established under section 606 of this title may not exceed \$50,000.

"(b) The Secretary shall issue regulations—

"(1) defining the term 'person' in conformity, to the extent practicable, to the regulations defining the term 'person' issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308), or a successor statute; and

"(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section.

"(c) No person may receive benefits under this title attributable to lost production of a feed commodity due to the drought or related condition in 1988 to the extent that such person receives a disaster payment on such lost production.

"(d) Each person otherwise eligible for a livestock emergency benefit under this title for the drought or related condition in 1988 shall be subject to the combined payment and benefits limitation established under section 206(d) of the Drought Assistance Act of 1988.

#### "REGULATIONS

"Sec. 610. The Secretary shall issue regulations to carry out this title. Such regulations shall establish procedures to ensure that the request for assistance by a State, county, or area under section 604 and individual applications of livestock producers under section 605 for assistance are processed, and decisions thereon are made, as quickly as practicable.

#### "PENALTIES

"Sec. 611. (a) Any livestock producer who disposes of any feed made available to such producer under this title other than as authorized by the Secretary shall be subject to a civil penalty equal to the market value of the feed involved, to be recovered by the Secretary in a civil suit brought for that purpose.

"(b) Any livestock producer who disposes of any feed made available to such producer under this title other than as authorized by the Secretary shall be subject to a fine of not more than \$1,000 or imprisonment for not more than 1 year, or both."

#### (b) CONFORMING AMENDMENTS.—

(1) Section 1105 of the Food and Agricultural Act of 1977 (7 U.S.C. 2267) is repealed.

(2) Section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427) is amended by striking out "and may make feed owned or controlled by it" in the fifth sentence and all that follows through period at the end of the sixth sentence and inserting in lieu thereof "and may donate or sell commodities in accordance with title VI."

(3) Section 421 of the Agricultural Act of 1949 (7 U.S.C. 1433) is repealed.

(4) Public Law 86-299 (7 U.S.C. 1427 note) is repealed.

(5) Section 303 of the Dairy and Tobacco Adjustment Act of 1983 (7 U.S.C. 1427 note) is repealed.

#### (c) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall become effective 15 days after the date of enactment of this Act.

(2) APPLICATION.—The provisions of section 604(d), 605(3), and 609(d) of the Agricultural Act of 1949, as added by subsection (a), shall apply only with respect to any livestock emergency caused by the drought or related condition in 1988.

#### SEC. 102. ASSISTANCE FOR DAIRY FARMERS.

Section 201(d)(1) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)(1)) is amended by striking out "if for any of the calendar years 1988, 1989, and 1990" and inserting in lieu thereof "if for each of the calendar years 1988 and 1990".

#### TITLE II—DISASTER PAYMENTS

#### SEC. 201. PAYMENTS TO PROGRAM PARTICIPANTS FOR BASIC COMMODITIES.

##### (a) DISASTER PAYMENTS.—

(1) IN GENERAL.—Effective only for producers on a farm who elected to participate in the production adjustment program established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) for the 1988 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, except as otherwise provided in this subsection, if the Secretary of Agriculture (hereinafter referred to in this title as the "Secretary") determines that because of drought or related condition in 1988, the total quantity of the 1988 crop of the commodity that such producers are able to harvest on such farm is less than the result of multiplying 65 percent of the farm program payment yield established by the Secretary for such crop by the acreage planted for harvest (or prevented from being planted because of drought or related condition in 1988, as determined by the Secretary) for such crop, the Secretary shall make a disaster payment available to such producers at a rate equal to 65 percent of the established price for the crop for the deficiency in production below 65 percent for the crop.

(2) MAXIMUM NUMBER OF ELIGIBLE ACRES.—Payments provided under paragraph (1) for a crop of a commodity shall not be made available with respect to any acreage in excess of the permitted acreage for the farm for the commodity.

(3) RELATIONSHIP TO DEFICIENCY PAYMENTS.—The total quantity on which deficiency payments would otherwise be payable to producers on a farm for a crop of the commodity under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) shall be reduced by the quantity on which any payment is made to the producer for the crop under paragraph (1).

(4) ELECTION.—Effective only for the 1988 crops of wheat and feed grains, in the case of producers on a farm who elected after March 11, 1988, to devote all or a portion of the permitted acreage of the farm for the commodity to conservation or other uses in accordance with section 107D(c)(1)(C) or 105C(c)(1)(B) of the Agricultural Act of 1949 (7 U.S.C. 1445b-3(c)(1)(C) or 1444e(c)(1)(B)), the Secretary shall allow such producers to elect (within 30 days after the date of enactment of this Act) whether to receive disaster payments in accordance with this subsection in lieu of receiving payments under such section.

##### (b) ADVANCE DEFICIENCY PAYMENTS.—

(1) FORGIVENESS.—Effective only for producers described in subsection (a)(1), if, because of drought or related condition in 1988, the total quantity of a crop of the commodity that the producers are able to harvest on the farm is less than the result of multiplying the farm program payment yield established by the Secretary for such crop by the acreage planted for harvest for such crop, the producer shall not be required to refund any advance deficiency payment made available for such crop under section 107C of the Agricultural Act of 1949 (7 U.S.C. 144b-2) with respect to any defi-



ciency in production up to 35 percent for the crop.

(2) **ELECTION.**—The Secretary shall allow producers on a farm who elected to participate in the production adjustment program established for the 1988 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, but who elected prior to the date of enactment of this Act not to receive advance deficiency payments made available for the 1988 crop year under section 107C of such Act, to elect (within 30 days after the date of enactment of this Act) whether to receive such advance deficiency payments.

**SEC. 202. PAYMENTS TO PROGRAM NONPARTICIPANTS FOR BASIC COMMODITIES.**

(a) **DISASTER PAYMENTS.**—Effective only for producers on a farm who elected not to participate in the production adjustment program established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) for the 1988 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, except as provided in subsection (b), if the Secretary determines that because of drought or related condition in 1988, the total quantity of the 1988 crop of the commodity that such producers are able to harvest on such farm is less than the result of multiplying 65 percent of the county average yield established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planted credit is approved by the Secretary for such crop, the Secretary shall make a disaster payment available to such producers at a rate equal to 65 percent of the basic county loan rate (or a comparable price if there is no current basic county loan rate) for the crop, as determined by the Secretary, for the deficiency in production below 65 percent for the crop.

(b) **LIMITATIONS.**—

(1) **PREVENTED PLANTING CREDIT.**—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage that producers on a farm were prevented from planting because of drought or related condition in 1988, as determined by the Secretary, but not in excess of the quantity of acreage planted (or prevented from being planted because of a natural disaster or other condition beyond the control of the producers, as determined by the Secretary) to the commodity on the farm during the 1987 crop year minus acreage actually planted to the commodity during the 1988 crop year. The Secretary shall make appropriate adjustments in applying the limitation contained in the preceding sentence to take into account rotation practices of the producers.

(2) **ACREAGE LIMITATION FACTOR.**—The amount of payments made available to producers of a crop of a commodity under this section shall be reduced by a factor equivalent to the acreage limitation percentage established for the crop under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

**SEC. 203. PEANUTS, SUGAR, AND TOBACCO.**

(a) **DISASTER PAYMENTS.**—Effective only for the 1988 crop of peanuts, sugar beets, sugarcane, or tobacco, if the Secretary determines that because of drought or related condition in 1988, the total quantity of the 1988 crop of the commodity that the producers on a farm are able to harvest is less than the result of multiplying 65 percent of the county average yield (or program yield, in the case of peanuts and tobacco) established by the Secretary for such crop by the acreage planted for harvest and the acreage for which prevented planted credit is approved by the Secretary for such crop, the

Secretary shall make a disaster payment available to such producers at a rate equal to the applicable payment rate, as determined by the Secretary, for the deficiency in production below 65 percent for the crop.

(b) **PAYMENT RATE.**—For purposes of subsection (a), the payment rate for a commodity shall be equal to 65 percent of—

(1) in the case of peanuts and tobacco, the basic county loan rate (or a comparable price if there is no current basic county loan rate) for the crop, as determined by the Secretary; and

(2) in the case of sugar beets and sugarcane, a rate determined by the Secretary to be fair and reasonable in relation to the level of price support that is established for the 1988 crop of sugar beets and sugarcane.

(c) **PREVENTED PLANTING CREDIT.**—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage that producers on a farm were prevented from planting because of drought or related condition in 1988, as determined by the Secretary, but not in excess of the quantity of acreage planted (or prevented from being planted because of a natural disaster or other condition beyond the control of the producers, as determined by the Secretary) to the commodity on the farm during the 1987 crop year minus acreage actually planted to the commodity during the 1988 crop year. The Secretary shall make appropriate adjustments in applying the limitation contained in the preceding sentence to take into account rotation practices of the producers.

(d) **SPECIAL RULES FOR PEANUTS.**—Notwithstanding any other provision of law—

(1) a deficiency in production of quota peanuts from a farm as otherwise determined under this section shall be reduced by the quantity of peanut poundage quota that was the basis of such anticipated production that has been transferred from the farm;

(2) payments made under this section shall be taken into account whether the deficiency for which the deficiency in production is claimed was a deficiency in production of quota or additional peanuts and the payment rate shall be established accordingly; and

(3) the amount of undermarketings of quota peanuts from a farm for the 1988 crop that may otherwise be claimed under section 358 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358) for purposes of future quota increases shall be reduced by the quantity of the deficiency of production of such peanuts for which payment has been received under this section.

**SEC. 204. SOYBEANS AND NONPROGRAM CROPS.**

(a) **DISASTER PAYMENTS.**—Effective only for the 1988 crop of soybeans or any non-program crop, if the Secretary determines that because of drought or related condition in 1988, the total quantity of the 1988 crop of the commodity that the producers on a farm are able to harvest is less than the result of multiplying 65 percent of the county or area average yield (subject to the provisions of subsection (d)), as determined by the Secretary, for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planted credit is approved by the Secretary for such crop, the Secretary shall make a disaster payment available to such producers at a rate equal to the applicable payment rate, as determined by the Secretary, for the deficiency in production below 65 percent for the crop.

(b) **PAYMENT RATE.**—For purposes of subsection (a), the payment rate for a commod-

ity shall equal 65 percent of the simple average price received by producers of the commodity, as determined by the Secretary, during the marketing years for the immediately preceding five crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.

(c) **PREVENTED PLANTING CREDIT.**—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage that producers on a farm were prevented from planting because of drought or related condition in 1988, as determined by the Secretary, but not in excess of the quantity of acreage planted (or prevented from being planted because of a natural disaster or other condition beyond the control of the producers, as determined by the Secretary) to the commodity on the farm during the 1987 crop year minus acreage actually planted to the commodity during the 1988 crop year. The Secretary shall make appropriate adjustments in applying the limitation contained in the preceding sentence to take into account rotation practices of the producers.

(d) **DEFINITION.**—As used in this section, the term "nonprogram crop" means—

(1) all crops insured directly or indirectly by the Federal Crop Insurance Corporation for crop year 1988; and

(2) other commercial crops for which such insurance was not available for purchase or, if available, was not purchased by such producers for crop year 1988, if—

(A) in accordance with rules and regulations issued by the Secretary, producers of such crops provide satisfactory evidence of actual crop yield for at least one of the immediately preceding 3 crop years, except that if such data does not exist for any of the 3 preceding crop years the Secretary shall use county average crop yield data; and

(B) such producers provide satisfactory evidence of 1988 crop year losses resulting from drought or related condition in 1988 exceeding 65 percent of the crop yield established in subparagraph (A),

except that such term shall not include a crop covered in section 201 through 203 or a crop of soybeans.

**SEC. 205. EFFECT OF FEDERAL CROP INSURANCE PAYMENTS.**

In the case of producers on a farm who obtained crop insurance for the 1988 crop of a commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), the Secretary shall reduce the amount of payments made available for such crop under this title to the extent that—

(1) the amount determined by adding the net amount of crop insurance indemnity payments (gross indemnity less premium paid) received by such producers for the loss of production of the crop and the payment determined in accordance with this title; exceeds

(2) the amount determined by multiplying—

(A) 100 percent of the commodity yield used for the calculation of payments made under this title; by

(B) the sum of the acreage of each such crop planted to harvest and the acreage for which prevented planting credit is approved by the Secretary; by

(C) (i) in the case of producers on a farm who participated in a production adjustment program for the 1988 crop of wheat, feed grains, upland cotton, extra long staple

cotton, or rice, the established price for the 1988 crop of the commodity;

(ii) in the case of producers on a farm who did not participate in a production adjustment program for the 1988 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice and producers of sugar beets, sugarcane, peanuts, or tobacco, the loan level established for the 1988 crop of the commodity; and

(iii) in the case of producers on a farm of soybeans or a nonprogram crop (as defined in section 204(d)), the simple average price received by producers of the commodity, as determined by the Secretary, during the marketing years for the immediately preceding five crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.

#### SEC. 206. TRANSFER OF FUNDS.

The Secretary may transfer funds made available to the Commodity Credit Corporation during fiscal year 1988 to the Agricultural Stabilization and Conservation Service in such amounts as may be necessary for salaries and other expenses incurred in carrying out this title.

#### SEC. 207. CROPS HARVESTED FOR FORAGE USES.

Not later than 15 days after the date of enactment of this Act, the Secretary shall announce the terms and conditions by which producers on a farm may prove yield with respect to crops that will be harvested for silage and other forage uses.

#### SEC. 208. TIMING AND MANNER OF DISASTER PAYMENTS.

(a) **TIMING.**—The Secretary shall make disaster payments available under this title as soon as practicable after the date of enactment of this Act.

(b) **MANNER.**—The Secretary may make payments available under this title in the form of cash, commodities, or commodity certificates, as determined by the Secretary.

#### SEC. 209. USE OF COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation in carrying out this title.

#### SEC. 210. PAYMENT LIMITATIONS.

(a) **DISASTER PAYMENTS.**—Subject to subsection (c), the total amount of payments that a person receives under one or more of the programs established under this title may not exceed \$100,000.

(b) **DEFINITION OF PERSON.**—The Secretary shall issue regulations—

(1) defining the term "person" in conformity, to the extent practicable, to the regulations defining the term "person" issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308); and

(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section.

(c) **RELATIONSHIP TO LIVESTOCK EMERGENCY BENEFITS.**—No person may receive disaster payments attributable to lost production of a commodity due to the drought or related condition in 1988 under this title to the extent that such person receives a livestock emergency benefit on such lost production under title VI of the Agricultural Act of 1949 (as added by section 101(a) of this Act).

(d) **COMBINED LIMITATION.**—A person may not receive any payment under this title or benefit under title VI of the Agricultural Act of 1949 for livestock emergency losses suffered due to the drought or related condition in 1988 if such payment or benefit would cause the total amount of such pay-

ments and benefits received by such person to exceed \$100,000. If a person is subject to the preceding sentence, the person may elect (subject to the benefits limit under title VI of such Act) whether to receive the \$100,000 in such payments, or such livestock emergency benefits, or a combination of payments and benefits specified by such person.

(e) **REGULATIONS.**—The Secretary shall issue regulations to equitably and efficiently implement the requirements of this section.

### TITLE III—GENERAL PROVISIONS

#### Subtitle A—Commodity Stock Adjustment

#### SEC. 301. SOYBEANS, SUNFLOWERS, AND COTTON-SEED AND SUNFLOWER SEED OIL.

(a) **PLANTING OF SOYBEANS AND SUNFLOWERS ON PERMITTED ACRES.**—Section 504 of the Agricultural Act of 1949 (7 U.S.C. 1464) is amended by adding at the end thereof the following new subsection:

"(e)(1) Notwithstanding any other provision of this Act, effective only for the 1989 and 1990 crops, if an acreage limitation program is in effect for a crop under this Act, the Secretary shall permit producers to plant soybeans or sunflowers on not less than 10 percent, nor more than 35 percent, of the permitted acreage for the crop, as determined by the Secretary.

"(2) For purposes of determining the farm acreage base or the crop acreage base for the crop, any acreage on the farm on which soybeans or sunflowers are planted under this subsection shall be taken into account as if such acreage had been planted to the program crop for which the soybeans or sunflowers were substituted."

#### (b) COTTONSEED AND SUNFLOWER SEED OIL.

(1) **EXPORT ASSISTANCE.**—It is the sense of Congress that if the price of cottonseed or sunflower seed oil is adversely affected by the amendment made by subsection (a), the Secretary of Agriculture should provide export and other assistance for cottonseed and sunflower seed oil to offset such adverse effects.

(2) **FUNDING.**—Section 637 of the joint resolution entitled "A joint resolution making further continuing appropriations for the fiscal year 1988, and for other purposes", approved December 22, 1987 (Public Law 100-202; 101 Stat. 1329-357), is amended by striking out "sunflower oil" both places it appears and inserting in lieu thereof "sunflower and cottonseed oil".

#### SEC. 302. OATS.

(a) **FARM ACREAGE BASES.**—Section 503 of the Agricultural Act of 1949 (7 U.S.C. 1463) is amended by adding at the end thereof the following new subsection:

"(c)(1) Notwithstanding any other provision of this Act, effective only for 1989 and 1990 crops, if the acreage limitation percentage established for the 1989 or 1990 crop of feed grains under section 105C(f) is less than 12.5 percent, the Secretary shall permit producers on a farm to designate any portion of the farm acreage base (excluding any portion designated as soybean acreage base) as acreage base established for oats.

"(2) Producers on a farm who redesignate any portion of a farm acreage base as oats acreage base under paragraph (1) shall reduce by an equivalent quantity one or more crop acreage bases (excluding any crop acreage base established for soybeans) established for the farm for such crop year."

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that if the acreage limitation requirement established for the 1989 or 1990 crop of feed grains under section 105C(f) of

the Agricultural Act of 1949 (7 U.S.C. 1444e(f)) is 12.5 percent or more, the Secretary should establish the lowest possible acreage limitation requirement for oats under section 105C(f) of such Act if market imbalances for barley and oats exist.

#### SEC. 303. PRODUCER RESERVE PROGRAM FOR WHEAT AND FEED GRAINS.

(a) **REPAYMENT OF LOANS.**—Effective for the 1988 marketing year for wheat or feed grains, if the conditions described in clause (4) of the third sentence of section 110(b) of the Agricultural Act of 1949 (7 U.S.C. 1445e(b)) have been met at any time during the marketing year for such commodity, producers may repay loans made under section 110(b) of such Act for such commodity without payment of additional interest or other charges provided for under clause (4) of the third sentence of section 110(b) of such Act, regardless of the market price.

(b) **STORAGE PAYMENTS AND INTEREST.**—If during the 1988 marketing year the Secretary allows producers to place wheat or feed grains into the producer reserve established under section 110(b) of such Act, the Secretary shall not make storage payments or forgive interest charges during the remainder of such marketing year with respect to quantities of such commodity that the producers place into the reserve during such marketing year.

#### Subtitle B—Disaster Credit and Forbearance

#### SEC. 311. FmHA FARM OPERATING LOANS.

(a) **DIRECT LOANS.**—The Secretary of Agriculture shall ensure, to the maximum extent practicable, that direct operating loans made or insured under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.) for 1989 crop production are made available to farmers and ranchers suffering major losses due to the drought or related condition in 1988, as authorized under existing law and under rules and regulations of the Secretary that implement the objective of enabling farmers and ranchers to stay in business.

(b) **GUARANTEED LOANS.**—The Secretary shall make available in fiscal year 1989 guarantees for operating loans under subtitle B of such Act, as authorized under such Act, to commercial or cooperative lenders, in addition to the other purposes for which guarantees may be provided for such loans, to refinance and reamortize 1988 operating debt of farmers and ranchers that otherwise cannot be repaid due to major losses incurred by such farmers or ranchers as a result of the drought or related condition in 1988. Each such guaranteed loan shall contain terms and condition governing reamortization, with respect to the 1988 operating debt of the farmer or rancher, that will provide the farmer or rancher a reasonable opportunity to continue to receive new operating credit, while repaying the guaranteed loan, as determined by the Secretary.

#### SEC. 312. FORBEARANCE AND RESTRUCTURING ON FARM LOANS.

It is the sense of Congress that the Secretary of Agriculture should, with respect to farmers and ranchers who suffer major losses due to the drought or related condition in 1988—

(1) exercise forbearance in the collection of interest and principal on direct farmer program loans made or insured under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) that are outstanding on the date of enactment of this Act for such farmers and ranchers;

(2) expedite the use of credit restructuring and other credit relief mechanisms author-



ized under the Agricultural Credit Act of 1987 (Public Law 100-233) and similar provisions of law for such farmers and ranchers; and

(3) encourage commercial lenders participating in guaranteed farmer lending programs to exercise forbearance before declaring such loans in default.

**Subtitle C—Conservation and Water Assistance**  
SEC. 321. CONSERVATION AND WILDLIFE ENHANCEMENT.

(a) **IN GENERAL.**—In the case of an owner or operator who has entered into a contract under subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) and harvests hay during the 1988 crop year on acreage subject to such contract as authorized by the Secretary of Agriculture, the Secretary shall not reduce the amount of rental payments made to such owner or operator as the result of such harvesting to the extent that the owner or operator—

(1) carries out conservation practices to enhance soil, water, and wildlife conservation practices on and in the vicinity of lands subject to the such contract in accordance with a conservation plan approved by the Soil Conservation Service in consultation with appropriate Federal and State agencies; and

(2) shares the cost of carrying out such practices.

(b) **CONSERVATION PRACTICES.**—For purposes of subsection (a), the term "conservation practices" includes—

- (1) establishment of permanent shelterbelts and windbreaks;
- (2) restoration of wetlands;
- (3) establishment of wildlife food plots; or
- (4) planting of trees.

**SEC. 322. WATER-RELATED PROJECTS.**

(a) **IN GENERAL.**—The Secretary of Agriculture is authorized (directly or in coordination with any other Federal agency, entity, corporation, department, unit of State or local government, cooperative, confederation, individual, public or private organization, or university) to conduct research and demonstration projects, provide technical assistance and extension services, make grants, loans, loan guaranties, and provide other forms of assistance to alleviate problems arising from droughts or lack of water that inhibit economic growth or adversely affect the quality of life in rural areas.

(b) **ACTIVITIES.**—The Secretary is authorized to provide assistance under this section for the promotion or establishment of irrigation, watersheds, and other water management and drought management activities.

(c) **COOPERATION.**—In taking action in accordance with this section, the Secretary—

(1) should address the general, special, or unique problems of water management existing in rural areas; and

(2) may carry out such action in cooperation with Federal, State, public, or private agencies and organizations.

(d) **REGULATIONS.**—The Secretary shall promulgate regulations to carry out this section.

(e) **DEFINITION.**—As used in this section, the term "university" means—

(1) a land grant university established under the Act of July 2, 1862 (known as the "First Morrill Act"; 12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.);

(2) a land grant university established under the Act of August 30, 1890 (known as the "Second Morrill Act"; 26 Stat. 419, chapter 841; 7 U.S.C. 321 et seq.);

(3) the Tuskegee University; and

(4) any other support research organization.

(f) **FUNDING.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated each fiscal year such sums as are necessary to carry out this section.

(2) **NON-FEDERAL SOURCES.**—The Secretary is authorized to accept funds from non-Federal sources to carry out the activities authorized by this section.

**Subtitle D—Rural Businesses**

**SEC. 331. BUSINESS AND INDUSTRIAL LOANS.**

To the maximum extent practicable, the Secretary of Agriculture shall make available in fiscal year 1989 rural industrialization loans, as authorized under section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), to assist rural businesses and enterprises directly and adversely affected by the drought or related condition in 1988. Any such drought-related rural industrialization loan may be made only if the loan otherwise meets the terms and conditions relating to eligibility established under section 310B of such Act and the Secretary determines that making the loan will serve to meet the original purpose of the rural industrialization loan program to prevent the loss of, or create, rural employment opportunities.

**SEC. 332. SURVEY OF AGRICULTURE-RELATED RURAL BUSINESSES AND ENTERPRISES.**

Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(1) conduct a survey of rural businesses and enterprises in the United States whose activities involve or are directly related to the production, processing, and marketing of agricultural commodities and products, or to servicing the business and home needs of United States farmers and ranchers, to determine the extent that such businesses are being adversely affected by the drought or related condition in 1988; and

(2) submit a report describing the results of such survey to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

**SUMMARY**

Producers will receive a disaster payment equal to 65% of the target price for that particular crop.

Corn: \$2.93 times 65 percent. Disaster payment rate: \$1.90/bu.

Wheat: \$4.23 times 65 percent. Disaster payment rate: \$2.75/bu.

Cotton: \$75.90 times 65 percent. Disaster payment rate: \$49.30/pd.

Rice: \$11.14 times 65 percent. Disaster payment rate: \$7.25/cwt.

The disaster payment would be triggered once the producer suffers a crop loss of greater than 35% of his historical program yield. Once disaster payments are triggered, the producer's total disaster payment equals 65% of base yield less the producer's actual yield multiplied times the disaster payment rate.

**Corn Example:**

100 acres of corn permitted acres  
100 bushel program yield  
Total Corp Loss:  
100 acres x (100 bu x 65%) x 1.90 = \$6,650

40 bushel actual yield:  
100 acres x (100 bu x 65%) - 40 bu x 1.90 = \$2,280

Other program crops such as peanuts, tobacco, sugar, and soybeans as well as non-

program crops based upon a similar formula except historical program yields would be replaced with a county average yield and the target price would be replaced with average market price for 3 of the last 5 years excluding the high and low years.

**ADVANCED DEFICIENCY PAYMENTS**

Producers of target price crops will not be required to repay advance deficiency payments of production loss due to the drought. Such producers will also receive disaster payments equal to 65% of the 1988 target price for losses in excess of 35% of their program payment yield. Advance deficiency payments will not be forgiven on bushels lost that also qualify for disaster payments.

**DISASTER PAYMENT CAP**

\$100,000 per producer.

**LIVESTOCK**

Permanent restructuring of feeding programs. Current regulation requiring a 40% loss would be kept in place. Producers who do not grow their own feed will now qualify. Farmers could not "double dip" by receiving disaster payments on failed acres and livestock feeding assistance based on the same loss. Producers would also receive CCC commodities at not less than 50% of the market price in years after 1988, rather than 75% of the loan rate (current). Limited to \$50,000 in benefits but folded into overall \$100,000 cap. All livestock qualify.

**FCIC**

Producers with crop insurance receive FCIC benefits and disaster payments up to \$100,000 cap. This means producers with a high insurance rate could have their disaster payments lowered. House wants to require producers who receive disaster assistance to sign up in FCIC for the next two years. Some concern if premiums go up due to the scope of the drought, forcing everyone to sign up or pay higher premiums.

**DAIRY**

Secretary's authority to reduce the support price 50 cents in January would be waived.

**CREDIT**

Secretary would pursue credit forbearance in restructuring loans and making loans available.

**SOYBEANS/SUNFLOWERS**

Producers of program crops could plant soybeans or sunflowers on the permitted acreage within a range of 10-35%. This may not increase plantings significantly if corn is still more attractive to plant than beans.

**OATS**

If the feed grain ARP is less than 12.5% in 1988 and 1990, producers can switch any portion of their farm base to oats offset by an equivalent downward adjustment in other bases. This may not be enough incentive to plant more oats since producers would be locked into a higher oats/barley base (oats and barley are interchangeable or in the same base).

**WILDLIFE/CONSERVATION**

25% reduction of CRP payments for those who harvest hay used for wildlife and conservation on CRP acres.

Mr. LUGAR. Mr. President, it is an honor and pleasure to join the distinguished chairman of the Agriculture Committee, Senator LEAHY, and Congressmen DE LA GARZA and MADIGAN, chairman and ranking member of the

House Agriculture Committee, as co-sponsors on both sides of the aisle in recommending the congressional drought task force proposal that the chairman has now introduced as legislation.

The need for this legislation is obvious. Our heartland is gripped by a severe drought that may well be the worst on record. Our farm economy, buoyed by the 1985 farm bill and a lower valued dollar, had just begun the long journey to recovery after several difficult years. Economic recovery has been set back along with the hopes of many farm families.

The goal of the task force is to try to get drought-stricken farm families through this year with some guaranteed stream of income. It is our hope that the introduction of this bill will send a strong signal to farmers in distress that the Congress and the administration recognize the severity of the drought and are acting now on a bipartisan basis to alleviate the worst of its impacts.

Let us also be wary of giving false hope and expectations. We are facing the worst drought in recorded history. No action by the Congress can be expected to bolster farm income to levels that farmers would have received had they harvested bumper crops. Every farmer in this Nation will not be saved from the consequences of the drought. Producers who feed crops to cattle, hogs, and poultry are hard hit by high crop prices. They will not be made whole in all instances either.

Some will argue that this bill does not go far enough. Others will argue that the bill is too generous given our budget constraints. In my opinion neither is true. The task force, working with the Secretary of Agriculture, has walked a fine line and has done a compassionate job of setting priorities and achieving some kind of fairness between and among producers and commodities.

I am hopeful that all Senators will join with the task force and not delay assistance to farmers. Farmers need to know what the legislation will be. They need to know and understand the situation as soon as possible.

I will briefly summarize the fundamental points of this package, as I see them.

First, for producers of any crop who lose in excess of 35 percent of that crop, disaster payments will be paid by the Commodity Credit Corporation. Those payments amount to 65 percent of the expected return for the crop in question. For wheat, feed grains, cotton, and rice, expected return was the target price. For price supported crops it was the price support. For soybeans and other nonprogram crops the task force used an average market price over the past 5 years dropping the high and low years as a proxy for expected returns. Expected yields were

determined using criteria consistent with past drought relief activities.

Second, advance deficiency payments will be forgiven on losses of up to 35 percent of the farm program payment yield. For losses greater than 35 percent, advanced deficiency payments will be deducted from the expected disaster payment.

The task force does not recommend taking these advance deficiency payments away from farmers who lost crops due to drought. However, on that portion of the crop harvested, a high price is being received and should not be subsidized further. Also, on that portion of the crop lost in excess of 35 percent, a disaster payment is being received. To keep equity among crops, deficiency payments should not be made on that same loss.

Our intention was to cover all crops—both program and nonprogram—and do so in a fair and equitable fashion. We also tried to preserve the integrity of the Federal Crop Insurance Program by making payments to those who were insured as well as those who were not.

In the area of assistance to livestock producers, the task force recommends a consolidation and streamlining of the present livestock assistance programs. The Secretary of Agriculture has done a good job of making drought counties eligible for the programs, but farmers find the programs cumbersome and eligibility is sometimes difficult to ascertain.

Specifically, the Secretary will be given the authority to help livestock producers who do not own their own land. Current programs are designed for producers who lose feed on their land due to drought or other disaster. Second, he will be able to provide any form of assistance he deems appropriate. Third, the current program to provide feed at 75 percent of the loan rate will be changed to reflect a more realistic subsidy criteria. The CCC feed would be made available under the task force proposal at 50 percent of the market price.

Although dairy producers are eligible for such livestock feeding programs, there is fear that price supports might be cut unduly in 1989. Under the 1985 farm bill, price support cuts based on continued surplus production were packaged together with a whole herd buyout to ensure that producers had the choice of risking lower prices or participating in the buyout program.

The whole herd buyout did reduce production while it was operational, but nonparticipants continued to expand production. As a result, surplus purchases in 1988 are expected to hit 9 billion pounds milk equivalent—up significantly from 1987. Price supports were cut 50 cents per hundredweight in 1988 and could be cut another 50 cents per hundredweight in

1989 if surplus production is expected to exceed 5 billion pounds in 1989.

The task force fears that the drought will throw such uncertainty into dairy production estimates that the best course is to forego the 1989 price cut until crop prices and production settle out. In 1990 the dairy production situation will become more clear.

The drought has aggravated a very serious soybean, sunflower, and oat supply situation. As a result, the task force recommends two modest steps to free up farmer planting decisions with respect to these crops.

Wheat, feed grain, cotton and rice farmers would be free to plant 10 to 35 percent of their permitted acres to soybeans or sunflowers without loss of their crop base history. Such farmers would also have the option of planting oats on their permitted acres as long as they trade wheat, feed grain, cotton or rice base for the combined oats/barley base.

The task force also recommends Federal and commercial credit forbearance so that drought-struck farmers are not forced from the land due to circumstances beyond their control.

The drought has also destroyed many wildlife habitats in large areas of the country. The task force recommends using the 25-percent rent penalty paid by those who have conservation reserve [CRP] land to be used in future years to improve the wildlife and conservation value of the conservation reserve land. Farmers with CRP land could cost share with the Federal Government to put permanent wildlife and conservation improvements on the CRP land.

The Secretary will release an important crop report this afternoon and a more accurate report will be forthcoming in August. It is too early to predict the severity of this drought, it is far too early to know how much this bill will cost. However, we believe the bill has well defined limits and we do not expect the cost for disaster assistance to exceed the savings from lower target price payments.

Payment limits will also help limit taxpayer exposure. Those caps will remain at their traditional limit of \$100,000 for disaster payments and livestock disaster assistance will be limited to \$50,000. Producers could not receive a livestock feed subsidy and a crop disaster subsidy on the same production.

In conclusion, the task force bill appears to have broad-based bipartisan and bicameral support. It has the support, we are given assurance by the Secretary of Agriculture and the President. It is my sincere hope that farmers affected by drought will take heart from our actions and that this assistance will not be held up by protracted debate that will only hurt the



drought-stricken farmer who is anxiously awaiting some sign of compassion from the Congress and the President. It is our hope to move as quickly as possible with this drought relief legislation.

Mr. DOLE. Mr. President, I am pleased to join as a task force sponsor of the legislation being introduced today. Clearly the drought has been the major issue confronting farmers for the past several months.

#### BIPARTISAN APPROACH NEEDED

I have said repeatedly that any congressional relief efforts should be spelled "b-i-p-a-r-t-i-s-a-n." Politicians should not try to benefit from someone else's misery. I believe that farmers are mostly interested in seeing that the drought does not wipe out the financial gains and added stability generated by the 1985 farm bill. That means both Congress and the administration will have to act responsibly and quickly.

#### DROUGHT IMPACT

Mr. President, the drought has hurt every sector of our rural society. Livestock and dairy operators in many areas need emergency feed and water and are facing higher feed costs. Livestock liquidations are causing short-term price declines. Crop producers are seeing higher prices and falling deficiency payments but have no crop to sell. Many producers are not in a position to repay their advance payments. Nonprogram crop producers have also been hard hit. Many consumers will see the effect of drought reflected in higher food bills.

#### ADMINISTRATION RESPONSE

Secretary Lyng has been working on a daily basis with Members of Congress and their staffs. Haying and grazing privileges have been approved in almost 2,000 counties in 37 States and emergency livestock feeding programs are in effect in over 600 counties to help livestock producers. In addition, USDA has announced \$50 million in meat purchases under section 32 authorities and have set up a line of credit with Mexico.

Secretary Lyng has reaffirmed the so-called Reagan doctrine to avoid embargos due to short supply or higher prices. Secretary Lyng's commitment to maintaining the export enhancement program in face of European Community competition is important.

#### LEGISLATIVE APPROACH

The Secretary has broad authority to assist farmers facing a natural disaster. Many of my colleagues and I have urged the Secretary to use those authorities where practical. However, we will need to give the Secretary broader authority to deal with nonprogram crops and refine existing law. A basic objective of this bill is to treat producers of program and nonprogram crops equally.

#### CURRENT PROVISIONS

The bill being introduced today was designed after the 1986 program making disaster payments on a percentage of a producer's loss, and this bill bases the payment rate on the target price for program crops. As drafted, producers will qualify for disaster payments after a 35-percent loss.

Payment rates would be available to eligible producers of target price crops at 65 percent of the target price for that crop. Nontarget price program crops—soybeans, sugar, peanuts—will receive 65 percent of their price support levels. Nonprogram crops will receive 65 percent of average market price for 3 of the last 5 years minus the high and low years.

Advance deficiency payments would be forgiven on the crop loss up to the 35-percent threshold. In addition, the bill would permanently restructure livestock feeding programs by giving the Secretary the discretion to make producers who do not grow their own feed eligible and expands eligibility to include all livestock.

We would also waive the 50-cent dairy price cut scheduled for January 1 if net CCC purchases exceed 5 billion pounds.

#### TIMING

Mr. President, as I stated, the drought is widespread and many livestock producers need help now. I believe it is the intention of the task force leadership to act as quickly as possible, and some have suggested action yet this week. I do not know if that will be possible or not. Our final package should be flexible enough to account for accurate crop production data and reduced spending under farm program outlays.

The early production losses will be reflected in today's world supply and demand report. The August 11 report will be more accurate, but Congress will need to pass a bill by the August recess.

#### SUMMARY

Mr. President, the drought could become a national catastrophe of great proportions. We will need to be fiscally responsible in addressing the problem and act in a bipartisan manner. We cannot afford to get into a game of one-up-man-ship during an election year. We will also need to treat all producers on an equitable basis and ensure that our exports are kept moving and that we retain our market share.

Mr. HEFLIN. Mr. President, I rise to congratulate the distinguished chairman and the ranking Republican leader of the Senate Agriculture Committee and their staffs for the work they have done in preparing this legislation, of which I am one of the original cosponsors. There are some refinements and changes that I would like to see made. I believe practically every member of the Agriculture Committee

from the Democratic side is cosponsoring this legislation. Staff has also worked diligently on this bill. The last document I saw was dated at 6:58 Monday morning which means that even on Sunday night they worked all night to complete this legislation. This effort, which has bicameral and bipartisan support, is the way to proceed. There should not be any politics in regards to bringing relief to this Nation's farmers who have suffered from the drought.

Senator JOHN MELCHER, Senator QUENTIN BURDICK, and the Presiding Officer, Senator WYCHE FOWLER, have worked particularly hard on this bill. Senator BURDICK is dovetailing his work with the Appropriations Committee to tie this bill into the authorization bill that will come along. This bill incorporates much of the bill Senator MELCHER has introduced. There will probably be some changes, but I think it is very important that we proceed with this legislation as quickly as possible while remaining within the committee's budget allocation.

I was recently at a watermelon cutting down in Alabama where it has been dry for 4 consecutive years. When they opened it they found a piece of paper which said "add water." So we are in a situation where we need all the relief we can get.

I again congratulate the chairman for his leadership, the ranking minority member for his leadership and cooperation, as well as the House Members in devising this measure. It is not perfect and it can be improved. But we have a matter that needs expediting and I think we realize that time is of the essence and we will move forward.

So again let me congratulate our leadership in endeavoring to come to the relief of the drought-stricken farmers of America.

Thank you, Mr. President.

Mr. COCHRAN. Mr. President, I am pleased to join with my distinguished colleagues in cosponsoring this drought assistance legislation. The bill being introduced today gives farmers and ranchers and rural America clear evidence that Congress and the administration are seriously concerned about the financial and economic impact of the 1988 drought and will provide assistance.

Considerable progress has been made in identifying the many problems caused by the drought and developing an assistance package to help address the resulting financial needs. I am sure, however, that there is still more to be accomplished. I continue to hear from constituents regarding the need for improvement in the feed assistance provisions and assistance to address the problem of extensive tree seedling mortality.

Getting a proposal introduced this early will help expedite the process by

giving everyone the opportunity to review the provisions and identify any deficiencies. I believe this is an important step in the process to help assure the assistance plan is fair and equitable for all farmers and ranchers and provides the greatest possible assistance to rural America.

Mr. BOSCHWITZ. Mr. President, I, too, join in congratulating the leadership and the staff in putting together what I think is a pretty good package for drought relief. I would stress that it not only is directed at the farmers but it is directed at all of rural America. If you have a shop, store, or business in rural America with the attitude and the feeling and with a lack of confidence that is out there now, you are suffering not from drought but from a catastrophe that is very related to the drought. So this package is aimed not only at farmers, but those people as well, at the businesses of rural America, because they, too, are suffering.

I made last week a 28-county tour throughout Minnesota. It is about a third of our counties. I tried to pick those that have been hit the hardest, and found that the depth of the drought was far more than I had anticipated. I was up in Hallock, in the northwestern corner of our State where there was a crop loss of about 90 percent. I had with me during parts of that drought tour a farmer I had met, and been on his farm in England—and who had been in Africa. He pointed out that the percentage of loss on the farms in Minnesota and indeed in Indiana and other States is larger than in Ethiopia; that in Ethiopia the loss is not so great as it is in Minnesota, but yet the reserve parts are nonexistent.

Day after day, I stood on farms because I went from farm to farm and I arranged my tour in such a way that I gave advance notice of where I was going on the road. I invited farmers to wave us down, and we were to inspect their fields right there on the spot. Day after day, I was standing out in the fields with the temperature in excess of 100. At one point in Beaver Falls, MN, I stood where it was 106 with a 30-mile-an-hour wind. It was like taking a hair dryer and passing it in front of your face, aiming it at you. It was unbelievably hot. You can practically see the corn and other crops shrivel before you.

Some farmer's drought, Mr. President, is another farmer's bonanza, on the other hand. It is important that this bill, and this bill indeed takes that into consideration; that there not be a bonanza; that we not give relief to those people who are getting good results from the marketplace. The winter wheat crop came in pretty good in this country, and other people's crops are proceeding nicely in some States.

So it is important that we save some money, that we do not make payments, normal payments that might have been paid that were anticipated to be made this year to those farmers, and that money instead be directed to farmers who have been impacted by the drought, and rural communities that have been impacted by the drought.

I think that the 35-percent deductible that has been worked out is good. That means farmers have to suffer a 35-percent loss. That is a large loss. A 35-percent loss in my business or a 35-percent loss of the assets of anybody's business, or the current assets, so to speak, of anybody's business is a huge loss to endure. So we are not giving the farmers a relief package that is going to just return them to the status quo; not at all.

We have a large deductible in there. Finally, let me compliment the Secretary of Agriculture. Because of his actions and also because of the actions of the ranking minority member on our side of the Agriculture Committee, the distinguished chairman, Senator LEAHY, Chairman DE LA GARZA on the other side, and Representative MADIGAN, we have been able to work in a very bipartisan manner. And also much of the credit is due to the Secretary of Agriculture who has moved this whole thing right along. As a matter of fact, my Governor said that his brother could not have done more than the Secretary of Agriculture has done for agriculture in Minnesota during this drought condition.

The releasing of the CRP acres was an enormous help to us. The purchase of meat which may have to continue was of enormous help as well in order to see to it that so many of the cattle and other livestock of this country are not taken to slaughter at this present time because very frankly next year we may have a large crop. Those cattle and livestock have to be there to consume it. Otherwise we will have new types of problems.

I compliment all concerned in this effort. I think we are indeed making progress. I think the package is a well balanced one. I will have some amendments to it but it is indeed a great step forward.

Mr. BOND. Mr. President, the continuation of the current drought will undoubtedly alter the course of American agriculture. Since the implementation of the Food Security Act of 1985, our Nation's agricultural sector has once again moved toward the prosperous levels we all remember. We have regained market share, reduced surpluses, increased farm income, experienced growth in domestic demand and restored hope in rural America. While many farmers remain optimistic, others have called upon Congress to move quickly and press comprehensive disaster legislation. Although leg-

islation is no substitute for rain, it can provide the hope which will allow many farmers to weather the storm.

Looking back, I have to admit I wasn't quite willing to believe we were in for a long-term significant drought. In Missouri, we just are not supposed to have droughts in May and June. It's one of those things that when it happens to us, it usually happens in July and August. Well not always. We continue to have severely below average rainfall levels and large portions of our corn and milo crops have been lost. Approximately 77 percent of our corn crop is rated poor or very poor.

For this reason, I am pleased with the recent progress made by the members, and their staffs of the Congressional Drought Relief Task Force. The task force has served as an excellent forum to discuss drought assistance, develop comprehensive legislation and coordinate the activities of the U.S. Department of Agriculture and Congress. Secretary Lyng and his staff have consistently been open to suggestions and have exhibited a willingness to make current programs and policies more responsive to farmers' needs.

The Secretary has implemented several programs designed to minimize the adverse effects associated with the drought.

Specifically the Secretary has allowed haying and grazing on set-aside acres; established a toll-free drought hotline; requested special crop surveys to ensure that crop production reports accurately reflect drought impacts; authorized additional purchases of both ground beef and pork to assist livestock producers hurt by the drought; authorized counties approved for the Emergency Feed Program automatically eligible for the Emergency Feed Assistance Program; and established a national hay information network.

I especially express my sincerest thanks to the distinguished chairman of the Agriculture Committee, Senator LEAHY and the ranking minority member, Senator LUGAR, for their diligence in developing this comprehensive drought legislation. Their leadership has brought the bill to this point—let's hope the momentum is maintained through final passage.

The bipartisan drought legislation introduced this morning provides assistance to the full spectrum of agricultural producers—from program participants to nonprogram participants and from program crops to nonprogram crops. I have been concerned that this drought and its effects on farmers would be used for political purposes—given the year we are in. Thus I am pleased the task force has resisted these temptations and developed a responsible piece of legislation. The legislation provides feed assistance to livestock producers, price support assistance to dairy farmers, per-



mits additional soybean acreage in the 1989 crop year, requires the farmer owned reserve to remain open if release prices are reached, makes CCC-owned commodities available in lots small enough for use by average sized producers and sets a cap on total benefits of \$100,000 per person to control Government outlays.

Mr. President, I remain particularly concerned about the livestock industry. Producers have seen their pastures burn up, feed grain and hay prices sky rocket, and as a result of increased marketings, livestock prices have plummeted. To make matters worse, the current feed assistance programs only apply to those producers who can show a loss on their crop production or pasture. I have suggested modifying the Emergency Feed Program to make those producers who purchase all of, or a substantial amount, of their feed inputs eligible for the program. This would make the current program much more equitable.

Under the task force bill, these producers may be eligible for EFP cost-share benefits. I am concerned, however, that the Secretary must first determine that feed cannot be obtained through normal channels of trade without undue financial hardship. It seems that the Secretary retains the authority to make this decision on a case by case basis. This could prove to be an administrative nightmare and I intend to ask the Secretary how he would implement this provision to ensure rapid assistance for qualified farmers.

It is vitally important that any disaster relief package not be difficult to administer—at the county ASCS level or the farm level. We are providing assistance to farmers, not consultants. I shall suggest to Secretary Lyng that the regulations be drafted in such a manner to minimize redtape. I was pleased to see that the bill provides additional funds to ASCS for program administration to assure that the bureaucratic delays and impediments to farmers are minimized.

It is also gratifying that additional soybean plantings will be permitted in the 1989 and 1990 crop years. Allowing producers to plant on 10 to 35 percent of their feed grain, wheat, cotton or rice permitted acreage should provide the additional production necessary to meet domestic demand and remain competitive in world markets.

In conclusion, this is a fair compromise package. It provides some form of assistance to the vast majority of producers affected by the drought. There are some things about which I am concerned, yet I believe the overall package will provide the necessary disaster assistance and am pleased to be a cosponsor of this bill.

Mr. President, I would like to again commend the Secretary of Agriculture as well as the distinguished Senators

from Vermont and Indiana for their work on this package. I also thank the distinguished majority and minority leaders for clearing floor time in order that this legislation can be brought before the entire Senate as soon as possible.

Mr. KARNES. Mr. President, I rise today in support of the drought relief package that has been introduced. It is my hope that this package can be quickly voted on in both the House and the Senate and enacted into law.

Mr. President, this is the worst drought in 50 years to hit the Midwest, parts of the Southeast, and California. In many States the loss to farmers will be nearly complete. In my own State of Nebraska the dryness has been selective. Some areas, particularly the northwestern part of the State, the Sand Hills, have had sufficient moisture. Even in the eastern part of the State there have been recent rains that have come at the critical stage of tasseling for corn.

In addition to the rain, which has been spotty, Nebraska has a higher percentage of farmland under irrigation than any of the surrounding States. As a result, many of Nebraska's farmers will harvest a crop this year. Drought-driven prices may in some instances offset the added cost of providing irrigation or suffering through a reduced yield harvest.

All of this is small consolation to the dryland farmer who has not had adequate rainfall and has watched crops wither and fail. Often, this crop represents the only source of farm income the farmer will have for the year. Many farmers across the Nation face the prospect of much reduced yields and lowered farm income.

The drought package that we are introducing today is comprehensive in its scope. And it could be expensive. But it is not a giveaway. It is not a raid on the Treasury. Because the drought is widespread, the drought package is for the most part measured and responsive.

There are tests that must be met before the assistance can be given. For crops, a producer must show at least a 35-percent loss in order to receive benefits. However, once that loss is demonstrated then assistance can begin. The 40-percent-advance-deficiency payment is forgiven.

There is an important additional feature that has been included in this drought relief package. That is the inclusion of more flexibility for the corn producer. Upon enactment, and until the end of the 1985 farm bill, producers will be able to shift from between 10 and 35 percent of their corn acreage into soybean production without a loss in corn base. As cosponsor of the Boschwitz-Boren-Karnes decoupling proposal, I feel that this provides an important step in giving farmers the

flexibility they need to respond to market incentives.

There are some oversights in this drought relief package. For instance there is no provision to ensure the continued viability of our gasohol industry at a time when many of our cities are coming under increasing pressure to clean up the air around them. Gasohol is a growing industry that has yet to achieve the economies of scale that allow it to absorb the kind of increased costs that higher corn prices imply.

While those producers who prudently signed up for Federal crop insurance are not penalized by this drought package, I share the concern of some that this package provides precious little incentive for producers to sign up for crop insurance. I will be examining alternatives that would require drought assistance recipients to sign up for crop insurance in future years. Such a requirement should enlarge the pool and thus reduce the premium for all.

There is also scant mention of the small businesses all across rural America that could also be devastated by an extended drought. The drought has set back the recent recovery for farmers. But for many of our rural small businesses there has been no recovery. For those rural businesses, the drought could be fatal. I believe that there should be some sort of drought assistance provided those rural businesses that demonstrate a substantial drought impact through loan guarantees.

These concerns may be addressed in the form of amendments when the drought package comes to the floor. On balance, however, I believe that this bipartisan relief package provides the framework through which farmers can begin to calculate their losses and the degree of Federal assistance to which they may be entitled.

Mr. McCURE. Mr. President, today I join many of my colleagues in introducing legislation which has been crafted to help the American farmer meet the latest in a series of setbacks, the drought of 1988.

Hard on the heels of several years of poor crop and livestock prices, farmers are now seeing rising prices but many will have no crops to sell. Little or no rain, high temperatures, and strong hot winds have combined, in many areas, to completely devastate crops and seriously jeopardize livestock and poultry operations. Farmers are literally seeing their crops dry up before their eyes.

In eastern Idaho, an area of dryland farming, July was the seventh consecutive month of below normal precipitation. Record breaking temperatures and low rainfall combined to make the month of June the 3d hottest and the 13th driest in record in Pocatello, a

city in the heart of the driest area in Idaho. Only .37 of an inch of rain fell in the Pocatello area last month.

Normally this area receives 1.07 during this time. This moisture deficit drove the precipitation shortfall to 3.02 inches for the year. If this persists, it will be the driest and warmest year on record.

The heat and lack of moisture have affected all nonirrigated and some irrigated crops in Idaho. Wheat yields are predicted to be reduced by 30 percent in southeastern Idaho. Alfalfa hay crops could be down 50 percent of normal. With temperatures in the 100's and strong winds, springs, ponds, and seeps are rapidly drying up leaving no water for cattle and sheep to drink.

In cosponsoring this bill, I wanted to provide emergency disaster relief to farmers and ranchers across the United States who are suffering extraordinary losses due to drought. This assistance package is the result of a bipartisan task force which was created to find ways to help farmers cope with the effects of the drought. All Members of Congress understand that this drought is too extensive and the effect too tragic to argue over the politics of who will aid the farmer the most. This bill is a result of suggestions made by all Members of Congress concerned with the well being of farmers and ranchers. I expect it to receive quick review and passage because of the cooperation with which it was crafted.

This measure, in essence, ensures that all farmers in disaster areas will receive disaster payments equal to 65 percent of the target price for program crops. The disaster payment is triggered once the producer suffers a crop loss of 35 percent. Other program crops such as sugar and soybeans as well as nonprogram crops will receive disaster payments based upon a similar formula.

This assures that producers of all crops, not just wheat, feed grains, cotton and rice, are helped but also producers of soybeans, cherries, potatoes, hops, rapeseed, sugar beets and lentils, dry edible beans, apples and other horticulture crops will receive drought disaster aid if warranted. This type of broad ranging program is necessary to provide relief to all farmers damaged by the drought.

To aid many livestock producers who are being already affected by the drought, this bill provides for a restructuring of livestock feeding programs. Current regulation requiring a 40-percent loss would be kept in place but a new program would be created which would allow producers who do not raise their own feed to qualify for assistance. A 50-percent cost-share of feed purchased by farmers during the duration of the drought emergency would be provided by the Federal Gov-

ernment to offset the rising cost of feed. This would be provided to all livestock, not just cattle and sheep but also dairy cattle, goats, swine, poultry, equine and fish, if raised for food.

In regard to livestock, I believe that more could be done to help the livestock producer. This bill does not include a provision which I believe it should, that being a provision to move animals to locations which have feed, not just move feed to the animals. I believe there would be support for this proposal and urge the committee to consider amending the bill to add this provision.

In addition, the bill permits the Secretary to offer cost sharing at 50 percent of the cost to move feed to herds in areas where adequate feed is not available.

The bill also directs the Secretary of Agriculture to make funds available to producers to make grants, conduct research and demonstration projects, provide technical assistance and loans to alleviate problems arising from the drought or lack of water. I have urged the Secretary to use this authority to temporarily extend wells and irrigation systems in areas where irrigation is a normal practice. This will help those drought stricken farmers in irrigation areas who are out of water because of depleted subsurface water tables.

In cosponsoring this legislation I have several concerns, one of which is to provide an assistance package which rewards those producers who have tried to reduce their risks by purchasing crop insurance. The payment formula in this legislation rewards those farmers who tried to protect themselves. It does not however overpay any producers, thus addressing my second concern which is limiting the budget exposure created by this type of legislation.

As a nation, we cannot afford to lose sight of the budget deficit. Even when faced with a drought of this magnitude we must find a way to help farmers without saddling our future generations with unmanageable debt. That is why this legislation requires all payments for this disaster relief be limited to not more than \$100,000 per producer. I believe this is fair to the farmer, especially the smaller family farmer which is the backbone of our Nation and of my home State of Idaho.

My final concern is dealing with a limitation on disaster payments. I do not believe that the Federal Government should foot the bill for farmers who may try to farm the disaster program for more aid than they deserve. Farmers who are now planting crops in known drought areas in hopes that the Government will pay them for crops they know will never come up should not receive disaster payments. Many farmers in southern climates are

now planting their double croppings in areas where there is little chance of emergence let alone harvesting significant yields. Disaster program payments should not be made to those farmers, as they are assuming the risk by knowingly planting in drought stricken areas. I favor an amendment to limit payments to these farmers to first-crop plantings only.

Even in this time of trial there is a positive side to the problem. While drought parches the Midwest, reducing yields and threatening livelihoods, the market forces of reduced production are driving crop prices higher. As a result, the cost of Federal farm programs will be greatly reduced. The U.S. Department of Agriculture predicts that overall Government program costs will be reduced approximately \$8 billion. These savings can be used to support approximately \$5.5 billion in expected disaster payments to farmers hard hit by the drought.

We must work together to deal with a problem of this magnitude. This legislation deserves prompt, serious attention. I call upon the chairman of the Senate Agriculture Committee to work on this legislation in the upcoming drought hearings. This bill will assist not just farmers but those who rely upon farmers, small town America, local feed and seed dealers, implement and parts dealers, small business and industry scattered throughout rural areas.

I urge prompt and favorable consideration of this measure.

Mr. PRESSLER. Mr. President, I am pleased to join in introducing the comprehensive drought assistance bill today. This legislation is desperately needed and we must act on it as quickly as possible.

Several weeks ago I toured a number of farms near Eureka and Hosmer, SD. These areas are some of the hardest hit by the drought. Most crops are completely lost. The pastures and hayfields are barren. Most of the livestock in the area have either been sold or move to other counties. Farmers and ranchers in these areas need assistance now, and they need to know what assistance they can expect this fall.

The bipartisan drought task force has done an excellent job of developing a comprehensive drought assistance package. The legislation provides disaster payments to producers of program and nonprogram crops. This was one of my major concerns. Having introduced legislation to allow drought-stricken farmers relief from the repayment of advance deficiency payments, I am pleased to see that this provision is included in the bill. The drought assistance bill must equitably treat all farmers and ranchers.

The bill also makes some needed changes in the emergency feed program. These changes should benefit



ranchers and other livestock producers.

Another important component of the drought legislation is its Federal Crop Insurance Program provisions. It is critical to maintain the integrity of the Federal Crop Insurance Program. If we continue to provide special disaster payments to farmers, then they will have no incentive to enroll in the Federal Crop Insurance Program. The bill provides that farmers with Federal crop insurance may receive disaster payments in addition to their crop insurance benefits. This provision maintains the integrity of the crop insurance program.

The bill also makes some necessary changes to encourage the planting of oats, soybeans, and sunflowers in 1989 and 1990. During consideration of the 1985 farm bill, I offered a successful amendment on oats imports. Since that time oats imports have continued to grow and the acreage planted to oats in the United States has decreased. There is no reason for the United States to import an agricultural product such as oats, which can be competitively raised here. We are also losing soybean export opportunities as a result of planting reductions. This year's drought has made this problem more evident.

In general, I support the drought assistance package, but continue to have some concerns regarding problems that are not addressed in the bill. Many small businesses and industries are directly dependent on agriculture. These industries will be hard hit by the drought. Small business disaster loans might be made available to affected businesses, but in many cases this will not be enough. A clear example of an industry that will be hit hard by this drought is the ethanol fuel industry. For years we have encouraged the development of a domestic ethanol fuel industry. Production of ethanol has increased. Some metropolitan areas have mandated the use of ethanol to reduce air pollution. Unfortunately, the dramatic increase in commodity prices could put many ethanol plants out of business. We should consider providing some type of assistance to these agriculturally dependent industries and small businesses.

Mr. President, farmers and ranchers in South Dakota have been waiting many months for drought assistance. They need help now. I urge the Agriculture Committee and the Senate leadership to expedite action on this bill.

By Mr. HATCH (for himself and Mr. GARN):

S. 2633. A bill to provide jurisdiction and procedures for claims by individuals for injuries or death due to exposure to radiation from nuclear testing; to the Committee on the Judiciary.

#### RADIATION EXPOSURE COMPENSATION ACT

● Mr. HATCH. Mr. President, I rise today to address a tragedy that occurred at the hands of the Federal Government. From 1951 to 1962, the Federal Government rushed to perfect a nuclear arsenal that could meet the challenge of the Soviet Union which was also building a nuclear arsenal. America met this challenge, and developed a formidable nuclear deterrent. But this achievement came at a substantial cost to the communities situated immediately downwind of the Nevada test site where over 100 nuclear explosions lit up and thundered across the desert. The civilians in these communities became willing but unwitting veterans of the cold war because although they provided cooperation and support that was essential to the success of the Government's nuclear program, their Government did not keep faith with them. The Federal Government did not meet its clear duty to protect these Americans from the nuclear fallout that rained invisibly upon their homes and towns. For this reason, and because it is probable that this negligence caused a higher cancer rate among the communities downwind of the Nevada test site, today, as on several previous occasions, I am introducing a bill to compensate these communities for the results of their Government's callousness and negligence. It is my hope that at last this legislation will be successful.

The case for this bill has grown steadily since 1977 when Dr. Joseph Lyon of the University of Utah published a scientific monograph in the New England Journal of Medicine. In this article Dr. Lyon reported that there was a surprisingly high incidence of childhood leukemia in southern Utah—several times the normal rate for such cancer. This finding set off a furor in the three State region downwind of the Nevada test site. Accounts of personal experiences that had been kept private for years were suddenly made public. Consequently, people all over the affected area began to realize that they were not alone in questioning and resenting the conduct of the Government during the atmospheric nuclear tests. Individually, many families had long believed that the radioactive fallout had caused cancer among their members, especially the children. Now they learned that other families shared this fear.

In April 1979, the first congressional hearings were held in Salt Lake City on the Government's conduct of the atmospheric tests and on the question of whether the fallout caused cancer. How much cancer was caused by these tests and who has or has had these cancers could not be determined from the early hearings, and have yet to be determined, in part because the Federal Government's negligence has made the technical difficulties involved in

making these determinations virtually insuperable. Federal negligence was the biggest revelation to come from the 1979 hearings and subsequent hearings in 1980, 1981, and 1982.

The Federal Government had a duty to exercise due care in protecting the downwind citizens from the invisible dangers of radiation, dangers that in the 1950's were well known to Government officials but largely unknown to the American people. Yet, the Government did not adequately warn, protect, or even monitor the downwind population during the nuclear bombardment at the Nevada test site. Imbued with a sense of cold war urgency, the agencies responsible worked hard to pacify the downwinders with bland assurances of "no danger," but did little to ensure that these people took the proper precautions to minimize their exposures to radiation from the fallout. Also, by failing to collect adequate data on radiation doses among the downwind citizens—the data that the Government at that time routinely collected for nuclear workers—the downwind citizens have been deprived of evidence that is crucial to making a case against the Government in court.

Despite the difficulties of demonstrating that the nuclear tests caused these individuals' cancers, 1,200 downwind plaintiffs brought suit against the Federal Government, alleging that the fallout caused cancer to them or their relatives. In May 1984, the first 24 cases were decided in *Allen versus U.S.*, a 419 page opinion handed down by U.S. District Judge Bruce Jenkins. In *Allen* the court made awards to 10 of the 24 plaintiffs.

Several findings by the court are of particular interest. First, the court ruled that the Federal Government had a special duty of care in protecting American citizens from the Nuclear fallout. The court cited a series of statutory provisions dating from the forties and fifties which charged the Atomic Energy Commission with the primary responsibility for nuclear safety. The court then stated the following:

The rule is grounded upon common sense: The party with superior knowledge is in the better position to lessen or mitigate the risks of injury. As far as nuclear fallout is concerned, the government possessed an overwhelming superiority in knowledge, as well as an effective monopoly of the special skills, training and experience relevant to open-air atomic testing.

The immediate danger, i.e., exposure to humans to ionizing radiation, involves direct contact with the invisible. Alpha particles, beta particles and gamma rays fall beyond the range of human sense. Specialized instruments or materials must be used to detect their presence. Those without special technical skills are hard pressed to exercise the degree of care needed to protect themselves from such a hazard. A stringent duty of care to minimize such hazards is deliberately imposed on the party who acts with

vastly superior knowledge, in favor of those having less information. The information gap between the plaintiffs and the Government in this action approaches the absolute; a duty of care adjusted according to that vast difference is a very stringent duty indeed. Another reason for imposing a high standard of care is supplied by precedent: In dealing with conduct of potential danger to children, there is a duty to observe extra caution for their safety.

This last point is important for although children are not found on nuclear submarines or in nuclear power plants, they are in abundance in residential communities such as those which were in the immediate path of the fallout. To make matters worse, scientists have demonstrated that children are far more likely than adults to develop cancer from radiation. One would think that the Government would have at least made vigorous attempts to safeguard the children.

But the court found that the Federal Government did not even approach meeting its duty of care regarding the Americans who lived in the shadow of the nuclear blasts:

This court is convinced that that part of the program of public safety—the public information program—was badly flawed, and that during the operation of that program, the information given to the off-site public as to the long-term biological consequences of exposure to ionizing radiation was woefully deficient—indeed, essentially nonexistent. The off-site personnel failed to adequately inform persons at risk of what the government knew or could foresee concerning long-term biological consequences of radiation fallout exposure; failed to adequately instruct persons at hazard how to avoid or how to minimize such risk; failed to adequately, contemporaneously, and thoroughly measure and monitor such fallout so as to be able to inform persons at risk of the extent of the hazard faced by each; failed to explain the increased risks of radiation to children, infants and pregnant mothers; failed to warn of the risk of feeding farm animals with forage dusted with radioactive fallout, failed to warn of the dangers of fallout entering the food chain and the potential long-term biological risks involved in eating of such food—particularly to children; and failed to adequately, intensively and periodically advise persons at risk to do the simple things learned in prior Pacific experiments and laboratory practice, namely to stay indoors and under cover, shower, wash clothes, scrub and clean food, and if deeply worried, to evacuate or leave the area for other locations of less potential contamination.

On many occasions my constituents have corroborated these findings to me privately. There has also been testimony at several congressional hearings. On April 8, 1982, a very brave lady from Nevada, Gloria Gregerson, who was deathly ill with cancer and who has since died, came all the way to Salt Lake City to attend a hearing where she said the following:

I remember the day the nuclear testing started in Nevada. The first blast came without any warning. We were awakened out of a sound sleep. No one was even informed it was going to happen.

We lived in an old two-story home. It broke out several of our windows and cracked our house on two sides the full length of the house.

After this my parents would not let us stay in the house. They took us, still in our pajamas, to the top of a hill where we would watch the blast from there. We could see the flash immediately, and a few minutes later the rumble would come up the river and bounce back and forth between the different mountain ranges. A little later the mushroom cloud would appear.

We were quite close to the test site. We could see the planes as they circled to drop the bombs.

The radioactive cloud, as it came over, was really distinct. It would usually come over our school campus between 9 and 10 in the morning. You could always distinguish it from any other clouds because it had a pinkish-orange tint to it.

I remember my principal told me just 2 or 3 years ago that the AEC had called him on several occasions between 8 and 9 in the morning and told him not to let the kids out of school for any recesses or any classes, to stay inside the building. By 9 or 10 in the morning he would call back and say, its OK, you can let them out. There was not anybody taking readings in our area. There was no way anybody could have known that it was virtually safe for us to go outside.

Later the Government officials would come to our school to talk to us in assemblies, but they never came until after several blasts had already been shot off. They would tell us different things for which we were to watch.

They would preface their remarks saying: "There is nothing to be alarmed about. There is nothing to hurt you, so don't worry, but wash your cars every day; wash your clothes twice before you wear them; don't eat the plants and the vegetables; be sure you wash everything off with water before you even walk on it; don't drink the local milk," yet that is the only way we had to get milk, through our cows.

They just kept emphasizing one point, and that was: "Nothing to worry about. There is no danger." We wondered why they took the trouble to come all the way just to tell us there was nothing to worry about . . .

I remember playing under the oleander trees, which is a wide leaf tree, and the fallout was so thick it was like snow. We do not have snow where we come from. As a result, we liked to play under the trees and shake this fallout onto our heads and our bodies, thinking that we were playing in the snow.

I remember writing my name on the car because the dust was so thick. It was lots of fun. Then I would go home and eat. If my mother caught me as a young child, I would wash my hands; if not, then I would eat with the fallout on my hands.

I made most of the bread for my family when I was still very young. I am not so sure that I always washed my hands, but I did not wear a hairnet either.

Our family ate the vegetables from the fallout-exposed gardens and livestock raised on our fallout laden grass. The AEC told us not to drink the local milk, but they never said anything about our water.

You will note from Mrs. Gregerson's account that there was some effort to suggest precautions to school officials, and even some effort to warn the children directly. There was a public information program, just as there was a

program to measure the fallout levels. Sometimes the Federal officials even recited the proper safety precautions, but usually only after a community had been subject to fallout from some of the dirtiest tests, and never with the sense of urgency that would have impressed the children and their parents with the importance of the safety measures. And, where did the Government expect farming families to get their food?

The Americans who lived in the arid environs of the Nevada Test Site were patriotic. If they had been told the dangers of the fallout, straight out—they would have still supported their Government. But they would have also gotten indoors during the blasts and their aftermath. They would have kept their children indoors. They would have washed themselves and their clothes more often during the fallout. They would have tried to avoid contamination of the food they provided their families.

I do not believe that there was any malicious intent on the part of the responsible Federal officials. Nonetheless, their failure to care properly for the downwinders was unconscionable.

For this failure alone—for this negligence—there should be recompense; but the Federal Tort Claims Act, which governs actions brought against the Government, requires more than a demonstration of egregious dereliction. The law also requires a demonstration through a preponderance of the evidence that the nuclear fallout was the proximate cause of the cancers in question.

Radiation causes cancer; but so do other things, and under the best of circumstances, it is hard to prove that radiation has caused a given cancer. No examination of the cancer victim himself can provide the answer, since radiation-caused cancers are indistinguishable from other cancers. The link between radiation and human cancer is primarily statistical, and the link between radiation and any individual's cancer can only be expressed in terms of probabilities.

Scientists have established that radiation causes human cancer by comparing populations that have been exposed to similar populations that have not been exposed to given doses of ionizing radiation. Repeatedly, exposed populations have exhibited higher cancer rates than unexposed of "control" populations. However, such a comparison study, known as an epidemiological study, can show that a particular group has been harmed by radiation only if the number of people in the group is large enough so that the scientists can be sure that the higher rate of cancer did not occur by chance.

Government estimates of the downwind population have ranged from 172,000 to nearly 200,000. This may



seem like a large number of people, but it is still too few for a definitive determination either that the fallout caused or did not cause cancer. Therefore, no direct study of the downwinders themselves can scientifically establish their case. What is more, even if a definitive study could be performed and it did show that the downwind population had radiogenic cancers, these cancers would be hidden among many naturally occurring cancers. The study could not distinguish which cancer victims were the radiation victims.

Despite these problems, radiation is the most studied and best known environmental toxin. Models and profiles can be developed from a vast store of scientific data gathered around the world but especially from the experiences of Nagasaki and Hiroshima. These models and profiles can be used to estimate the likelihood that a person's cancer is radiogenic so long as certain critical factors about the person are known. The probability that an individual developed cancer from radiation has been shown to vary according to such things as the type of cancer, the person's age at the time of exposure, the person's sex, and not surprisingly, the size of the radiation dose the person received.

But herein lies another critical, perhaps insurmountable problem for the downwinders. Nuclear workers wear film badges and dosimeters as do sailors in the nuclear Navy, and careful records are kept of their doses. X-ray machines and radiation therapy equipment are calibrated, and doctors know or should know the doses their patients receive. But no credible dose estimates exist for the downwinders, especially when they are considered as individuals.

The dearth of dose data makes impossible the construction of standard radiogenic cancer cases by the downwinders against the Government. These data do not exist because the Government negligently failed to gather these data. Therefore, the Government has made it exceedingly difficult, if not impossible, for the downwinders to prove their cases under a standard interpretation of the Federal Tort Claims Act. Moreover, this Federal negligence makes it unlikely that we will ever know the actual health effects of the fallout.

In *Allen against United States*, the court had much to say about the failure of the Government to monitor adequately the radiation doses of the people who lived with the fallout. On page 247 of the opinion the court says:

... at no time during the period 1951 through 1962 did the off-site radiation safety program make any concerted effort to directly monitor and record internal contamination or dosage in off-site residents on a comprehensive person-specific basis. Widespread person-specific monitoring on a random sample basis did not take place

until PLUMBBOB in 1957. Unlike the national laboratories such as Oak Ridge, where the quantities of material involved were a tiny fraction of those released at NTS, no routine urine, fecal or blood samples were taken from residents of local areas exposed to significant, measurable radioactive contamination. Not even in those circumstances where external exposures were estimated to meet or exceed the established safety guidelines, such as in St. George following the HARRY test in May, 1953, did the off-site rad-safe personnel make any effort to check possible internal contamination among residents by direct methods. No thyroid or whole-body counters were constructed for use in screening members of the community—especially children—who may have been exposed to more than was permissible even for radiation workers. In fact, in the aftermath of HARRY, the monitors decided not to take a number of milk samples in order to avoid arousing public concern.

On page 258 the court says:

Even in dealing with "hard" external gamma radiation, dose estimation for the off-site residents amounted at best to an educated guess. Hastily taken, surface gamma measurements were generalized into smooth isodose lines on a fallout map and then "adjusted" downward by a factor of 2 or more to account for assumptions made about the attenuating effects of housing materials, automobiles, clothing, topography, distance and other factors.

On page 261 the court says:

Person-specific monitoring and record-keeping through use of film badges or dosimeters would have largely eliminated the guesswork used both then and now to assess external radiation risks to the local community... had the government accurately monitored the individual exposures in off-site communities at the time of the tests, accurate estimation of actual dosage to individual persons would have been achieved.

On page 262 the court says:

Careful review of the numerous relevant documents, reports and statements which are now a part of the record in this case compels this court to conclude that the monitoring activities conducted in the areas surrounding the Nevada Test Site in an effort to ascertain external doses of radiation were persistently negligent in philosophy and action. The monitoring program as carried out necessarily produced inadequate data from which to accurately evaluate either acute, short-term or chronic, long-term risks of adverse health effects, especially as related to children. Long-term exposures and risks, particularly those related to external beta and internal exposure, alpha, beta and gamma radiations, were never adequately measured or analyzed during the period of atmospheric testing. The inability of current dose estimation projects to make reasonably confident dose estimates based solely on the contemporaneous measurements by NTS neatly underscores the inadequacy of that data at that time as a basis for making those estimates at that time.

On page 275 the court says:

Test personnel were commonly assigned film badges and dosimeters; residents were not. Test personnel were regularly directed to shower, bathe, change and launder clothing, decontaminate vehicles, buildings and work areas and to exercise care to avoid ingesting or inhaling fallout materials... al-

though the same or even stricter exposure standards were to be applied to the off-site population, no general direction was given to residents to shower or bathe carefully, change and launder clothing; except for brief efforts at washing vehicles at roadblocks, decontamination activities in the communities were minimal. This disparity ran contrary to the public-related obligations recognized by the Government."

On page 338 the court says:

... the government's negligent failure to adequately monitor and record the actual external and internal radiation exposures of off-site residents on a person-specific basis has yielded many glaring deficiencies in the evidentiary record as it relates directly to the question of causation. ... Accurate monitoring of persons largely was not undertaken; adequate warnings and information were almost entirely omitted from the operational radiation safety activities.

On page 370 the court says:

Rather than serving as the ceiling of retrospective dosimetry for many of the plaintiffs, the exposure estimates currently offered by the government should likely be deemed to be minimum figures for use in risk estimation.

The glaring deficiencies in the Federal data on doses also became evident during the 1979 congressional hearings. Embarrassment over these deficiencies at that time prodded the Department of Energy to begin the off-site radiation exposure review project [ORERP] which has since spent millions of dollars attempting to reconstruct the doses through an array of clever techniques. However eminent and resourceful the scientists involved, I cannot imagine their succeeding in providing estimates that will be approximately accurate for individual claimants. Several of the people who wore offsite monitors during the bomb tests have reported that the fallout readings could vary substantially depending on whether one was measuring at the ground level, at waist level, or over at a bush 10-feet distant. The radiation blew and swirled with the wind, and was concentrated or dispersed according to topography. The downwinders were here and there, going about their daily business in the course of an entire decade of nuclear explosions. How can anyone now reconstruct the dose that any individual downwinder accrued?

The court notes this problem as well in the following passage:

Yet it is particularly evident here, where the extended period of repeated, uneven exposures to off-site fallout alone renders the processes of estimation far more complex than those for single-exposure events, such as Hiroshima and Nagasaki, or the Windscale incident in Great Britain, or the Three Mile Island incident in Pennsylvania.

Occasionally, the fallout drifted on a small area, what the monitors called a hot spot, a place where radiation readings were extraordinarily higher than the adjoining areas. On discovering one such hot spot, prospectors filed a claim, thinking they had discovered

uranium deposits. There is no way now of learning how many hot spots there were, or whether a given downwinder did or did not encounter one.

This is not to say that the dose reconstruction project is worthless and should cease. The old data, however incomplete, should be examined and new evaluations should be made so that we gain the best sense possible of both the parameters and the perimeters for the disposition of the fallout. What I am saying is that although certain limits, especially geographic limits, can be approximated; for the people who lived in the maelstrom of the fallout, no credible, individual dose estimates can be made. One cannot be sure what individual downwinders ate, what they breathed, or where they stood. These people are denied the personal dose data that is available to every nuclear worker.

Considering the court's awareness of the scope and implications of the Federal Government's negligence in this matter, and considering the court's decision in favor of a substantial portion of the first 24 plaintiffs, one might question why the issue should not be left to the court, why there is a need for remedial legislation. There is one simple answer to this question.

The Department of Justice successfully appealed the Allen decision to the Tenth Circuit Court of Appeals, which found the Federal Government immune from liability under the Federal Tort Claims Act because the nuclear testing was a discretionary governmental function, for which the act provides a liability exemption. The Supreme Court has since refused to hear the case on appeal. Despite Judge Jenkins's innovative interpretation of the law in awarding damages for some of the claimants, for all intents and purposes, these civilian downwind victims have exhausted their court remedies with nothing to show for their suffering.

Though the requirements of justice should mean success for the plaintiffs, the letter of the law in these cases was against them. It is not the responsibility of the courts to rewrite the law to accommodate special circumstances such as these. Such is the province of the Congress.

Closely related to the dangers faced by the downwind residents, were the dangers faced by those who mined uranium in Colorado, New Mexico, Arizona, and Utah from 1947 to 1961. During this period, the Federal Government controlled all aspects of the production of nuclear fuel.

These miners, most of whom were native Americans, were sent into inadequately ventilated mines with virtually no instruction regarding the dangers of ionizing radiation. These individuals sometimes ate their lunches in these mines, and often failed to bathe when they returned home in the

evening. They had no idea of the danger. Consequently many miners inhaled radon daughters that eventually yielded substantial doses of ionizing radiation. As a result, these miners have a substantially elevated cancer rate.

The miners' complaints are the product of the same era as the downwind victims. They were subject to the same callousness that was endured by the downwinders. For technical, legal reasons, most of the miners with radiogenic cancer have a claim on neither the mining companies nor the State workers compensation boards. They have also met essentially the same result as the downwinders in their battles in court. The uranium that they mined was used to fuel our Federal Nuclear Program, and it is only fitting that these miners also be given a proper legal remedy.

Recently, we have witnessed several efforts by Congress and the administration to provide remedies for those who have been similarly wronged by actions of the Government.

During the 99th Congress, we passed, and the President signed into law an administrative trust fund remedy for the radiation damage claims of the Marshall Islanders. Micronesia was the other place that the Federal Government tested its nuclear weapons in the atmosphere. My constituents in Utah as well as the citizens of Arizona and Nevada feel a special kinship with the people of the Marshall Islands. Sixty-six nuclear explosions were set off in the vicinity of Enewetak and Bikini Islands. More than 100 announced nuclear bombs were detonated above the Nevada test site. Both the Pacific and the Nevada test sites were selected because the areas around them were almost without people. Almost but not quite. In both cases people were there. The Marshallese are as convinced as the American downwinders that the tests damaged property and lives. Consequently, the Marshall Islanders have filed billions of dollars in claims in American courts against the United States.

On October 1, 1982, Ambassador Zeder signed, for the United States, the Compact of Free Association with the Governments of Micronesia. By the fall of 1983, these Governments had also signed the compact, and their people had ratified it through plebiscites. The compact contains a section 177 which established a \$150 million trust fund to settle all radiation damages claims by the Marshall Islanders against our Federal Government. The fund is held in American securities, and administered by commissioners appointed by the Marshall Islanders. The fund has been used to pay damages to individuals, and to restore property, and to provide a variety of health services.

Just recently we overwhelmingly approved a measure, H.R. 1811, to provide assistance to the veterans who were exposed to the harmful effects of atomic radiation while in the line of duty. Under the provisions of that law, those veterans who develop any of several listed cancers and who can establish that they participated in nuclear weapons tests or in the occupation of Hiroshima or Nagasaki are presumed to have developed the disease as a result of their service. These veterans are then entitled to Veterans' Administration assistance.

Several of the factors involving the test site downwinders indicate an even greater need to provide for some form of compensation. Many of the downwinders were young children, still in their developmental years and highly susceptible to the damaging effects of the radiation, as opposed to the military population which generally consisted of healthy, young adult males. The average time of exposure for those in the military varied from a few weeks to a few months, while the average downwinder was exposed anywhere from slightly less than 1 year to more than 20 years, resulting in a much larger cumulative lifetime exposure rate. Residents in the Utah, Nevada, and Arizona downwind locations were more likely to have consumed locally grown food and dairy products that were affected by fallout for long periods of time. Such a diet would produce an even greater chance for internal exposure.

It is clear that if the Federal Government has a duty to compensate the Marshall Islanders and the atomic veterans, it also has a duty to compensate the test site downwinders.

In May 1984, the Committee on Energy and Natural Resources conducted a hearing on the Micronesian Compact of Free Association. Chairman McClure graciously invited me to attend. Ambassador Zeder and other representatives of the administration were present to express the administration's support for the Compact of Free Association and the \$150 million trust fund for the Marshall Islanders. I asked these representatives of the administration whether they say any reason why this Government should show our own American citizens any less courtesy and compassion than we are showing the people of the Marshall Islands, and whether there was any reason why we should not provide to our own people a remedy that we are providing to the people of the Marshall Islands. The representatives of the administration could think of no reason why the Americans should not be treated the same as the Marshall Islanders. This is not surprising, since there is no reason why the American downwinders should not receive some form of compensation to provide



them at long last with both the appearance and the reality of justice. The bill that I am introducing today will provide that justice.

This bill will provide compensation for two classes of claimants—those who were exposed to downwind nuclear fallout, and those who were exposed to radiation in the uranium mines. The U.S. Claims Court would have jurisdiction to hear claims and render judgments for money damages for personal injury or death that was due to the exposure of radiation by the two classes of claimants.

Members of the first class, those exposed to downwind fallout radiation, must have lived in the designated area during the times of the above-ground atomic tests; previously asserted a claim against the United States under the Federal Tort Claims Act if they discovered their cancer prior to the 10th Circuit Court ruling; and developed one of the following types of diseases: leukemia (other than chronic lymphatic leukemia), multiple myeloma, or cancer of the thyroid, lung, female breast, stomach, colon, esophagus, or urinary tract. Members of this class will also include those who discover their cancer after 10th Circuit Court decision, but these victims will not have had to have previously filed a suit against the United States.

Members of this class will have 2 years following the discovery of their cancer, or the enactment of this bill to file their claims, and the court must render its decision within 12 months after hearing the case. Damages will be limited to \$50,000 for all claims arising from the injuries or death to any one person.

The second class of claimants includes any individual employed in the uranium mines located in Colorado, New Mexico, Arizona, or Utah during the years from 1947 through 1971 who contracted lung cancer or other serious respiratory disease and previously filed a claim against the United States under the Federal Tort Claims Act if their disease was discovered before court decisions cutting off their judicial remedies. The class would also include any individual who discovers their disease after those court decisions, and again, they would not have to have previously filed a claim against the United States.

This class will have to file claims within 2 years of the discovery of their disease or the enactment of this bill, whichever is later, and damages will be limited to \$100,000 for all claims arising from the injury or death of any single individual.

The bill would limit attorney or agent fees to 10 percent of any damages paid and would not affect any insurance claims.

Some will undoubtedly complain about the high costs that might be associated with this bill. But it is not

that much, considering the harm that was done. It will amount to only a fraction that the downwinders have spent because of the problems that the Government has caused. According to the General Accounting Office, the Federal Government has spent over \$2 billion to study the health effects of radiation. We have spent well over \$100 million to clean up uranium tailings. We have spent over \$100 million to treat and study the people of Nagasaki and Hiroshima. We have continued to spend hundreds of millions of dollars on underground nuclear testing. Finally, the money for the downwinders is not for some discretionary program, it is to pay a debt that the whole country owes.

I will close with two thoughts. First, hardly any complaint about the fallout has been heard from Las Vegas which is quite close to the Nevada test site, or from Los Angeles which is not that far away. The reason is simple. The masters of the Nevada test site would not detonate a nuclear bomb when the wind was blowing toward either of these two cities. They exercised this restraint because they considered the fallout dangerous. They only exploded a bomb when the wind was blowing into southern Utah, and then they hastened to assure the people there that there was not danger.

Finally, I wonder sometimes what each of my fellow Senators might say to a proposal to put an atmospheric nuclear bomb testing ground in their own State, or in the State next door. What if the idea were to put one in New Hampshire, New Jersey, or Montana, what would the Senators from these States say? Would they oppose such a move? I suspect so. I suspect that every Senator would oppose such a facility being in his or her State, vehemently. I suspect that the people of the State, whatever the State, would react as vehemently as their Senators. This suggests to me that the American people and this Senate implicitly understand the burden the downwinders bore and the contribution they have made. Therefore, I urge my colleagues to do the right thing and to support legislation to provide justice to these Americans.●

By Mr. MURKOWSKI:

S. 2634. A bill for the relief of Harold M. Wakefield; to the Committee on the Judiciary.

RELIEF OF HAROLD M. WAKEFIELD

● Mr. MURKOWSKI. Mr. President, today I am introducing a private relief bill for Mr. Harold M. Wakefield.

Mr. Wakefield's story is one of compelling bravery and patriotism in the face of difficult circumstances. The service that Harold Wakefield performed on behalf of the U.S. Government should make us all proud.

Mr. Wakefield first came to Alaska in 1950. In the early 1970's more than a decade ago, he had a well-paying, highly responsible managerial position. He had a growing family and found Alaska to be the ideal location to raise his children.

In 1972, Mr. Wakefield's father passed away and Wakefield took over the family's boat shop. A year later, a customer came to that shop and offered to sell an expensive diesel marine engine. Mr. Wakefield had just recently read in the local newspaper that a flat-bed truck containing a number of new snow machines and this same diesel engine had been hijacked. Rather than simply saying "no" to the offer to purchase stolen property, Wakefield said he would think about it and then proceeded to the Federal Bureau of Investigation to report the incident.

During the meeting with the FBI, Mr. Wakefield was asked if he would help recover the stolen engine. Despite the potential danger involved, he agreed. At the request of the FBI, Wakefield contacted the individual who offered him the engine and indicated he might be willing to make a purchase if the price was right. With that, the FBI placed a wiretap on Mr. Wakefield's telephone. Meanwhile, the FBI was unsuccessful in getting a search warrant. To continue the investigation, the FBI needed Wakefield to become further involved with the sting operation. The Bureau asked that Wakefield meet with the criminals and work out a deal.

At a restaurant in Anchorage, Mr. Wakefield met with an individual who later was identified as Allen Wayne Hurley, the leader of the Alaska Chapter of the Hell's Angels. An agreement was made on the purchase of the stolen engine. The FBI now knew who was behind the hijacking and Mr. Wakefield could have left the case at this point. He had done more than his civic duty required. However, the FBI asked that he again become personally involved in getting the stolen property back by purchasing the engine for \$10,000.

Under these pressures, the character of Henry Wakefield showed through. He found himself intimately involved with an investigation that could have cost more than mere time and inconvenience. He had to consider that the person he was dealing with was the leader of the Hell's Angels. Not only was Mr. Wakefield risking his life, his family was placed in danger with his increasing involvement in this operation.

Remarkably, Mr. Wakefield did not back down. Instead he decided to go forward with the setup. The engine was purchased and Wayne Hurley was arrested.

With their leader facing trial, the Hell's Angels began intimidating the Wakefields. They terrorized Mr. Wakefield's widowed mother. Mr. Wakefield was forced to move her to California. Of course, Mr. Wakefield was also in danger. To change his appearance, he shaved off his beard and had his hair cut. He slept with a loaded gun by the bed and had a gun in the family cars. The house was wired with alarms and Wakefield and his wife took turns staying awake at night to make sure the family was protected.

Trying to avoid the danger, Mr. Wakefield decided to go to Costa Rica for 1 year with his wife and four daughters. He returned to Alaska only to testify at Hurley's trial and then went back to his family in Central America. His plan was to return to Alaska and reestablish his life after this event had quieted down and it would be safe to come home.

The family left Anchorage for Costa Rica in December 1974. Mr. Wakefield returned to Alaska secretly in April 1975 for the trial. Upon arriving at the Anchorage International Airport, Wakefield was told by the FBI and U.S. attorney's office that Hurley had taken out a contract on his life—one large enough to attract a professional hitman from out of State. In fact, the FBI brought up a special agent to claim fulfillment of the contract so that Hurley and his gang would believe Mr. Wakefield was dead. The agent gave the Hell's Angels forged evidence to show that Wakefield had been killed.

Proceeding under a great deal of security, Wakefield testified against the leader of the Hell's Angels. During the time he was in Anchorage, Wakefield was under the witness protection program. Hurley was convicted and Mr. Wakefield immediately left for his family in Costa Rica.

And there this story should have ended, with Mr. Wakefield returning to Alaska shortly after the trial and continuing his career and raising his family. However, it was not to be. Three days after being convicted, Hurley overpowered two guards and escaped from the Anchorage jail. The U.S. marshal's office contacted Mr. Wakefield and told him it was not safe to return to Alaska. Because of the network of Hell's Angels across the United States, there was no place in this country where Wakefield and his family would be truly safe. The marshal's office was confident that Hurley would be recaptured shortly. Unfortunately, the prediction was wrong. Hurley eluded law enforcement officers throughout the Pacific coast for over 8 years, until August 1984 when he was finally captured in Bellingham, WA, with over \$400,000 worth of marijuana and sophisticated growing equipment. Last fall Alaska's most

wanted fugitive was returned to Anchorage and finally sentenced for the 1973 crime. He was given 5 years in Federal prison.

During the 9 years between Hurley's escape and recapture, Mr. Wakefield was running out of funds in Costa Rica and was forced to return to the United States. He and his family lived in Alabama for 1 year then moved to Florida. He could not work full time because he was unable to give a complete employment history and so was unable to get a responsible position.

Through these years of moving about and making ends meet with part-time jobs, the Wakefields kept in close contact with the marshal's office in both Anchorage and Florida. Finally in 1982, 7 years after he testified against Hurley, the U.S. marshal gave Mr. Wakefield the go-ahead to return home to Alaska.

During this entire time, Mr. Wakefield received no money of any kind from the U.S. Government except \$25 for testifying before the grand jury and reimbursement for his airplane ticket when he returned to Anchorage for the trial.

Mr. President, early on, Mr. Wakefield turned down permanent witness protection because he did not want to change his name and permanently move from Alaska. Additionally, he was told that Hurley would be captured and imprisoned in a short period of time. With 20/20 hindsight, perhaps Wakefield should have chosen witness protection. The rules of the Justice Department do not permit retroactive application of the Witness Protection Program. Mr. Wakefield, who has lost thousands of dollars because he helped the Government, now has no recourse through normal governmental channels to recover his losses. Therefore, his last resort is this private relief measure that I am introducing today.

The merits of Mr. Wakefield's claim should be adjudicated by the Court of Claims, which will assess his monetary loss. For all that Henry Wakefield has gone through these past years on behalf of his country, we should at least provide him an opportunity to present his claim before the only remaining tribunal that can provide relief.●

#### ADDITIONAL COSPONSORS

S. 1052

At the request of Mr. SPECTER, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1052, a bill to establish a National Center for the United States Constitution within the Independence National Historical Park in Philadelphia, PA.

S. 1250

At the request of Mr. MITCHELL, his name was added as a cosponsor of S.

1250, a bill to strengthen the criminal justice partnership between the States and the Federal Government.

S. 1554

At the request of Mr. FOWLER, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1554, a bill to provide Federal assistance and leadership to a program of research, development and demonstration of renewable energy and energy conservation, and for other purposes.

S. 1851

At the request of Mr. METZENBAUM, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 1851, a bill to implement the International Convention on the Prevention and Punishment of Genocide.

S. 2055

At the request of Mr. McCLURE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2055, a bill to designate certain national forest system lands in the State of Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulae for certain national forest system lands, and to release other forest lands for multiple-use management, and for other purposes.

S. 2176

At the request of Mr. DIXON, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 2176, a bill to amend the Internal Revenue Code of 1986 to permit the tax-free purchase of motor fuels by individuals who are exempt from paying the motor fuels excise tax, and for other purposes.

S. 2242

At the request of Mr. DASCHLE, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 2242, to provide for the continuation of certain basic services of the Postal Service consistent with Postal policies under section 101 of title 39, United States Code, and for other purposes.

S. 2411

At the request of Mr. MITCHELL, the names of the Senator from Ohio [Mr. GLENN], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 2411, a bill to amend the Internal Revenue Code of 1986 to extend the low-income housing credit through 1990.

S. 2449

At the request of Mr. PRYOR, the name of the Senator from Colorado [Mr. WIRTH] was added as cosponsor of S. 2449, a bill to amend title 39, United States Code, with respect to the budgetary treatment of the Postal Service, and for other purposes.



S. 2467

At the request of Mr. D'AMATO, the names of the Senator from Alabama [Mr. SHELLEY], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Nevada [Mr. HECHT], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Michigan [Mr. RIEGLE], the Senator from Illinois [Mr. DIXON], the Senator from Colorado [Mr. WIRTH], the Senator from Nebraska [Mr. KARNES], the Senator from Texas [Mr. GRAMM], the Senator from Missouri [Mr. BOND], the Senator from California [Mr. CRANSTON], the Senator from Connecticut [Mr. WEICKER], the Senator from North Carolina [Mr. SANFORD], and the Senator from Hawaii [Mr. INOUE] were added as cosponsors of S. 2467, a bill to amend the Federal Home Loan Mortgage Corporation Act to remove the ownership restrictions placed on nonvoting preferred stock of the corporation.

S. 2516

At the request of Mr. REID, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of S. 2516, a bill to direct the Secretary of the Interior to transfer a certain parcel of land in Clark County, NV.

S. 2523

At the request of Mr. REID, the names of the Senator from Ohio [Mr. GLENN], and the Senator from Hawaii [Mr. INOUE] were added as cosponsors of S. 2523, a bill to amend title 23, United States Code, to require States to promptly suspend or revoke the license of a driver found to be driving under the influence of alcohol and for other purposes.

S. 2614

At the request of Mr. HOLLINGS, the names of the Senator from Texas [Mr. BENTSEN], and the Senator from California [Mr. WILSON] were added as cosponsors of S. 2614, a bill to amend the National Science and Technology Policy, Organization, and Priorities Act of 1976 in order to provide for improved coordination of national scientific research efforts and to provide for a national plan to improve scientific understanding of the Earth system and the effect of changes in that system on climate and human well-being.

SENATE JOINT RESOLUTION 271

At the request of Mr. QUAYLE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 271, a joint resolution to designate August 20, 1988, as "Drum and Bugle Corps Recognition Day."

SENATE JOINT RESOLUTION 291

At the request of Mr. COCHRAN, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from California [Mr. CRANSTON] were added as cosponsors

of Senate Joint Resolution 291, a joint resolution to designate the Month of September 1988 as "National Sewing Month."

SENATE JOINT RESOLUTION 320

At the request of Mr. HATCH, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Virginia [Mr. WARNER], the Senator from Georgia [Mr. NUNN], the Senator from Washington [Mr. ADAMS], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nevada [Mr. REID], the Senator from Oregon [Mr. PACKWOOD], the Senator from Rhode Island [Mr. CHAFFEE], the Senator from Georgia [Mr. FOWLER], the Senator from Arizona [Mr. MCCAIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Connecticut [Mr. DONN], the Senator from Massachusetts [Mr. KERRY], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Nebraska [Mr. KARNES], the Senator from Maryland [Ms. MIKULSKI], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution, 320, a joint resolution to commemorate the 50th anniversary of the passage of the Food, Drug, and Cosmetic Act.

SENATE JOINT RESOLUTION 321

At the request of Mr. BRADLEY, the names of the Senator from Nebraska [Mr. EXON], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Connecticut [Mr. WEICKER], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 321, a joint resolution to designate the period commencing February 19, 1989, and ending February 25, 1989, as "National Visiting Nurse Associations Week."

SENATE JOINT RESOLUTION 345

At the request of Mr. TRIBLE, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Connecticut [Mr. DONN], and the Senator from Nevada [Mr. HECHT] were added as cosponsors of Senate Joint Resolution 345, a joint resolution to designate October 8, 1988, as "National Day of Outreach to the Rural Disabled."

SENATE CONCURRENT RESOLUTION 103

At the request of Mr. DECONCINI, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Concurrent Resolution 103, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan.

## AMENDMENTS SUBMITTED

## DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION ACT, FISCAL YEAR 1989

## PRYOR AMENDMENT NO. 2549

Mr. PRYOR proposed an amendment to the bill (H.R. 4794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1989, and for other purposes; as follows:

At the end of the bill, add the following:

## CONSULTING SERVICES

SEC. . (a)(1) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and professional services; special studies and analyses; technical assistance; and management review of program funded organizations; in excess of an amount equal to 85 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(2) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and support services for research and development activities; engineering development and operational systems development; technical representatives; training; quality control, testing, and inspection services; specialized medical services; and public relations; in excess of an amount equal to 95 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(b) The Director of the Office of Management and Budget shall take such action as may be necessary, through budget instructions or otherwise, to direct each department, agency, and instrumentality of the United States to comply with the provisions of section 1114 of title 31, United States Code.

(c) Notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1989 is reduced by an amount equal to—

(1) 15 percent of the amount expended by such department, agency, or instrumentality during fiscal year 1987 for purposes described under subsection (a)(1); and

(2) 5 percent of the amount expended by such department, agency, or instrumentality during fiscal year 1987 for purposes described under subsection (a)(2).

(d) As used in this section, the term "consulting services" includes any service within the definition of "Advisory and Assistance Services" in Office of Management and Budget Circular A-120, dated January 4, 1988.

**HARKIN (AND OTHERS)  
AMENDMENT NO. 2550**

Mr. HARKIN (for himself, Mr. EXON, Mr. PRESSLER, Mr. DURENBERGER, Mr. BUMPERS, and Mr. KARNES) proposed an amendment to the bill H.R. 4794, supra; as follows:

On page 33, insert between lines 18 and 19, the following:

**LOCAL RAIL SERVICE ASSISTANCE**

For local rail service assistance, \$14,321,000 for necessary expenses, notwithstanding any other provision of law, for rail assistance under section 5(q) of the Department of Transportation Act, as amended (to remain available until expended) of which \$12,521,000 shall be made available for use directly under sections 5(h)(3)(B)(ii) and 5(h)(3)(C) of the Department of Transportation Act, notwithstanding any provision therein to the contrary: *Provided further*, That each State shall be entitled to, and no more than, \$36,000 under the combined provisions of section 5(h)(2) and section 5(i), notwithstanding any provision therein to the contrary: *Provided further*, That no State may apply for fiscal year 1989 funds available under section 5(h)(2) until such State has obligated all funds granted to it under section 5(h)(2) in the fiscal years prior to the beginning of fiscal year 1984, other than funds not expended due to pending litigation: *Provided further*, That a State denied funding by reason of the preceding proviso may still apply for and receive funds for planning purposes.

On page 34, line 19, strike out "\$580,800,000" and insert in lieu thereof "\$575,800,000".

**HOLLINGS (AND OTHERS)  
AMENDMENT NO. 2551**

Mr. LAUTENBERG (for Mr. HOLLINGS, for himself, Mr. SANFORD, Mr. THURMOND, and Mr. HELMS) proposed an amendment to the bill H.R. 4794, supra; as follows:

At the end of the bill, add the following:  
Sec. . Section 139 of the Highway Improvement Act of 1982 (23 U.S.C. 101, note) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of this section or of any other provision of law, any project involving the relocation of any Interstate route or segment that is approved by the Secretary of Transportation under subsection (a) shall be eligible for discretionary funds made available under section 118(b)(2)(B) of title 23, United States Code."

**MCCAIN (AND OTHERS)  
AMENDMENT NO. 2552**

Mr. MCCAIN (for himself, Mr. DECONCINI, Mr. EXON, Mr. HARKIN, and Mr. KARNES) proposed an amendment to the bill H.R. 4794, supra; as follows:

At the end of the bill, insert:  
Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall institute a rulemaking proceeding to consider the need for changes to the existing regulation concerning the allocation and transfer of "slots" held by air carriers and commuter operators at each of the four airports covered by the final rule regarding Slot Al-

location and Transfer Methods at High Density Traffic Airports, published in the FEDERAL REGISTER on December 20, 1985. Included among the issues that shall be considered in this proceeding are (1) the overall effect of the existing buy-sell regulation upon new entry or limited incumbents at these four airports, (2) the effects of the recently-approved mergers and acquisitions upon the operation of the buy/sell program at these airports, (3) the competitive and fare implications of the utilization of slots for providing services to and from hub airports and on monopoly routes, (4) the effect of short-term leases of slots upon the ability of new entrants or limited incumbents to purchase slots at these airports, (5) the effect of the use of air carrier slots by commuter operators upon entry by air carriers at these airports, and (6) the variation in prices paid for slots since adoption of the buy/sell program. The Administrator shall take final action in this proceeding, including the promulgation of any resulting final regulations, not later than 270 days after the date of enactment of this Act.

**DIXON (AND SIMON)  
AMENDMENT NO. 2553**

Mr. DIXON (for himself and Mr. SIMON) proposed an amendment to the bill H.R. 4794, supra; as follows:

At the end of the bill, add the following:

Sec. . Notwithstanding any other provision of this Act, no funds appropriated to the Department of Transportation or the United States Coast Guard by this Act shall be used to carry out the closing of any search and rescue operation of the United States Coast Guard until after the expiration of the 90-day period following the date on which the Comptroller General of the United States reports to the Congress the results of his evaluation of the criteria used by the United States Coast Guard in determining whether or not to close out or curtail such operations, and his recommendations with respect thereto.

**LAUTENBERG (AND OTHERS)  
AMENDMENT NO. 2554**

Mr. LAUTENBERG (for himself, Mr. LATFIELD, Mr. METZENBAUM, Mr. MITCHELL, Mr. PELL, Mr. COHEN, Mr. WILSON, Mr. CHAFEE, and Mr. PROXMIER) proposed an amendment to the bill H.R. 4794, supra; as follows:

On page 5, at the end of the Committee amendment beginning on line 1—relating to Coast Guard environment protection activities, add the following:

"*Provided further*, That, within available funds, the Coast Guard shall reopen and maintain the Coast Guard search and rescue stations located at Shark River, New Jersey; East Port, Maine; Block Island, Rhode Island; Ashtabula, Ohio; North Superior, Minnesota; Lake Tahoe, California; Kennewick, Washington; Kauai, Hawaii; and Mare Island, California and reactivate the Coquille and Rogue River Patrols in Oregon: *Provided further*, That within available funds, the Coast Guard shall maintain the Coast Guard search and rescue station located at Bayfield, Wisconsin on a year-round basis."

**MOYNIHAN (AND D'AMATO)  
AMENDMENT NO. 2555**

Mr. MOYNIHAN (for himself and Mr. D'AMATO) proposed an amendment to the bill H.R. 4794, supra; as follows:

By adding a new subsection (i), to read as follows:

"(i) Notwithstanding any other provision of law, none of the funds appropriated in this, or any other act, shall be available for obligation by the Secretary of Transportation, unless the Secretary implements a program not to reduce apportionments under section 154, Title 23, United States Code for noncompliance with subsection (f) of such section during fiscal years 1987 and 1988, and until September 30, 1989."

**SYMMS (AND MCCLURE)  
AMENDMENT NO. 2556**

Mr. SYMMS (for himself and Mr. MCCLURE) proposed an amendment to the bill H.R. 4794, supra; as follows:

At the appropriate place in the bill add the following new section:

Sec. . Section 149(k)(1) of the Federal-Aid Highway Act of 1987 is amended by adding paragraph (U) as follows:

"(U) EASTPORT TO HOMEDALE, IDAHO.—The Secretary is authorized to carry out work on the United States Route 95 highway in the State of Idaho from Eastport, Idaho, to Homedale, Idaho."

**RUDMAN AMENDMENT NO. 2557**

Mr. RUDMAN proposed an amendment to the bill H.R. 4794, supra; as follows:

On page 14, line 10, after "*Provided further*," strike out all through line 23 and insert the following: That no funds appropriated in this paragraph shall be available to the Massachusetts Port Authority subsequent to a determination by the Department of Transportation that the landing fee structure adopted by the Massachusetts Port Authority on March 16, 1988, for Logan International Airport, is not consistent with the Federal Aviation Act of 1958, 49 U.S.C. app. 1301 et seq. or the Airport and Airway Improvement Act of 1982, 49 U.S.C. app. 2201 et seq., or with national transportation policy, if such fee structure remains in effect after such determination: *Provided further*, That the Department of Transportation shall make such determination prior to December 5, 1988.

**HELMS (AND SANFORD)  
AMENDMENT NO. 2558**

Mr. LAUTENBERG (for Mr. HELMS, for himself, and Mr. SANFORD) proposed an amendment to the bill H.R. 4794, supra; as follows:

At the appropriate place in the bill add the following new section:

Sec. . Paragraph (1) of section 149(k) of the Federal-Aid Highway Act of 1987 is amended by adding at the end thereof the following new subparagraph:

"(v) UNITED STATES ROUTE 23 AND THE CHARLOTTE OUTER LOOP IN NORTH CAROLINA.—The Secretary is authorized to carry out highway projects in the State of North Carolina—



"(i) from the interchange of Interstate Routes 26, 40, and 240 in Asheville, North Carolina to the border of the State of Tennessee, and

"(ii) from Interstate Route 77S east to Interstate Route 85N of the Charlotte Outer Loop."

#### GRAMM AMENDMENT NO. 2559

Mr. D'AMATO (for Mr. GRAMM) proposed an amendment to the bill H.R. 4794, supra; as follows:

At the end of the bill, add the following:

Sec. . From funds appropriated to the Department of Transportation by this Act, the Secretary of Transportation is authorized, notwithstanding any other provision of this Act, to make available, not to exceed \$500,000, to assist local interests in developing planning studies for the relocation of railroad tracks on college campuses to eliminate hazardous, unsafe, and adverse environmental conditions.

#### MURKOWSKI (AND OTHERS) AMENDMENT NO. 2560

Mr. D'AMATO (for himself, Mr. MURKOWSKI, Mr. D'AMATO, and Mr. LAUTENBERG) proposed an amendment to the bill H.R. 4794, supra; as follows:

At the end of the bill, add the following:

Sec. . (a)(1) None of the funds appropriated by this Act may be obligated or expended to enter into any contract for the construction, alteration, or repair of any public building or public work in the United States or any territory or possession of the United States with any contractor or subcontractor of a foreign country, or any supplier of manufactured products of a foreign country, during any period in which such foreign country is listed by the United States Trade Representative under subsection (c) of this section.

(2) The President or the head of a Federal agency administering the funds for the construction, alteration, or repair may waive the restrictions of paragraph (1) of this subsection with respect to an individual contract if the President or the head of such agency determines that such action is necessary for the public interest. The authority of the President or the head of a Federal agency waiving such restrictions shall, within 10 days, publish a notice thereof in the Federal Register describing in detail the contract involved and the reason for granting the waiver.

(b)(1) Not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall make a determination with respect to each foreign country of whether such foreign country—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than \$500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) In making determinations under paragraph (1), the United States Trade Representative shall take into account information obtained in preparing the report submitted under section 181(b) of the Trade

Act of 1974 and such other information or evidence concerning discrimination in construction projects against United States products and services that are available.

(c)(1) The United States Trade Representative shall maintain a list of each foreign country which—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than \$500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) Any foreign country that is initially listed or that is added to the list maintained under paragraph (1) shall remain on the list until—

(A) such country removes the barriers in construction projects to United States products and services;

(B) such country submits to the United States Trade Representative evidence demonstrating that such barriers have been removed; and

(C) the United States Trade Representative conducts an investigation to verify independently that such barriers have been removed and submits, at least 30 days before granting any such waiver, a report to each House of the Congress identifying the barriers and describing the actions taken to remove them.

(3) The United States Trade Representative shall publish in the Federal Register the entire list required under paragraph (1) and shall publish in the Federal Register any modifications to such list that are made after publication of the original list.

(d) For purposes of this section—

(1) The term "foreign country" includes any foreign instrumentality. Each territory or possession of a foreign country that is administered separately for customs purposes shall be treated as a separate foreign country.

(2) Any contractor or subcontractor that is a citizen or national of a foreign country, or is controlled directly or indirectly by citizens or nationals of a foreign country, shall be considered to be a contractor or subcontractor of such foreign country.

(3) Subject to paragraph (4), any product that is produced or manufactured (in whole or in substantial part) in a foreign country shall be considered to be a product of such foreign country.

(4) The restrictions of subsection (a)(1) shall not prohibit the use, in the construction, alteration, or repair of a public building or public work, of vehicles or construction equipment of a foreign country.

(5) The terms "contractor" and "subcontractor" includes any person performing any architectural, engineering, or other services directly related to the preparation for or performance of the construction, alteration, or repair.

(e) Paragraph (a)(1) of this section shall not apply to contracts entered into prior to the date of enactment of this Act.

(f) The provisions of this section are in addition to, and do not limit or supersede, any other restrictions contained in any other Federal law.

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1989

#### HEINZ (AND OTHERS) AMENDMENT NO. 2561

Mr. HEINZ (for himself, Ms. MIKULSKI, Mr. SIMON, Mr. LAUTENBERG, Mr. METZENBAUM, Mr. SARBANES, and Mr. LEVIN) proposed an amendment to the bill (H.R. 4800) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes; as follows:

On page 16, between lines 13 and 14, insert the following:

#### URBAN DEVELOPMENT ACTION GRANTS

For grants to carry out urban development action grant programs authorized in section 119 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), pursuant to section 103 of that Act, \$30,000,000 to remain available until expended.

On page 34, line 2, strike "\$3,552,800,000" and insert "\$3,552,800,000, of which not more than \$38,600,000 may be provided for the National Aero-Space Plane"

#### LAUTENBERG (AND OTHERS) AMENDMENT NO. 2562

Mr. LAUTENBERG (for himself, Mr. METZENBAUM, and Mr. MOYNIHAN) proposed an amendment to the bill H.R. 4800, supra; as follows:

At the appropriate place, insert the following:

#### SEC. . URBAN DEVELOPMENT ACTION GRANTS.

(a) FINDINGS.—The Congress finds that—

(1) the Urban Development Act Grant (UDAG) program has demonstrated its effectiveness in encouraging public-private partnerships to promote economic development in economically distressed urban areas;

(2) the UDAG program has leveraged over 6 dollars of private investment for every UDAG dollar;

(3) the UDAG program has helped create jobs and increase much needed tax revenues for cities around the country;

(4) this Act does not contain any new appropriations for the UDAG program;

(5) the UDAG program will have an estimated \$50 million available to it in fiscal year 1989 from recaptured funds; and

(6) the lack of new appropriations reflects the tight budgetary constraints facing the Senate, not a decision to eliminate the UDAG program.

(b) INTENTION OF THE SENATE.—It is the intention of the Senate to make new appropriations for the UDAG program if additional funds become available.

#### MOYNIHAN (AND OTHERS) AMENDMENT NO. 2563

Mr. MOYNIHAN (for himself, Mr. LAUTENBERG, and Mr. CHAFEE) proposed an amendment to the bill H.R. 4800, supra; as follows:

On page 25, line 3, strike out "\$708,750,000," and insert in lieu thereof "\$738,750,000."

On page 25, line 11, insert after the colon: "Provided further, That of the funds appropriated under this head, \$25,000,000, shall be made available for the Nonpoint Pollution Control Program authorized under section 319 of the Federal Water Pollution Control Act and \$5,000,000 shall be made available for the Wellhead Protection Program under section 1428 of the Safe Drinking Water Act."

On page 28, line 5, strike out "\$2,100,000,000," and insert in lieu thereof "\$2,375,000,000."

On page 34, line 2, strike out "\$3,552,800,000," and insert in lieu thereof "\$3,402,800,000, of which no more than \$496,100,000, shall be made available for space transportation capability development, and of which no more than \$359,200,000, shall be made available for aeronautical research and technology."

On page 37, line 20, strike out "\$1,870,000,000" and insert in lieu thereof "\$1,720,000,000."

#### INOUE (AND MATSUNAGA) AMENDMENT NO. 2564

Mr. INOUE (for himself and Mr. MATSUNAGA) proposed an amendment to the bill H.R. 4800, supra; as follows:

On page 25, line 25, before the period insert the following: "Provided further, that not more than \$500,000 shall be made available for the expenses of a task force, consisting of the Assistant Administrator for Water (who shall chair such task force), the Assistant Administrator for Research and Development, the General Counsel, the Regional Administrator for Region IX, and as an ex-officio member, the Director of the Hawaii State Department of Health, which shall evaluate all pertinent factors relating to discharges from sugar cane processing mills on the Hilo-Hamakua Coast of the Island of Hawaii, and shall report to the Administrator of the EPA no later than 6 months after the date of enactment of this Act its recommendations concerning appropriate modifications within existing law to permit limitations, effluent guidelines, or other requirements of the Clean Water Act, pertaining to such discharges."

#### MIKULSKI AMENDMENT NO. 2565

Ms. MIKULSKI proposed an amendment to the bill H.R. 4800, supra; as follows:

On page 25, line 7, insert the following after the colon,

##### ABATEMENT, CONTROL AND COMPLIANCE

"Provided further, That \$500,000 shall be available as grants for training of workers by joint labor-management trust funds organized pursuant to section 302(c) of the National Labor Relations Act and engaged in training workers in asbestos abatement and disposal under an EPA approved training program."

#### DASCHLE (AND OTHERS) AMENDMENT NO. 2566

Mr. DASCHLE (for himself, Mr. DeCONCINI, Mr. MELCHER, Mr. INOUE, Mr. BURDICK, Mr. BINGAMAN, Mr. DOMENICI, Mr. MCCAIN, Mr. EVANS, and Mr. PRESSLER) proposed an amend-

ment to the bill H.R. 4800, supra; as follows:

On page 5, strike lines 15 and 16 and insert in lieu thereof the following: "\$143,701,576 shall be for the development or acquisition cost of public housing for Indian families; \$2,028,149,212 shall."

#### GARN AMENDMENT NO. 2567

Mr. GARN proposed an amendment to amendment No. 2566 proposed by Mr. DASCHLE (and others) to the bill H.R. 4800, supra; as follows:

In lieu of amendment 2566:

On page 5, strike lines 15 and 16 and insert in lieu thereof the following: "\$106,850,788 shall be for the development or acquisition cost of public housing for Indian families; \$2,065,000,000 shall."

#### BINGAMAN AMENDMENT NO. 2568

Mr. BINGAMAN proposed an amendment to the bill H.R. 4800, supra; as follows:

At the appropriate place, insert the following:

##### "COMPETITIVENESS POLICY COUNCIL

"For necessary expenses of the Competitiveness Policy Council, \$1,000,000, to remain available until expended: *Provided*, That none of these funds shall be made available until S. 2613 or another Act authorizing the appropriations of such funds is enacted into law."

#### DURENBERGER (AND MOYNIHAN) AMENDMENT NO. 2569

Mr. DURENBERGER (for himself and Mr. MOYNIHAN) proposed an amendment to the bill H.R. 4800, supra; as follows:

On page 25, line 25, insert before the period the following:

"*Provided further*, That, notwithstanding any other provision of this Act, the amount appropriated to the Environmental Protection Agency under the heading 'Salaries and Expenses' is reduced by the sum of \$13,480,000, under the heading 'Abatement, Control and Compliance' is reduced by the sum of \$10,130,000, and under the heading 'Research and Development' is reduced by the sum of \$6,830,000 and from such sums \$25,000,000 shall be available for grants to the States for the control of nonpoint source pollution pursuant to section 319 of the Federal Water Pollution Control Act and \$5,000,000 shall be available for grants to the States for the protection of wellhead areas pursuant to section 1428 of the Safe Drinking Water Act. Reductions required by this proviso shall be allocated proportionately to all projects, programs and activities under each account heading."

#### PRYOR AMENDMENT NO. 2570

Mr. PRYOR proposed an amendment to the bill H.R. 4800, supra; as follows:

At the end of the bill, add the following:

##### CONSULTING SERVICES

Sec. . (a)(1) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated

funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and professional services; special studies and analyses; technical assistance; and management review of program funded organizations; in excess of an amount equal to 85 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(2) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and support services for research and development activities; engineering development and operational systems development; technical representatives; training; quality control, testing, and inspection services; specialized medical services; and public relations; in excess of an amount equal to 95 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(b) The Director of the Office of Management and Budget shall take such action as may be necessary, through budget instructions or otherwise, to direct each department, agency, and instrumentality of the United States to comply with the provisions of section 1114 of title 31, United States Code.

(c) Notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1989 is reduced by an amount equal to—

(1) 15 percent of the amount expended by such department, agency, or instrumentality during fiscal year 1987 for purposes described under subsection (a)(1); and

(2) 5 percent of the amount expended by such department, agency, or instrumentality during fiscal year 1987 for purposes described under subsection (a)(2).

(d) As used in this section, the term "consulting services" includes any service within the definition of "Advisory and Assistance Services" in Office of Management and Budget Circular A-120, dated January 4, 1988.

#### ADAMS (AND EVANS) AMENDMENT NO. 2571

Mr. ADAMS (for himself and Mr. EVANS) proposed an amendment to the bill H.R. 4800, supra; as follows:

At the end of the bill, add the following:

Sec. . Not later than March 1, 1989, the Administrator of the Environmental Protection Agency shall submit to the Congress a plan pursuant to which the Environmental Protection Agency shall participate in the activities and operations of the Pacific Northwest Hazardous Substance Research, Development, and Demonstration Center. In preparing such plan, the Administrator shall, in addition to direct participation by the Environmental Protection Agency in research activities, give consideration to in-kind, personnel exchange, interagency program coordination, and other measures to maximize the benefit of the Center to the public.



**CHAFEE (AND OTHERS)  
AMENDMENT NO. 2572**

Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. STAFFORD, and Mr. DURENBERGER) proposed an amendment to the bill H.R. 4800, supra; as follows:

On page 25, line 25, strike the period and insert in lieu thereof the following:

"Provided further, That using available funds, the Administrator of the Environmental Protection Agency shall prepare and submit a report to Congress not later than 4 months after the date of enactment of this Act examining the direct economic and environmental impacts that are likely to result from implementation of regulations reducing but not eliminating the production of ozone depleting substances. Such study shall include an examination of profits attributable to production of chlorofluorocarbons between 1974 and 1988, estimates of anticipated profits attributable to implementation of such regulations, the effect that such profits may have on decisions to market safe substitutes, possible regulatory or legislative responses to recapture such profits, potential use of revenues derived from such responses, and the effect that such responses may have on the consuming public."

**HECHT AMENDMENT NO. 2573**

Mr. GARN (for Mr. HECHT) proposed an amendment to the bill H.R. 4800, supra; as follows:

Add the following new section at the end of the bill, as amended:

"Sec. . Within six months of the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall report to the Congress on the feasibility of using treated effluent waters from communities within the Carson River Basin, Nevada, to improve the Lahontan Valley wetlands, and enhance the fish and wildlife populations that depend on them. In preparing the report, the Administrator shall consult with the United States Fish and Wildlife Service, the State of Nevada, and interested local governments. The report shall include an analysis of the costs, environmental benefits, adequacy of existing State and federal authorities, and consistency with Nevada State water law. The report shall also identify any federal grant programs which may be available to fund any such project in whole or in part."

**CHAFEE (AND OTHERS)  
AMENDMENT NO. 2574**

Mr. CHAFEE (for himself, Mr. DURENBERGER, Mr. BAUCUS, Mr. STAFFORD, and Mr. MITCHELL) proposed an amendment to the bill H.R. 4800, supra; as follows:

Insert the following new section at an appropriate place in the bill:

"SEC. . PROTECTING THE GLOBAL ENVIRONMENT.

"Whereas four of the hottest years on record occurred in the 1980's and, based on the first five months of this year, 1988 is the hottest year on record;

"Whereas it is 99 percent certain that the rising temperature trend is a result of the atmospheric build-up of greenhouse gases—carbon dioxide, chlorofluorocarbons, methane, nitrous oxide, and tropospheric ozone—and is not the result of natural variation;

"Whereas the continued build-up of greenhouse gases is increasing the likeli-

hood of dramatic climate change and extreme events such as the heat wave and drought that is affecting much of our nation;

"Whereas scientists predict that, although average global temperatures have not risen by 3 degrees Fahrenheit for more than 10,000 years or by 9 degrees for more than 10 million years, the greenhouse effect will increase average global temperatures by 3 to 9 degrees in the next 40 to 60 years, a rate that will preclude natural evolutionary responses;

"Whereas the rise in global temperature is predicted to cause (1) a thermal expansion of the oceans and the melting of glaciers and polar ice, thus causing sea levels to rise by 1 to 4 feet by the middle of the next century, (2) disruptive shifts in rainfall patterns and the loss of adequate moisture in the midcontinent agricultural belt; (3) increases in the number and severity of hurricanes; (4) changes in the location of deserts; and (5) the death of large portions of the world's forests;

"Whereas on March 31, 1988, 42 Members of the U.S. Senate wrote to the President urging him to call upon all nations of the world to begin the negotiation of a convention to protect our global climate;

"Whereas on June 27, 1988, Prime Minister Gro Harlem Brundtland of Norway, speaking before an international conference in Toronto, called for a global convention on the protection of the climate, to coordinate research, information exchange and concrete measures to reduce emissions of harmful substances, and Prime Minister Brian Mulroney of Canada delivered a similar message;

"Whereas the best predictions available indicate potentially severe economic and social dislocation for present and future generations, which will worsen international tensions and increase the risk of conflicts among and within nations;

"Whereas the impact of global climate change may be greater and more drastic than any challenges mankind has faced with the exception of nuclear war; Now, therefore, be it

"Resolved, That it is the sense of the Senate that the President of the United States should call promptly and publicly upon the leaders of the world to begin the negotiation of an international convention on the greenhouse effect and protection of the climate, to coordinate research, information exchange and concrete measures to reduce emissions of harmful substances."

**GARN AMENDMENTS NOS. 2575  
AND 2576**

Mr. GARN proposed two amendments to the bill H.R. 4800, supra; as follows:

**AMENDMENT No. 2575**

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

"Sec. . It is the Sense of the Senate that funds should be provided in fiscal year 1989 for the National Aeronautics and Space Administration to permit development and production of the international civilian space station at a level which permits meaningful and efficient progress towards its deployment in the mid-1990's and furthermore, that the budgetary allocation of the HUD-Independent Agencies Subcommittee be increased to permit the provision of such critically needed funds as well as sums necessary to accommodate other high priority program requirements for veterans services

and benefits, homeless and housing programs, community and economic development, environmental programs, and for science and engineering research and education programs.

**AMENDMENT No. 2576**

On page 37, line 3, insert the following before the period: "Provided further, That should a contract award be made for the development and production of the advanced solid rocket motor which provides for non-federal ownership of a production facility, up to \$27,000,000 of the funds provided herein may be transferred and merged with sums appropriated for 'Space flight, control and data communication'."

**"SCIENCE, SPACE AND TECHNOLOGY EDUCATION  
TRUST FUND**

"There is appropriated, by transfer from funds appropriated in this Act for 'Construction of facilities', the sum of \$15,000,000 to the 'Science, Space and Technology Education Trust Fund' which is hereby established in the Treasury of the United States: *Provided*, That the Secretary shall invest such funds in U.S. Treasury special issue securities, that such interest shall be credited to the Trust Fund on a quarterly basis, and that such interest shall be available for the purpose of making grants for programs directed at improving science, space and technology education in the United States: *Provided further*, That the Administrator of the National Aeronautics and Space Administration, after consultation with the Director of the National Science Foundation, shall review applications made for such grants and determine the distribution of such available funds on a competitive basis: *Provided further*, That such grants shall be made available to any awardee only to the extent that said awardee provides matching funds from non-Federal sources to carry out the program for which grants from this Trust Fund are made: *Provided further*, That of the funds made available by this Trust Fund, \$250,000 shall be disbursed each calendar quarter for a ten-year period to the Challenger Center for Space Science Education: *Provided further*, That the Administrator of the National Aeronautics and Space Administration shall submit to the Congress an annual report on the grants made pursuant to this paragraph."

**BICENTENNIAL COIN ACT**

**PROXMIRE AMENDMENT NO.  
2577**

Mr. PROXMIRE proposed an amendment to the amendment of the House to the amendment of the Senate numbered 36 to the bill (H.R. 3251) to require the Secretary of the Treasury to mint coins in commemoration of the Bicentennial of the U.S. Congress; as follows:

At the end of the matter proposed to be inserted by the House amendment to the Senate amendment numbered 36 to H.R. 3251, add the following:

**"SEC. 11. SUNSET.**

"All provisions of this Act, other than section 10, shall be repealed on the day after the date of enactment of this Act, and no person shall be liable for not complying

with such provisions (other than section 10) while they are in effect."

## NOTICES OF HEARINGS

### SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Select Committee on Indian Affairs and the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy & Natural Resources will be holding a joint hearing on Monday, July 25, 1988, in Senate Russell 485, beginning at 2:00 p.m., on S. 2420, the Arizona-Florida Land Exchange Act of 1988.

Those wishing additional information should contact the Dan Lewis of the Indian Affairs Committee at 224-2251.

Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Friday, July 29, 1988, in Senate Russell 385, beginning at 9:30 a.m., on S. 187, the Native American Cultural Preservation Act.

Those wishing additional information should contact the Clara Spotted Elk of the Indian Affairs Committee at 224-2644.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, July 12, 1988, to conduct an oversight hearing on Federal Reserve's second monetary policy report for 1988.

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

### SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, July 12, 1988, to hold a meeting on intelligence matters.

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

### SUBCOMMITTEE ON TAXATION AND DEBT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Taxation and Debt Management of the Committee on Finance be authorized to meet during the session of the Senate on July 12, 1988, to hold a hearing on S. 1239, S. 1821, S. 2078, S. 2409, S. 2484, H.R. 1961, and H.R. 2792, miscellaneous tax provisions.

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

### COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, July 12, 1988. In

open session to receive testimony on the Defense Acquisition Process.

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

### COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 12, 1988, to hold a hearing on H.R. 3911 and S. 1958, Major Fraud Act of 1988.

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

### SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 12. To continue a series of hearings on Drugs, Law Enforcement and Foreign Policy: Haiti and Panama.

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

### MERCHANT MARINE SUBCOMMITTEE

Mr. BYRD. Mr. President, I ask unanimous consent that the Merchant Marine Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 12, 1988, to hold a hearing on S. 2510, legislation permitting certain vessels to participate in the operating-differential subsidy program.

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

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, July 12, 1988, to receive testimony on and markup drought legislation.

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

### SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 12, 1988, to receive testimony concerning the Department of the Interior's royalty management program.

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

## ADDITIONAL STATEMENTS

### THE IMPORTANCE OF WHO/ UNICEF PROGRAMS

● Mr. DeCONCINI. Mr. President, I rise today to express my support for

UNICEF, an organization which plays a significant role in efforts to solve some of the world's most pressing health problems. UNICEF and the World Health Organization [WHO] have a goal to achieve universal childhood immunization by the year 1990. While thousands of lives have been saved toward obtaining this objective there are still some 38,000 children dying each day for lack of immunization and adequate primary health services.

At the Moscow summit some 5 weeks ago President Reagan and General Secretary Gorbachev discussed topics of critical importance to both countries including their concerns about the staggering number of children dying from curable illnesses. The leaders reaffirmed their support for the work UNICEF/WHO is doing to reduce the number of preventable childhood deaths. The President and General Secretary endorsed the goal of universal childhood immunization by 1990 in a joint statement issued at the conclusion of the summit indicating the importance that leaders place on efforts by UNICEF/WHO.

As we have recently witnessed in the Midwest as a result of the drought, a lack of food can ultimately rob one of life's most basic necessities. Health care, like food, is essential to our existence. However, while the drought has been threatening our lifeline for only a matter of months, the children that UNICEF helps have faced these problems all their lives. It is my belief that UNICEF/WHO can have a profound impact on the health of the world if and only if they are given the continuous support of world leaders. I am happy my colleagues supported these budgets in this year's foreign operations appropriation bill. I also hope that the world leaders will continue to prioritize these types of projects in the future.●

### MEDIA-ADVERTISING PARTNERSHIP FOR A DRUG-FREE AMERICA

● Mr. KASTEN. Mr. President, I rise today to draw my colleagues' attention to the efforts of the Media-Advertising Partnership for a Drug-Free America in helping us win the war on drugs.

It is clear that to wipe out the threat of illegal drugs to the future of our society, we have to go to the source. And the source of America's drug problem is the attitudes of Americans.

The Partnership for a Drug-Free America has worked for over a year to change the way Americans feel about drugs. The advertising effort by the partnership is helping day by day to destroy the public image of illegal drugs.

The Media-Advertising Partnership for a Drug-Free America today report-



ed research findings that clearly indicate improvement in the attitudes that influence the trial and use of illegal drugs. The partnership's first wave of research, conducted in February and March of 1988, also strongly indicates that antidrug attitudes have been influenced by advertising.

Supporting these conclusions are findings showing that individuals in heavily weighted media markets show far greater attitudinal improvements toward illegal drugs than those individuals in lower weighted markets. In addition, individuals having greater exposure to the advertising reported stronger attitudinal improvements than those individuals having lower exposure.

The Partnership for a Drug-Free America was formed in March of 1987 to reduce the consumer demand for illegal drugs by reshaping social attitudes toward illegal drugs, their use, and their users. Over a 3-year period the partnership hopes to achieve a \$1.5 billion program made up of donated creative efforts and media time and space.

In the first year, ending March 31, 1988, the partnership reports \$150 million in media time and space donations. Three television networks, 13 radio stations, every major publishing company, more than 3,000 newspapers and 110 magazines have contributed to this figure. In addition, 58 advertising agencies have contributed their time, money, and talent to produce a total of 32 television commercials, 25 radio commercials and 80 print ads.

The Media-Advertising Partnership for a Drug-Free America is well on its way to achieving its goal. And the research findings reported support the important role that advertising can play in improving this Nation's critical illegal drug use situation.

No amount of drug enforcement can protect Americans from illegal drugs if the hearts and minds of Americans are not won over first. The Partnership for a Drug-Free America is fighting and winning this most important battle, and they deserve our gratitude and our support. ●

#### INFORMED CONSENT: PENNSYLVANIA

● Mr. HUMPHREY. Mr. President, every day in America nearly 4,000 abortions are performed on women who, in most cases, do not know the full ramifications of their decisions. I urge my colleagues to support S. 272 and S. 273. I ask unanimous consent that these letters from women in the State of Pennsylvania be inserted into the RECORD.

The letters follow:

FEBRUARY 16, 1987.

DEAR SENATOR HUMPHREY: I am writing, with regard to the informed consent bill for abortion that will be being discussed in the

Senate. As a registered nurse myself, and as the wife of a family physician, I am very aware of the importance of informed consent. If for that alone, I would probably not be writing; but I had a very painful experience with the lack of informed consent in this issue.

Eight years ago, at the age of eighteen, I had an unplanned pregnancy. I had a blood test, and was notified through Planned Parenthood that the results were positive. Over the telephone, they asked, "Would you like to continue or terminate?" They did not give me any additional information or counseling. They did not ask to see me; but instead set up an appointment for a "menstrual extraction", as they called it, at a doctor's office in a few days. I was in a state of denial, as most women are in this situation. Ambivalence and denial are so much a part of early pregnancy they could almost be considered a symptom.

For what seemed like a very innocent procedure at the time; I have since experienced extreme emotional and mental anguish over the interruption of that pregnancy. Planned Parenthood never offered any other options, such as adoption, nor did they show me any literature on pregnancy, as to what a one and a half month fetus looked like. They did not care about me as a human being; there was no regard for my emotional aftermath.

My denial lasted for two full years, it was not until I was engaged to be married, that I realized what actually had occurred. I have had to undergo counseling at great lengths, to help me resolve the deep pain and conflict. I have since become a Christian, and have found peace in the Lord's forgiveness. We have a three year old daughter who is being treated at Johns Hopkins Hospital in Baltimore, for acute lymphatic leukemia. There is such irony to these two situations; one has such disregard for the preciousness of a human life, while in the other the doctors have done everything in their ability to save her life. One life is not only more precious than another. With all my heart, how I wish that I had received more information as to the forgotten alternative of adoption, but more importantly, to the preciousness of the child growing inside of me.

If you ever need someone, to share the heartbreak of uninformed consent, when this is presented to the Senate, please keep me in mind. My only desire is that as women become informed as to what is actually occurring, they will choose to continue their pregnancy. This decision should not lie in the hands of ourselves, but in God's hand, for He created us.

"I have set before you life and death . . . now choose life so that you and your descendants may live." Deuteronomy 30: 19.

This seems so clear to me now, how I wished it had then.

Sincerely,

LAURA L. MUELLER.

SOUTHEASTERN PENNSYLVANIA.

To Gordon Humphrey:

Here is my experience of abortion. At 17 years old I became pregnant and the father wasn't sure of what to do; neither was I. This was 10 years ago. I went for counseling when I found out for sure I was pregnant. I wished to keep the baby even if I brought it up myself, my parents were furious. The counselors words of wisdom were "Its happened to me and in my pregnancy I had an abortion. They are painless and the problem is gone afterwards." She said I'd regret adopting it or keeping it. She gave me no

other option. I wished somebody with more experience and someone who would give me better advice would have been available. At the abortion clinic I got practically the same line. People shouldn't counsel others on such a major issue if they are not qualified. She should have given me all the facts not just her opinion.

I went to the clinic and my mom dropped me off which wasn't a good idea. I needed someone there. They gave me a mild pain killer. It hurt, I was upset and they told me after trying I'd have to wait to be all dilated. I was so afraid and upset but I didn't have a way out. If my mom would have waited I would have gotten dressed and left. It was a horrible ordeal. I left after it was done. I can't explain how awful it was. I was horrified at taking my own child's life. I knew it was wrong.

A few weeks later I hemorrhaged and felt totally drained. I didn't know you could die if you hemorrhaged for too long so I just waited it out and a neighbor told me how dangerous it was.

Years later I put myself through misery with guilt. I could never forgive myself for what I did. This story has a happy ending. I now am a Christian as of last year and I know Jesus has forgiven me. He is putting the pieces of my life together now. Teenagers are lucky nowadays to pro-life counseling. All counseling centers for unwanted pregnancy should have qualified counselors who tell both sides of the story. I'm living proof that having an abortion without all the facts can be disastrous. Girls must know they have alternatives. There isn't only one way and its not easy to forget or always safe. Thank you for reading this. If I could help just one girl not go through what I went through it would be worth it!

Sincerely yours,

ANONYMOUS.

READING, PA.

SENATOR HUMPHREY: I hope this letter isn't too late to be of help to you in your fight against abortion. I hate abortion but had one performed on me about ten years ago.

When I went to have the abortion done nobody ever tried talk me out of it. They said it was alright if I got it done early enough. I'll never forget it! I can still to this day remember certain details. My veins were jumping around so much I couldn't calm down. They had to get someone to calm me down so they could inject me to put me under. Before I was completely out of it I heard a nurse say "What are we going to do with all the garbage that comes out." I didn't understand at that time what she meant by that. Now I know about the horrible ways that they murder these innocent babies.

Now that I know that what I did was wrong, it grieves my heart to know that thousands of mothers are aborting future generations.

I thank God for his forgiveness, but still grieve the loss of my child.

I sincerely hope that this letter can be of help. God Bless you for taking a stand.

Love in Jesus,

CYNTHIA LONG. ●

#### THE EFFECTS OF THE CONTRA WAR ON THE ENVIRONMENT

● Mr. LEAHY. Mr. President, we have all seen the horrible effects of war in Central America. The loss of life and

the destruction of property is great in proportion to the population and territory involved. It is important to note that not all of the victims can cry out for help or demand justice. One of those silent victims is the environment.

Our Nation has been a leader in the global movement to protect the natural environment from manmade harms. For a variety of reasons other nations, including those in Central America, have not been able to protect their environments effectively. While this destruction is tragic in itself, it is particularly so because we could have helped prevent some of it.

Central America once possessed one of the most bountiful tropical forests in the world. Today, large areas of these forests have been destroyed. The causes of this loss vary. In large part it is due to primitive or unsound agricultural practices, such as slash and burn. The rapid growth in population is also a significant factor. Some can be blamed on private corporations using environmentally unsound techniques in lumbering and other commercial enterprises.

In addition, Mr. President, we should be honest enough to recognize that at least part of the environmental damage in Nicaragua and Honduras is a direct result of the Contra war. Unfortunately, the United States cannot avoid a major share of the responsibility for this assault on the environment.

There are reports that the Contra's have been directly linked to the destruction of nurseries, research stations, and fire control projects in Nicaragua. They have also burned reforestation projects designed to save what is left and rebuild what was lost. According to the Environmental Policy Institute, in 1983 over 400 square kilometers of a reforestation project funded by the Inter-American Development Bank were destroyed by the Contras. In addition, 60 of the 64 mobile fire-fighting units and almost all of the wooden bridges leading to remote parts of the project were destroyed. The result of this devastation is painfully clear. The burned areas have not been able to regenerate and the number of forest fires has increased by over 600 percent in this area in recent years.

Presumably, the Contras conduct these attacks because the facilities and projects are carried out by the Government, and therefore represent Sandinista targets. If so, this is extraordinarily shortsighted and counterproductive. The environment is not political. It belongs to all Nicaraguans, be they Sandinista, Contra or, as I believe most Nicaraguans feel, to neither one nor the other. The Contras, and the Sandinistas as well in their own military operations, are destroying the national patrimony.

At this moment, there is a shaky cease-fire in Nicaragua. Ever since the Sapoa agreement 3 months ago, there have been no attacks on environmental facilities or personnel. Nature has been given a breathing spell from wanton destruction.

Nicaragua is not the only country whose environment suffered from this war. Honduras is another victim. I have seen reports that in the last 2 years alone it has lost over 1,000 square kilometers of rain forest because of the Contra insurgency and military operations along its border areas. The fighting is not the only cause—and probably not even the primary cause—of the destruction to the environment from the war. The enormous American, Honduran, and Contra logistical and other support services that are required to wage this low intensity war have also taken an enormous toll.

The U.S. Army's construction projects have left parts of Honduras looking like a giant parking lot. Environmental safeguards required in the United States for military construction are not applied to military projects in other countries. This arrogant and callous disregard for the local flora and fauna makes these projects unusually damaging. As Mr. Joseph Hanley, a spokesman for the U.S. National Guard, told the Washington Post on April 5, 1988, about construction projects in Honduras, "If you're building a road \* \* \* you don't have to worry about the EPA or environmentalists."

Time has not completely run out. Work is underway to save the forests that remain. The countries of Costa Rica and Nicaragua have proposed an international system of protected areas, commonly known as Si-A-Paz—which means Yes To Peace. If this plan is put into effect, over 6,000 square kilometers of pristine tropical rain forests will become a protected area. This type of action is urgently needed to save the habitat of Central America. This is the kind of activity the United States should be supporting in Central America—not futile wars to overthrow governments we do not like.

Can we not remember Vietnam, agent orange, and the defoliation program? The indiscriminate artillery bombardments, construction of enormous bases, massive bombing of infiltration routes and base camps, leaving the countryside cratered like the Moon? Do we really want to leave the same legacy in parts of Central America?

Mr. President, I strongly urge the Pentagon to take a much more positive attitude about protecting the environment in its presence in Central America. Of course there may be some inconvenience in showing restraint and a decent respect for local condi-

tions and populations. But, it is in the long term national interests of this country for the military to do so. It offsets pervasive and spreading anti-Americanism, fueled in part by our disregard of local sensitivities and considerations. We also have a strong interest in the preservation of the oxygen producing rain forest of Central America.

Finally, Mr. President, I know this administration is not going to change. But, most certainly the next one, be it Democratic or Republican, should take a completely different attitude about American aims and priorities in Central America. Saving the national environment, eradicating poverty and injustice, promoting democracy, and strengthening human rights should be our aims, not what the Reagan administration has been doing for the last 8 years.●

#### TRIBUTE TO THE U.S. POSTAL SERVICE

● Mr. DIXON. Mr. President, I rise today to pay tribute to the U.S. Postal Service, to the dedication of its employees, and to the efficiency of the system. We take for granted the millions of pieces of mail that are efficiently and correctly delivered to every home and business across the country each day. Mr. Otis Pike, in his heartwarming article (July 7, Chicago Sun-Times), reminds us of how effective the postal system really is. We see that our faith in the post office is not misplaced. Postal employees go out of their way to deliver the mail, even those pieces incorrectly or incompletely addressed.

I call upon my colleagues to join with me in congratulating the Postal Service on a job well done. I ask that Mr. Pike's article be inserted in the RECORD.

The article follows:

[From the Chicago Sun-Times, July 7, 1988]

#### HERE'S A FISHERMAN'S STORY THAT DOESN'T INVOLVE FISH

If you are weary of being put upon by merchants who tell you they don't guarantee it; if you have to go to the manufacturer when the appliance breaks down in the first month; if you are shocked to be told by your insurance agent that your policy doesn't cover the only problem you have; if you are convinced that the Postal Service always delivers your mail to someone else—take heart. This is a nice story and true.

I am fortunate enough to have a boat large enough to sleep on. I have been living on it lately. Unless one has remarkably tolerant friends, living on a boat with others requires some rudimentary ability to get clean. This is especially true if one is a fisherman.

Fishermen are not only subject to all the normal dirt of living and caring for diesel engines, if they are lucky they also deal closely with bait and fish. The smell of three-day-old bait and fish on one's hands and body has never elicited friendly comments from family or friend. My reputation



is not that of the tidiest person who ever sliced bait or boated a bluefish, but even I like to get rid of a couple of layers of dirt once in a while.

The boat has a shower, tiny but enough to accomplish all that is necessary. The bottom of the shower, like that on most small boats, is lower than the water that the boat floats in, which means that it can't just drain overboard. Try it, and you and your boat will sink together. Boats have small basins, called sumps, in which the shower water drains. To get rid of it, they have little pumps.

The sump pump on my boat died. It didn't owe me anything, having pumped honorably for about 10 years. I tried to buy a whole new one where I had bought the last one, but they didn't carry them any more. This is another of the little frustrations of our age. Everyone always has a "new and better line" when all you want to do is replace the old one.

I extracted the old one from the sump. This is a nasty job. Not only are you working down in the bottom of the bilge, but any pump that has been getting rid of dirty shower water for a decade is a lot less than antiseptic. With the aid of a hose I cleaned it up, and found it was made by the Lovett Pump Co. of Somers Point, N.J. With nothing to lose, I took it apart and believed I had found the problem. Two small belts that transferred the power from an electric motor to the pump itself had loosened up over the years, even as you and I do.

Being a heavy gambler, I stuck a five-dollar bill in an envelope together with a piteous plea for assistance and sent it to "The Lovett Pump Co., Somers Point, N.J." That's all the address I had.

I gambled that the U.S. Postal Service would get it there and not send it back stamped "Insufficient Address." I gambled that the person who opened it would read my plea with sympathy and not apply my five bucks toward lunch.

By return mail I received an envelope containing two small belts with an invoice saying they had cost 50 cents each. The postage was \$1.25. Someone with both sympathy and a marvelous sense of humor had taped \$2.75 in quarters to a card inside the envelope. There was no other message.

There are postal workers out there who go out of their way to deliver the mail even when it is not properly addressed. There are businessmen and women out there who are impeccably honest and go out of their way to be helpful. Some even have senses of humor and enjoy their work.

The belts were precisely the right size, the pump was reassembled and stuck back in the sump. With some pride I can announce that it works perfectly and for \$2.25 may be good for another 10 years. I can take a shower again and friends and family are hoping I will do so soon. I will, too, right after I finish cleaning the fish. ●

#### CHILD ABUSE

● **Mr. DURENBERGER.** Mr. President, today I would like to address the grave national problem of child abuse and recognize the accomplishments of Dr. Richard Krugman who is a national advocate for children and the head of the Kempe Center in Denver.

The United States has a major problem of child abuse and neglect as shown in the progressive increase of maltreatment and deaths arising from

either cumulative severe beatings or from single violent episode. Tragically, we also know that children have died because parents have been negligent and have either failed to secure needed medical care or provide adequate supervision.

My special interest in this issue is to prevent the tragedies and to make certain that we spend as much energy, money, and time in stopping child abuse and other domestic violence as we spend in treating it. More emphasis should be given to prevention strategies not only because the financial cost of prevention is much lower but because it will also avoid longrun consequences such as increased juvenile delinquency as well as the loss of some future lifetime earnings by the victims of maltreatment.

In my own State of Minnesota, the great potential for prevention is being demonstrated. In Ramsey County, there is a State-supervised, county-administered Home Health Visitor Program where a team of about 10 doctors work closely with public health nurses to address the problem of prevention of child abuse. There is also an ongoing parent outreach project which tests a multidisciplinary collaborative program for preventive intervention with families considered at potential risk for child maltreatment. It integrates the use of volunteer parent befrienders and professional service providers like public health nurses and community parent educators.

Preventive intervention will lead to progress in dealing with the heartbreaking effects of child abuse and neglect. This is a cause that needs national support. Therefore, I commend Dr. Krugman and the Kempe Center for their efforts to combat this devastating problem. I ask that the following article from the Sunday Denver Post be inserted in the CONGRESSIONAL RECORD.

The article follows:

#### CHILD ABUSE

(By Carol Kreck)

The baby is dead. The question now is whether to exhume the body.

A police officer, calling for advice from a little town in the rural South, sounds apologetic. She is in over her head with this case. Her voice, amplified by a speaker phone on a coffee table in Richard Krugman's office, is anxious. "I know you all are busy with your own stuff. . . ."

But she had nobody else to call for help except the Kempe National Center for the Prevention and Treatment of Child Abuse, 1,200 miles away in Denver.

So they listen.

Krugman, a Denver pediatrician, is in his office at the center, a former nunnery at 1205 Oneida St.

Ann Goldfarb, a former prosecutor, is also on hand. So is Don Bross, an expert in pediatric law. The three are members of the center's forensic team.

As they discuss the police officer's call, Krugman finally offers assurance. "It sounds like your medical examiner is on the

right track," he tells the police officer. "He needs to go for it."

Goldfarb adds an opinion. "If you have two really strong cases, you might get a plea out of this guy."

Bross volunteers that it sounds like the baby's crying was the trigger.

Krugman, who had studied a report on the case sent earlier, delivers the decision.

"This is an inadequate autopsy. You really do need to exhume it. He (the medical examiner) may learn a lot." While Kempe's pioneering forensic team continues to confer with the officer, Krugman moves quietly to his desk to dictate an opinion that will help her pursue her case.

The letter is dictated before the officer, who heard Krugman speak at a district attorneys' conference in Seattle, says goodbye.

From around the country and across the state, call for help come to Kempe—an international magnet center for child-abuse prevention and treatment.

A pediatrician from the rural northwest calls to tell Krugman about the husband of a day care mother who silenced a crying baby in his wife's care by stuffing a rag into the child's mouth. The worst part, said the doctor, was a judge's failure to agree that the man was criminally abusive. The doctor is more depressed than angry.

Krugman commiserates. "That's awful, but I don't think it should be over," he tells the pediatrician. Make sure social services takes their day-care license away, he advises. "The real issue is, this guy shouldn't be around kids."

A couple of local detectives call. They have a file inches thick and videotapes of a home where an infant's skull was fractured, but they can't decide if the fracture was accidental.

Could they drive to Denver so Krugman can go over the case with them? He cancels a meeting at University Hospital and the three view the tapes together. Sentiment over whether to prosecute shifts back and forth. The home looks awfully neat, one detective says. But, Krugman tells him, while neglect of children is associated with homes that are terribly messy, some of the worst cases of child abuse he has seen occurred in homes that were terribly neat.

As he talks, holding forth behind a desk piled with sliding stacks of books and papers—in a Mother Superior's former office—he does not seem at first like the national advocate for children he has become. But he is eloquent.

"If we built a wall for all the children who've died of child abuse in this country since Henry Kempe first wrote about the Battered Child Syndrome in 1962, there would be more names on it than the Viet Nam Memorial."

He pulls out a drawer and there are some of their files, name after name: Jamie Amundson, Jose Brown, Rachel Fulton, Jessica Midnight Gordon, Baby Boy Lamb, Michael Manning, Natasha Raffaeli, Aaron Renteria, Shontae Robinson, Tad Simmons . . . and more and more names.

"That (Viet Nam) memorial is a gripping sight," he says. "It makes that war and those people a lot more real."

"Maybe we need that kind of memorial for kids."

The Michael Mannings and the Baby Boy Lambs could have made Krugman dour, fueled by anger. Instead he seems driven by optimism. This year alone, he has flown 35,000 miles in defense of children from Lubbock to Tokyo. He has appeared on the MacNeil/Lehrer News Hour, CBS This

Morning, met with the new Supreme Court Justice Anthony Kennedy at Kennedy's request and with all of Colorado's Congressional delegation but one.

Back in Denver his pace is brutal, weaving back and forth between the Kempe Center and the University of Colorado Health Sciences Center where he is an associate professor of pediatrics and the pediatrics department vice-chairman for clinical affairs.

The week maybe punctuated by a lecture to a group of Boulder policemen, a riveting talk that will serve them well in years to come. "What's an accident and what's not?" he asks. The key to deciding is a discrepant history, he tells them—when medical findings don't fit the story that goes with it. Baby ate a big lunch, took a nap, but couldn't be reawakened. Diagnosis is a skull fracture. Well, says Krugman, "Children who have brain injuries, children who have abdominal injuries don't eat well."

Look for delay, he says. A normal caregiver will rush to the hospital a baby who has fallen two feet from the couch to a carpeted floor, convinced the child will grow up to fail third grade. In contrast, the abusive personality waits, hoping desperately the injury inflicted isn't so bad. Though a baby screams every time his arm is touched, it might be two days before they bring him in with a fracture.

Almost all adults have the propensity to abuse, he tells the policemen, recalling colicky months with each of his own sons. But the trigger to violence varies with the personality. Inconsolable crying may set somebody off, driving him to shake a child violently enough to cause subdural hematomas (blood between two membranes covering the brain). A spiral fracture of the leg, on the other hand, almost always occurs in the midst of a diaper change, Krugman said. "We have yet to see a spiral fracture in a child under walking age that is accidental."

These are the facts of child abuse, an arena that takes up more than half of his week.

The best part of the week is Thursday afternoons when Krugman gets to be a regular pediatrician in the group practice clinic at University Hospital. It is his mental health day.

Checking 4-month-old Noah Jackson who is recovering from a liver ailment, he goes through the pediatrician's litany with the baby's mother, Cid Jackson:

"He's been wetting his diaper's OK?" When they're on, she says. "Does he like to have his clothes off?"

"Yes, so he can spray everybody."

"That's why I wear bow ties . . . He's got a little bit of cradle cap. What have you been washing his hair with?"

"Johnson's Baby Shampoo."

"Anything that smells good is usually bad—that's Krugman's law."

Krugman looked at Noah's ears which caused him to scream and alarmed his 3-year-old sister, Sara, quietly watching Noah get all the attention. "What do you think Sara? Do you think I hurt his ears when I did that? How's your kitty cat?" With that, he reached into his 20-year-old black bag and took out a rubber band and a couple tongue depressors.

He ordinarily keeps rubber bands in his bag. "How else would I make airplanes?" he asks, fashioning one for Sara complete with drawn-on windows. "I learned how to make these from my resident in 1968. (Aurora pediatrician) Lee Thompson taught me everything I know about airplanes."

This scene is more what Mary Krugman had in mind for life, not just Thursday

afternoons. The mother of their four boys and a doctoral candidate in higher education administration at the University of Denver, she ruefully recalls imagining marriage to a Vermont pediatrician, living a life in which each day was the same as the last.

Instead she has gotten a kind of organized chaos, a good taste of single motherhood. Still, she says when he is there, "the thing that comes across at home is that he really, really enjoys family life." Whether it's watching a ball game, or coaching, or Boy Scouting, "he has a genuine love of what he'd doing with them," she said. And their boys—Jordan, 10, Todd, 14, Josh, 16 and Scott, 18, know it.

"His humor comes through a lot with the children," she says, while she's the one who's consistent, who remembers to ask if they've brushed their teeth. "It's a nice balance, because if we were both like him, they'd never brush their teeth."

After 10 when the boys are in bed, Krugman digs into his voluminous tattered plastic bag purchased in Greece where its predecessor fell apart and reads reports, writes grants, edits the Child Abuse and Neglect Journal, and records dictation for the secretaries at Kempe and University. That bag makes it look like he's taking a trip every day, Mary laughs. "But he would rather carry it around than sort it."

Up at 6, he's gone again—to work or the airport. But he rarely is gone long—a week at most, Mary Krugman says. He calls every night to talk to the children. "But you know it's difficult sometimes. The youngest, the 10-year-old, feels it the most because he's more homebound."

Krugman says he learned to operate with little sleep as an intern under Henry Kempe, then director of pediatrics at the University of Colorado medical school.

While interning, Krugman went to Kempe concerned that several of the pediatric interns had left during the year—and would they get more help? No, Kempe said. Those remaining would just learn more.

It was as an intern that Krugman saw his first abused baby.

"That case was Dec. 1, 1968. It was my first night in the emergency room at Denver General and a child came in at 11:30 at night not breathing. The mother said she'd been at the movies with her baby and when the lights came up, she noticed he wasn't breathing. We couldn't resuscitate him."

That baby had massive bilateral skull fractures, subdural hematomas, 12 fractured ribs, a ruptured mesentery (the membrane around the stomach) and duodenal hematomas. "It was clear the baby hadn't just stopped breathing."

"Henry Kempe asked me to go back through the case," Krugman said. He discovered the mother had first been seen in her eighth month of pregnancy by a public health nurse who noted she hadn't planned the baby, didn't want to have the baby, had tried to abort the baby and had only gained six pounds during pregnancy.

The public health nurse felt the mother was depressed and needed to see a social worker. But the social worker was sick that day, they made an appointment for the next day, and the mother missed it.

Six weeks later, the mother came back in labor. During her three days in the hospital, nurses noted she wasn't feeding the baby, wasn't holding the baby and hadn't named the baby. "She really wasn't interested in this baby at all."

The recommended followup. A public health nurse visited once, but no one was home.

Next, the mother showed up in the emergency room at 11 o'clock at night and told the intern her baby had a rash.

Two weeks after that, the baby had a cold and was seen by a third-year medical students who left a 5½-page note detailing bruises on the rib and arm. Two weeks later, mother and baby were back—this time she said he hadn't moved his arm for two days. They discovered a spiral fracture, a police officer made a report recommending a home visit by social services. The social worker went, reported the home was neat and clean, and concluded no abuse took place.

Next time they saw him, he was dead. Twenty-seven professionals in medicine, nursing, social work and law enforcement crossed that baby's path in his 3½-month-old life, any one of whom could have prevented his death, Krugman said.

Could it happen today? "Yes, but it is less likely."

Krugman stayed in academia, the world he grew up in. His father, pediatrician Saul Krugman, taught at New York University Medical School and wrote "Infectious Diseases of Children and Adults" in its eighth edition. The two last saw each other in April in Washington when Krugman was inducted into the American Pediatric Society, and before that in Tokyo at the International Pediatric Association.

In 1980, Krugman left the University of Colorado to work as a legislative assistant in health issues to Sen. Dave Durenberger of Minnesota. Concerned that he would lose Krugman to Washington permanently, Kempe invited him to come back to head the Kempe Center.

Krugman returned in 1981 to direct the Kempe Center, then leaderless. In failing health, Kempe had moved to Hawaii. As Krugman once told colleague Sally Holloway at Family Focus, another abuse-prevention program in Denver, "Henry didn't leave me much of a dowry."

The center, which was started in 1972, was originally called the National Center for the Prevention and Treatment of Child Abuse. In the early '80s, after Kempe had moved to Hawaii, the name was changed to honor Kempe while he still was alive and to permanently link the center with him—as the Salk Institute honors, Dr. Jonas Salk.

The early '80s were lean times at the center, but the Piton Foundation reached out with a small grant, and others followed. Programs were added, including the Third-Party Sexual Abuse Program to help children who have been sexually abused by someone outside the family; the forensic team, the Young Sexual Offender Treatment Program and Adolescent Perpetrator's Network. Financially, Kempe still is a seat-of-the-pants operation, but on a larger scale.

Now it has a fund-raising arm, Hope for the Children, responsible for raising \$350,000—a third of its annual budget.

Don Bross, professor in pediatric law, Kempe's legal counsel, and director of the National Association of Council for Children, came in under Kempe and has watched the center evolve. Kempe and Krugman are similar personalities, he says: "They both tend to find very good people whom they expect a lot of."

"Henry's approach was giving people a sense of their great responsibility to children."

"Dick encourages people to be productive without becoming too serious in the face of a really horrifying problem," Bross said. "He's like Hawkeye in M\*A\*S\*H day after day dealing with everything from worrisome



situations to utter tragedy. He keeps all that in proportion with a wry sense of humor."

Kempe approached problems in an original way. He wanted the center to nurture the abused children who would be coming there, to give it a sense of home and he hired a cookie baker so the center even smelled homey.

Retelling one of his favorite stories, Krugman says Kempe noticed cookie consumption went up with the staff's anxiety level. And he noticed when the anxiety level was up, the staff would head for the kitchen to talk things over with cookie baker Gail Ryan. So Ryan's responsibilities grew to the point she now is a leading expert on the teenage perpetrators who are responsible for more than 50 percent of the reports of sexual abuse of boys and 20-25 percent of the sexual abuse of girls.

Krugman, too, has some original solutions:

Establishing the Kempe Center as a training facility for child protection teams that will set up offices across the country, able to function as the Kempe Center does, effectively preventing, treating and prosecuting child abuse.

Re-opening the old leprosy colonies—such as the one on Molokai Island in Hawaii—as places to send pedophiles, adults who sexually desire children. As leprosy once could not be stopped, pedophiles seem unable to stop, Krugman says. They need to be removed from the society they threaten to a place where they can do no harm and where their problem can be studied.

Legislation that every new baby be visited by a nurse, helping families through that rocky period of adjustment, similar to New Zealand's Plunkett nurse program. That was the program that interested Justice Anthony Kennedy, who discovered that all the killers on death row whose cases were up for Supreme Court review were victims of child abuse.

Giving children the right to vote. A 10-month-old could have his parents vote for him, Krugman says. A 10-year-old understands a variety of issues and could vote for himself.

"If we did that, I think you'd see a significant shift in how federal, state and local monies are spent. I think what families would vote for would be different from what older people and lobbyists would vote for." Only then, he says, will children get more from politicians than a kiss.

"If we were wrong, if it didn't change a thing, advocates like us should just shut up."

#### WILLIAM B. KOLENDER

● Mr. WILSON. Mr. President, it is my great privilege to pay tribute to an extraordinary Californian, a fellow San Diegan, and a valued friend, William B. Kolender, on the occasion of his retirement as chief of police for the city of San Diego.

During his exemplary career in law enforcement which began in 1956, Bill earned the respect and admiration of his entire community for his forthright leadership, his development of innovative programs within the police department, his constant and wholehearted support of community-wide charities and his willingness to lend his good name to any number of pro-

grams designed to enrich and enhance the quality of life for his San Diego community.

In his retirement as police chief, a position he held from 1975 to July 1988, Bill leaves a remarkable legacy of accomplishment, including reduced crime, improved policy/community relations, creative law enforcement methods designed to reduce crime in traditional crime pocket areas, the implementation of a new canine unit and a special response team, the development of school drug education programs, improved safety for police officers, and an increase in the number of new police recruits. Individually and in partnership, these achievements have ensured the safety and well being of the San Diego community and will long stand as testament to the singular leadership of Chief Kolender and his unswerving dedication to his profession and to his city.

Beyond his professional accomplishments, Bill has received honor and acclaim from every sector of the community during his tenure as police chief. The esteem in which he is held by all San Diegans is evidenced by the public service awards bestowed upon him by groups as diverse as the Boy Scouts of America, the Irish Congress of Southern California, San Diego's Urban League, San Diego Men's ORT, the Mexican American Foundation, and the San Diego Clippers basketball team, to name but a few. They recognize, as we all do, the enormous contributions Bill has made to the city of San Diego and the very special, caring, and compassionate man that he is.

In retirement, there is no doubt that Bill will continue to direct his energies, talent, and civic activism outward toward his community and will find new and diverse avenues in need of his unique leadership and capabilities. It is with great pride that I stand before my colleagues in the U.S. Senate to salute Chief Kolender as he retires and to illuminate his extraordinary career in law enforcement. I wish him an abundance of richly deserved happiness and continued success in all his future endeavors.●

#### INSTANT WEB, INC.

● Mr. BOSCHWITZ. Mr. President, I rise today to salute one of my constituents, a business in Chanhassen, MI, which over the years has provided jobs and opportunities to a large number of immigrants.

The company is Instant Web, Inc. Instant Web, along with its subsidiaries, Victory Envelope and United Mailing, has had great success with its program to employ Southeast Asians, and I think their efforts are quite noteworthy.

I've been fortunate over the years, Mr. President, to become involved in the plight of Southeast Asian refu-

gees. I've traveled to Thailand, walked through the refugee camps and shared some of the hope and the despair of these remarkable people.

And I point out with some pride, Mr. President, that Minnesota has become home to a large number of these refugees. The warm spirit of Minnesotans has gone out to these people, and as I traveled in Thailand, many refugees spoke to me about Minnesota, and the good things they have heard about life there, and about their hopes of someday coming to the United States, and to Minnesota.

Instant Web's efforts to provide jobs for these people is typical of the Minnesota spirit. Instant Web has aggressively sought out Southeast Asians and found jobs for them. In speaking with Jerome Carlson, the chief executive officer of the company, I've learned that Instant Web's efforts have been rewarded in great measure. I'm told that the Southeast Asians, in many instances, set the pace for the rest of the work force.

I've found that to be true with employers everywhere. These people bring a tremendous work ethic with them to this country, and it shows up in many parts of life. As I go through schools, teachers frequently tell me that Southeast Asian immigrants are among their best students.

And so, Mr. President, today I salute the efforts on the part of Instant Web, Inc., and wish them continued success. To Chief Executive Officer Jerome Carlson, and to his associates, Dick Warren, Brad Bloss, Bill Carlson, Dennis Duval, Dave Ekblad, Dave Gardella, Gary Marella and John Wainwright, I give them the thanks of the immigrant community and best wishes for the future.●

#### THAILAND'S REFUGEES

● Mr. DURENBERGER. Mr. President, this past Sunday Parade magazine published a story featuring my colleague from Minnesota, Senator RUDY BOSCHWITZ, and his travels to Thailand on behalf of the refugees there.

This story is titled "Knowing the Nightmare, He Can Foster the Dream." And I've often thought that the way RUDY BOSCHWITZ exemplifies the American dream is not known as well as it should be in the Senate.

As a child, he fled Nazi Germany with his parents, and this article tells some of the story. He went on to get his education as a lawyer, then to become an entrepreneur, a millionaire-businessman through his enterprise, Plywood Minnesota.

At the same time, he gave generously of his time to the Republican Party of Minnesota, serving as national committeeman, then earning the nomination to run and to win his seat in the

U.S. Senate. He has continued to be generous with his time for the party, and again serves as an example of caring through his concern for the refugees who leave dreadful conditions for sometimes worse, in the hope of finding something better in this great country of ours.

As RUDY himself has said, "While it sounds easy enough, the path is strewn with pitfalls. Escape from their own countries is dangerous, and often results in arrest and prosecution. Once a refugee camp is reached, there is no assurance that they will be able to leave. The camps themselves have serious medical and food problems. Unfortunately, some unscrupulous authorities have fallen into the habit of taking bribes, and many people find they have to raise money in order to leave."

RUDY has been involved in putting pressure on the Government of Thailand to continue operating refugee camps, and to get them to continue to process refugees. Our own State of Minnesota has been open-hearted in extending a helping hand to Laotians, Hmong, Cambodians, and Vietnamese among us.

I am proud of what RUDY BOSCHWITZ and the people of Minnesota have done to help those who are fleeing the tyranny of communism, seeking freedom and democracy. I am proud to be a Minnesotan.

Mr. President, I ask that the contents of this article, including the editor's note at the end telling of two organizations that accept contributions for refugees be printed in the RECORD.

The article follows:

KNOWING THE NIGHTMARE, HE CAN FOSTER  
THE DREAM

(By Michael Ryan)

The photograph is before me, but even without it, I could never forget that scene. There are two refugees in the foreground—a young woman and a middle-aged man. While his face shows concern, hers is contorted into a mask of pain; her hand covers her face, and tears are coursing down her cheeks. In the background, her young husband and their year-old child look on while the older man uses his handkerchief to dab her tears. I was there when it happened, and like everyone else in that little shack, I felt her anguish run through me like a knife.

For seven years, she has lived in the Khao-I-Dang refugee camp in Thailand, along the Cambodian border, a place of barbed wire and armed guards and communal dirt-floored huts. She is crying because she has lost all hope of ever leaving this place. She has spent one-third of her life here; she is sure she will die here.

Rudy Boschwitz, the man who is comforting her, is also a refugee, although from a different place and time. Fifty-six years ago, his father was dismissed from his position as a judge in Berlin, simply because he was a Jew. Rudy Boschwitz was just 2 years old when his family left Berlin and wandered through Czechoslovakia and Switzerland, Holland and England, until, years later, they found a home in the United States.

"You should have hope," he tells the young woman gently, and perhaps, coming from him, the words will have some effect. "You should have hope," he says again. And he is proof that there can be hope for refugees.

Rudy Boschwitz, refugee, is a United States Senator.

We are sitting in the incongruous comfort of the Bangkok Sheraton that night, helicoptered back from a day of watching human misery. The junior Senator from Minnesota is being realistic.

"Refugees are not a popular subject," he says. "You'll go back and write your article, and I'll get lots of letters from people who say you should spend your money on locals—don't even consider bringing in anybody new. A lot of people have a great resentment of refugees. They forget that if it wasn't them or their parents, then their grandparents or great-grandparents were refugees."

About 600,000 new people enter this country legally every year. Senator Boschwitz believes that we can handle more than that—and that we should. "People think that refugees take away jobs and depress wage levels," he says. "They forget that the time when millions were coming in every year was the time of the fastest development of this country. Refugees are the ultimate consumers: They come here with nothing, and they have to start buying. They create new jobs, and they're pretty energetic people. I mean, if you can get in a boat and go straight out to sea and cope with pirates and cope with smugglers and come across rivers and take great risks—these are not easy things to do. These are qualities that have made Americans such an energetic and progressive group."

The United States ended its military involvement in Southeast Asia in 1975, but the sufferings of the people in the region have never ended. Thailand has become an unwilling reception center for Vietnamese who work their way through the war zones of Cambodia to seek safety in Thai camps. The maniacal genocide that ravaged Cambodia, Thailand's neighbor, has abated. Many have sought refuge from the brutality in camps along the Thai border. So have many of the perpetrators, who still launch raids from their camps. In the northeast, thousands of Hmong tribesmen—the staunch allies of the U.S. during the war—have left their homes in the highlands for camps along the Thai side of the Laotian borders.

It is easy to see the misery of these people; what is astounding to visitors is their strength. Earlier in the week, we were in a place called Chiang Hham, in the highlands near the Thai border with Laos. Families of Hmong tribespeople—men and women, young and old, some of them holding young babies to their breasts—had walked six hours through the jungle to meet Senator Boschwitz.

Here was Nane Chia Shai, who lost four children when mortars were fired on the band of refugees with whom he had escaped from Laos. Here were Vang Kong and Cha Cher Thong, a resistance fighter and a survivor of a "reeducation camp," telling about the scores who had died in the groups they escaped with. Here were sergeants, lieutenant and private soldiers, forward air controllers and even a pilot, all of whom had fought side by side with American troops. Now they were in Thailand illegally, hoping for a chance at a new life in the west but knowing that their troubles were far from over. Although nobody mentions it, everybody knows that just last November a Thai

army patrol—acting on its own, according to officials—pushed a group of Hmong back across the border. Thirty-three were slaughtered. Quietly, with dignity, they told their stories—not asking for sympathy, just a chance to rebuild their lives.

"We're working for you," Boschwitz told them, "Learn English, study hard and be ready to work hard when you come to the United States."

For all the hardship, the Hmong have it easiest getting permission to enter the U.S. Some Cambodians who want to resettle may never find a new home.

Take Onn Rith. After she dried her tears, she told a story that was heartrending but far from unusual. Back in the confusion of the early 1980s, when thousands of Cambodians were interviewed for resettlement in the United States, a bureaucrat misread a map. He thought that her native village lay in an area of Khmer Rouge strength and concluded that she must have collaborated with the Pol Pot government in its brutal genocide—even though she was only 9 years old when the Communist insurgents conquered her country. Her application to come to the U.S. was denied. An uncle in Canada said he was too poor to support her; no other country would take her.

"We will try to help you," Boschwitz told Onn Rith as he left her hut. Later, he said he was reminded of another refugee, in another bureaucratic nightmare.

"I don't remember much about my passage," the Senator told me, in a van bumping along the dusty road between two camps. "I was only 2 when we left Berlin. I remember a little about Holland, and I remember a little about England, but not the rest, and my father didn't like to talk about it much. But my father-in-law used to tell me his stories—about how he went to the American consul in Zurich, and the man made it very clear that he didn't want any more refugees, he didn't want any more Jews. His family went across France to Portugal, and the American consul there would make my father-in-law stand in front of his desk, hat in hand—they wouldn't let you sit down. They'd hardly look up as they read your case. Finally, they went by boat to Brazil; and my father-in-law was standing before the American consul in Sao Paulo."

"The consul said 'What is your name?'"

"My father-in-law said, 'Lowenstein.'"

"The consul looked at the paper and said, 'You spell it in a funny way. Do you have any family?'"

"He said, 'I have a brother in Johannesburg.'"

"The consul jumped in and said, 'Your brother befriended me when I was in Johannesburg.' He gave him a visa. And that's how my father-in-law came to the United States."

Small accidents of fate, as Rudy Boschwitz knows well, can determine the course of a refugee's life.

A worker in one of the camps takes me aside. "The people seem happy during the day," she says, "but it's at night that the frustration comes—and the hopelessness. We have one case where a husband and wife tried to kill themselves by banging their heads against the floor after their applications were denied. We keep telling them, 'Where there's life, there's hope,' but it's hard for them."

A few feet away as they have for two days now—refugees are telling Rudy Boschwitz their stories, and he is listening, encouraging, promising to try to help. In turn, he makes them promise to work hard, to learn



job skills, to be ready to contribute to their new countries. Boschwitz is a Republican who leans toward the conservative. He believes that states should make it difficult for new arrivals to collect welfare, in order to encourage them to work. "My father sponsored 226 refugees for immigration to the United States," he says, "and not one of them ever went on public assistance." His doctrine of hard work has eager listeners here. But most of all, they seem to be grabbing at the hope he offers, soaking it up through their eyes and pores. Perhaps tonight the hopelessness will dim a bit.

Nothing can prepare an American for Site Two. Here, at the largest of the Thai camps, 160,000 people live. It seems that almost all of them have come to line the dirt boulevard that leads to the administration building. They applaud and sing and hold up placards that say "We Need Education" and "America Can Help Us." As he walks along the road, Boschwitz again and again returns the *wai*, the traditional greeting of respect, hands folded prayerfully before his face. The emotion here is almost palpable; the yearnings of these people fill the camp air. When Boschwitz leaves, they all turn out again to see him off. The van drives off to the applause of thousands. They know that their visitor is going home to try to help them.

"We'll go back, and we'll talk to people, and we'll make some progress," Boschwitz says. "Things will get better." He seems a bit more subdued as he says it. Most of the time, his demeanor seems to spring directly from an energetic combination of his lawyers's mind and his puppy-dog enthusiasm, but now he is a bit more serious, senatorial. "We'll make some progress," he says, and he believes it. But the progress will be slow.

After all, refugees are not a popular subject.

**EDITOR'S NOTE:** There are several ways you can help refugees in Southeast Asia. One is to write to your Representative and Senators, urging them to encourage the Administration to act more forcefully to aid the inhabitants of the camps in Thailand. There are also organizations that accept contributions for refugees and place American volunteers in camps, where they can do the most good. Two of these are: International Rescue Committee, Dept. P. 386 Park Avenue South, New York, N.Y. 10016; and American Refugee Committee, Dept. P. 2344 Nicollet Avenue, Suite 350, Minneapolis, Minn. 55404.●

#### THE EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader as to whether or not Calendar Order Nos. 743, 744, and 745 on the Executive Calendar have been cleared on his side of the aisle.

Mr. GARN. Mr. President, those items have been cleared.

Mr. BYRD. Mr. President, I thank my friend.

#### EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the foregoing calendar orders on the Executive Calendar, that they be considered en bloc, confirmed en bloc, the

motion to reconsider en bloc be laid on the table, that the President be immediately notified of the confirmation of the nominees and that the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

#### EXECUTIVE OFFICE OF THE PRESIDENT

S. Jay Plager, of Indiana, to be Administrator of the Office of Information and Regulatory Affairs. (New position.)

#### DEPARTMENT OF DEFENSE

Charles S. Whitehouse, of Virginia, to be an Assistant Secretary of Defense, vice Chapman B. Cox, resigned.

David S. C. Chu, of the District of Columbia, to be an Assistant Secretary of Defense. (New position—Public Law 100-180.)

#### LEGISLATIVE SESSION

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

#### BICENTENNIAL COIN ACT

Mr. PROXMIRE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 3251.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House agree to the amendments of the Senate numbered 18, 23, and 28 to the bill (H.R. 3251) entitled "An Act to require the Secretary of the Treasury to mint coins in commemoration of the Bicentennial of the United States Congress."

*Resolved*, That the House agree to the amendment of the Senate numbered 36 to the aforesaid bill with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

#### SEC. 9. GENERAL WAIVER OF PROCUREMENT REGULATIONS

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

#### SEC. 10. AMENDMENTS TO THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION RECAPITALIZATION ACT OF 1987.

(a) IN GENERAL.—Section 306(h)(1) of the Federal Savings and Loan Insurance Corporation Recapitalization Act of 1987 (12 U.S.C. 1730 note) is amended by striking out "1-year" and inserting in lieu thereof "2-year".

(b) CLERICAL AMENDMENT.—The heading for section 306(h) of the Federal Savings and Loan Insurance Corporation Recapitalization Act of 1987 (12 U.S.C. 1730 note) is amended by striking out "1-YEAR" and inserting in lieu thereof "2-YEAR".

*Resolved*, That the House disagree to the amendments of the Senate numbered 1-17, 19-22, 24-27, 29-35, and 37-39 to the aforesaid bill.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Senate recede en bloc from its amendments numbered 1-17, 19-22, 24-27, 29-35, and 37-39 to the bill, and concur with the House amendment to the Senate amendment numbered 36 to the bill, with the following amendment:

#### AMENDMENT NO. 2577

At the end of the matter proposed to be inserted by the House amendment to the Senate amendment numbered 36 to H.R. 3251, add the following:

#### "SEC. 11. SUNSET.

All provisions of this Act, other than section 10, shall be repealed on the day after the date of enactment of this Act, and no person shall be liable for, not complying with such provisions (other than section 10) while they are in effect."

Mr. PROXMIRE. Mr. President, what this amendment does is to provide for an extension of 1 year the moratorium on FSLIC [the Federal Savings and Loan Insurance Corporation].

Mr. President, this is a true crisis, the most severe I have seen in the 30 years I have been on the Banking Committee. If we fail to act on this amendment, the Federal Savings and Loan Insurance Corporation will be in very, very serious jeopardy. It would mean billions of dollars of rescue by the Congress, and it would be a very severe blow to the economy.

For that reason, Mr. President, I hope that we can proceed on this.

I might say that the various Senators, including the Presiding Officer, who have had an interest in this bill, have been extremely generous in agreeing that we would be allowed to go ahead with this FSLIC extension. In doing so, we have helped greatly in making it possible for us to preserve this insurance agency which is vital to our savings and loan insurance industry.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, in the interest of time and the lateness of the hour, may I just say my colleague from Wisconsin has adequately stated the emergency situation. I am very pleased that we are able to act on this bill this evening.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment is agreed to.

#### EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the period for morning business be extended for 10

minutes under the same conditions as heretofore.

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

Mr. HUMPHREY. Mr. President, I thank the majority leader for extending the period for morning business.

#### THE SITUATION IN NICARAGUA

Mr. HUMPHREY. Mr. President, the disturbing events in the past 2 days in Nicaragua should come as no surprise to any Senator.

The Sandinista government in Nicaragua is a Communist dictatorship. Communist dictatorships have no respect for freedom of expression. They have no respect for a free press or for peaceful demonstrations. They have no respect for fundamental human rights. And they have no respect for their own promises to reform. So let no Member of this body be shocked by the closing of Radio Catolica. Let no Member be stunned by the closing of La Prensa, or the jailing of opposition leaders, or the disbanding of a peaceful demonstration, or the expulsion of the American Ambassador and seven U.S. officials. These actions are fully consistent with the policies of a Communist dictatorship.

Tragically, there are those in this Congress who expect the Communist Sandinistas to do something they have never done: Tell the truth and stick with their important commitments. And so every time another "peace process" appears there are those who leap to the defense of the deceitful, cynical dictatorship in Managua. In the face of perfidy, many in Congress mumble about "giving peace a chance." Well, the absence of combat does not alone define peace. Peace also means justice. Peace also means human rights. Rights such as free speech and the right of assembly, both of which were again mauled by Daniel Ortega in recent days. This is nothing new, but ironically and tragically Ortega and company have been generously rewarded by the U.S. Congress which has suspended all military aid to the Nicaraguan resistance.

Mr. President, the Communist Sandinistas have been in the business of lying and breaking promises since day No. 1 of their regime. On July 12, 1979, the Sandinista junta sent a letter to the Secretary General of the Organization of American States that promises: "full respect for human rights in our country" and the installation of a "broad-based, democratic government."

That was 9 years ago almost to the day, Mr. President, and not one of those promises has been fulfilled.

On August 21, 1979, the Sandinista junta enacted the "statute on the rights and guarantees of Nicaraguans." Let me list just a few of the rights guaranteed back in 1979, that

have been violated by the most recent actions of the "Communists" in Nicaragua.

That statute says that:

Everyone has the right to freedom of expression.

The right of peaceful assembly is recognized.

No one shall be subject to coercive measures that might impair his freedom of thought, conscience and religion.

Freedom of information is one of the fundamental principles of authentic democracy.

That is what the statute says that was enacted in 1979, the statute on rights and guarantees of Nicaraguans. But we do not need to go back to 1979 to find Sandinista promises. Last August, the five Central American presidents signed a sweeping accord in Guatemala City.

The leaders guaranteed political groups with—

Broad access to communication media, full exercise of the rights of association and the right to manifest publicly the exercise of their right of free speech, be it oral, written or televised, as well as freedom of movement by members of political parties in order to proselytize.

On the day that agreement was signed, this Senator appeared on the television program "Nightline" to express concerns with the terms of the Guatemala City accord. I was specifically concerned with the Sandinista record of ignoring and blatantly violating previous agreements.

Sure enough, Mr. President, within a week the Sandinistas were violating the very letter of the Guatemala City accord. In the months that followed, opposition leaders were arrested, peaceful protests were disbanded, and efforts to reopen Radio Catolica were stalled.

That record has continued. The five Central American leaders met in San Jose, Costa Rica on January 16, 1988, to reaffirm their commitments to fulfill their obligations under the Guatemala City accord. They specifically noted the provisions of the Guatemala City accord calling for "total freedom of the press," and "political pluralism." As expected, these words were ignored by the Sandinistas. In fact Violetta Chamorro, the widow of the assassinated owner of La Prensa, wrote to Costa Rica's President Arias that:

The Sandinista regime has entered into a phase of total indifference to the points stipulated in the Esquipulas II (Guatemala City) accord.

Mrs. Chamorro, who is well respected by every Member of this body, I am sure, said that the Sandinista regime has entered into a phase of total indifference to the points stipulated in the Guatemala City accord.

On March 23, 1988, the Sandinistas signed the Sapoa agreement with leaders of the Nicaraguan resistance. In that agreement, the Sandinistas

pledge once again to "guarantee unrestricted freedom of expression."

Well, Mr. President, the incidents of the past 2 days, are yet the most recent evidence that the Sandinistas have no intention whatever to guarantee "unrestricted freedom of expression" as they promised.

Anyone who believes at this juncture, at this late date, after repeated acts of perfidy and lying and cynicism and dishonesty and deviousness of every evil sort, anyone who believes at this juncture that the Sandinistas, that the "Communists," as we should call them, intend to honor such honorable commitments must be a very gullible person indeed.

Mr. President, how many more promises will this Congress tolerate? How many more times can the United States and the international community be lied to? How much longer are we willing to reward Ortega's crimes by prohibiting further military aid to the resistance?

That is a question that I imagine a great many Americans are asking tonight, in light of the most recent news from Managua, Mr. President.

This Senator is one who is ready, tonight, tomorrow, or next week, the sooner the better, to resume military aid to the Nicaraguan Contras; to the resistance, to the anti-Communists. I think it is shocking and it is shameful that this land, the home of the free, whose most abundant product ought to be export of freedom has left these young men and women twisting in the wind. We encourage them to fight the Communists, we arm them on and off sporadically. And now we have left them, since January, with virtually nothing. They are twisting in the wind, suffering malnutrition, and the blame is coming home right before this body. The blame is ours, and this Senator is one who is ready to correct that error, who is ready to rearm the resistance and indeed is ready to support the armed overthrow of these vicious Communists in Nicaragua who have been there for too many years, too many years, Mr. President. It is time to correct this mistake and to eliminate this cancer from our hemisphere.

Mr. President, I yield the floor.

#### ORDERS FOR WEDNESDAY

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 tomorrow morning; that after the two leaders have been recognized under the standing order, there be a period for morning business to extend until the hour of 10 o'clock a.m., and Senators may speak during that period for morning business for not to exceed 5 minutes each.



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

Mr. BYRD. Mr. President, I ask unanimous consent that the convening time tomorrow be changed to 9 o'clock.

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

Mr. BYRD. Mr. President, I ask unanimous consent, then, that the additional time be given to morning business tomorrow, under the same conditions.

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

# PROGRAM

Mr. BYRD. Mr. President, the Senate then will come in at 9 o'clock tomorrow morning. After the two leaders have been recognized under the standing order there will be a period for morning business to extend until the hour of 10 o'clock a.m. Senators will be permitted to speak during that period for morning business for not to exceed 5 minutes each.

At 10 o'clock a.m. the Senate will resume consideration of the HUD appropriations bill. No amendments are in order. No further debate is in order.

No intervening actions or motions are in order.

The Senate will proceed to vote at 10 o'clock on final passage of the HUD appropriations bill. That will be a roll-call vote, the yeas and nays having already been ordered. Upon the disposition of the HUD appropriations bill, the Senate will turn to the Interior appropriations bill.

There will be rollcall votes throughout the day tomorrow.

# ORDER FOR RECESS FROM 11:45 A.M. TO 1 P.M. ON TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate tomorrow stand in recess between the hours of 11:45 a.m. and 1 o'clock p.m. to accommodate the Democratic conference.

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

Mr. BYRD. Mr. President, I hope that the Senate will be able to complete the Interior appropriations bill tomorrow. It will be my hope and desire, then, that the Senate could proceed to the consideration of one of the remaining appropriations bills and there will be, once the Interior appropriations bill has been disposed of,

there will be only Commerce, Justice, State, Judiciary, Labor-HHS and Education, Agriculture, and Defense.

I thank all Senators.

# RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9 o'clock tomorrow morning.

The motion was agreed to; and, at 8:20 p.m., the Senate recessed until Wednesday, July 13, 1988, at 9 a.m.

# CONFIRMATIONS

Executive nominations confirmed by the Senate July 12, 1988:

## EXECUTIVE OFFICE OF THE PRESIDENT

S. JAY PLAGER, OF INDIANA, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

## DEPARTMENT OF DEFENSE

CHARLES S. WHITEHOUSE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

DAVID S.C. CHU, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

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.