SENATE—*Friday, February 26, 1988*

(Legislative day of Monday, February 15, 1988)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

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

Let us pray:

Seek ye the Lord while he may be found, call ye upon him while he is near: Let the wicked forsake his way, and the unrighteous man his thoughts: and let him return unto the Lord, and he will have mercy upon him; and to our God, for he will abundantly pardon.—Isaiah 55:6-7

Gracious Father in heaven, Isaiah intimates that the Lord may not always be found, may not always be near as he urges us to seek Him and to call upon Him. Thank You, Father, that we are always in Your thoughts even though You are rarely in ours. We are always embraced by Your love even though we do not love You. You never forsake us even though we forsake You. Forgive our waywardness—our indifference—our preoccupation with the material, the temporal, the transient. Turn our hearts to You. Quicken our faith and infuse our hearts with Your love, we pray in the name of Him who is unconditional love. 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, February 26, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

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

SENATORIAL ELECTION CAMPAIGN ACT

The Senate resumed consideration of the bill S. 2.

The ACTING PRESIDENT pro tempore. Under the previous order, the 1 hour under rule XXII will be equally divided and controlled by the Senator from Oklahoma [Mr. BOREN] and the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Wyoming [Mr. SIMPSON] and the Senator from West Virginia [Mr. BYRD] have 10 minutes each out of that hour.

RECOGNITION OF THE MAJORITY LEADER

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

THE JOURNAL

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

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

Mr. BYRD. Mr. President, I ask unanimous consent that the order be changed to allow Mr. PACKWOOD to control the time as the designee of Mr. MCCONNELL and that I control time as the designee of Mr. BOREN until Mr. BOREN arrives.

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

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the 10 minutes reserved for the acting leader, Senator SIMPSON, be reserved for him. He will be here later.

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

Mr. BYRD. Mr. President, on behalf of Mr. BOREN I yield 5 minutes of the time on this side to Mr. PROXMIRE. I ask unanimous consent that 5 minutes of that time not come out of the hour. It will result in a delay only of 5 minutes in the vote.

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

Mr. PROXMIRE. Mr. President, I would like to speak 5 minutes not on the bill.

THE CRITICAL IMPORTANCE OF COMMUNITY BANKS TO THE AMERICAN ECONOMY

Mr. PROXMIRE. Mr. President, what is the great economic strength of this country? It is the vigor and initiative of our small businesses. We are proud of our free economic system. We should be. It's been the most productive in the world over the past 150 years and it is more productive and successful now—than ever. Of course, it is true that we have some highly successful big businesses. Big business has served our country's economy well in every aspect of commerce and industry. But it is small business that has supplied the lion's share of increased employment. The entire sweep of rising employment in America over the past 8 years has not come from the huge conglomerates. It has come from the small, locally owned and locally financed businesses. Consider between 1980 and 1987 according to the Bureau of Labor Statistics, the number of jobs in this country increased by 9½ million. The entire increase, all of it, took place in firms employing less than 500 people. Indeed, most of it, 5.2 million, of the job increase occurred in firms employing less than 50 people. Big businesses employing more than 500 people actually reduced their employment by 600,000 jobs.

Yes, indeed, far more independent American businesses fail than succeed. A successful independent business person must do more than work hard. He or she has to find ways to beat the competition with lower cost, lower priced products, and higher quality. To do this she or he has to be an efficient, imaginative manager. The independent business manager has to know how to hire and train competent employees. Hard work and efficiency will still not be enough unless the independent business manager can find a way to finance the operation. That means the business needs a wise and attentive banker. Capital, low-cost capital, that is available when the enterprise needs it is every bit as important as a good product and a competent work force.

So where does American small business get its capital? It gets its capital overwhelmingly from local, community owned and community oriented banks. Big banks like big business have a critical function in our economy. But local community banks represent the real reason why American independent business is so much more vital and productive in this country than in any other country in the world. Only in America are there literally thousands of independent banks that do most of the country's business.

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

Consider the hard facts. In virtually every other free country in the world—Canada, the United Kingdom, France, Italy, Japan, Germany, the South American countries, the Asian countries five or six banks do 90 or 95 percent of the country's banking business. Usually they have hundreds of branches. But, of course, they are centrally managed, centrally controlled. Their loans are centrally directed. Small communities produce much of the savings. But the larger businesses located in the big cities and foreign countries get the loans.

This is not true in America. In America we have 14,000 independent banks. Our 10 biggest banks do less than 30 percent of our banking business. So local savings largely stay in local communities to finance local businesses. That business is often small or medium sized. It is largely independent. It employs local people. The banks provide two absolutely essential ingredients to the success of these independent business enterprises—so characteristic of our country. First, they provide the credit lifeblood. Without bank capital independent business can rarely function. It is almost impossible for such an enterprise to grow. Bank credit makes growth and development possible.

But there is a second bank supplied ingredient also of great importance. That is sound business advice. Bankers have an opportunity to learn business based on hard, tough, win and lose experience with loans to successful and unsuccessful businesses. Unlike big business, independent business can rarely afford to hire a big-time professional financial or business counselor. For community business the local community banker is the overwhelming source of sound advice on buying plant and equipment financing, inventories, efficiently managing accounts receivable from customers, or installing a cost accounting system that permits intelligent pricing. So why is U.S. small business the economic star of this most productive economy in the world? The local community banker is right at the heart of this unique American business success story.

Here is why the Congress should do all it can to maintain our unique independent banking system. The local orientation of community banks that are dedicated to the efficiency of our independent small businesses lies at the heart of the great American success with a highly competitive, productive economy. Why is American independent business competitive and efficient? A prime reason is because of its reliance on 14,000 independent banks providing the lifeblood of credit to independent business, and precisely the kind of critical professional advice that enables independent business to succeed in America as in no other country in the world.

SOVIET DISMAL RECORD ON HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, we all know that the Soviet Union has a dismal track record on the issue of human rights. In fact, just last week the Soviet's marshaled a huge police presence to quash the celebration of Lithuanian Independence Day. Many Members of the Senate made statements commemorating this occasion, but the proud people of Lithuania were denied the right to mark this occasion in their own way.

Lithuanians are not the only people whose rights are regularly denied by the Soviet Union. The people of the other Baltic nations regularly are subjected to the same treatment, as are many other nationalities and religious groups in the Soviet Union.

There are numerous examples of Soviet human rights abuses, but I will mention two.

Emigration: It is well known that the Soviets have denied many of their people the right to emigrate. According to the State Department there are only three groups that are allowed to emigrate—Jews, ethnic Germans, and Armenians. Yet, even the people in these groups are subjected to arbitrary and stifling barriers when they apply to emigrate. The welcome liberalization of emigration controls that led to the outpouring of Soviet Jews in the late 1970's is now reduced to a trickle. While 51,000 Jews were allowed to emigrate in 1979, less than 1,000 were let out in 1986, and this increased to only slightly above 8,000 in 1987. There are indications, however, that things may be changing for the better. I applaud the progress made during this week's meeting between Secretary of State Shultz and Soviet Foreign Minister Shevardnadze. The Soviets have indicated that they will suspend a very restrictive emigration provision. But proclamations must be followed up with sustained action, and with progress on other human rights issues.

Political and religious prisoners: While we have recently seen the release of some religious and political prisoners in the Soviet Union, there are still many more that are imprisoned. Religious officials are imprisoned for speaking out against the repression that restricts them and their followers from freely practicing their beliefs. Political prisoners face equal or worse treatment. Members of the Helsinki Watch groups in the Soviet Union are severely persecuted. These groups monitor Soviet compliance with the Helsinki Final Act. This agreement is a pledge, signed by the Soviet Union and 34 other states, to respect human rights and allow freer movement of people and information. Many of the members of the Soviet Helsinki Watch groups have been either exiled or thrown into the worst prison camps.

My question is: "When will this end?" The Soviet Union under General Secretary Gorbachev has embarked on a policy of glasnost. This policy is intended to show that there is a new way of thinking about international and domestic affairs in the Soviet Union. In fact, under this policy accounts of human rights abuses by former Soviet leaders have been published for the first time. Yet, despite this glasnost policy I see few signs that the present Soviet Government is willing to extend basic human rights to all of its people.

A Moscow summit meeting, between President Reagan and General Secretary Gorbachev, is tentatively scheduled for May or June. I urge the President to impress upon Mr. Gorbachev, at this meeting, the weight that the United States places on the human rights issue and the importance of this issue for the continuing improvement of United States-Soviet relations.

Mr. President, I thank my good friend, the majority leader, for being so gracious, and the acting Republican leader, Senator PACKWOOD, also for being so helpful.

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with the consideration of the bill S. 2.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. PACKWOOD. Mr President, I yield myself 7 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized for 7 minutes.

Mr. PACKWOOD. Mr. President, this debate, of course, is now drawing to a close. I think almost all of the points that could have been made on this bill pro and con have been made.

Our side would clearly indicate that if you want to get rid of the so-called pernicious influence of political action committees, you can do that by just saying they cannot give money, zero. Our side has indicated that if the problem is that we are spending too much money altogether, you can take care of that by lowering the individual contribution limits from $1,000 to $500 or $200 or $100, or whatever figure you want to set it at, and that would guarantee a reduction to spending in a campaign.

I think this side has proven with pretty good statistics that are not ours, but from political scientists, that a spending cap clearly favors incumbents over challengers, and I ask unanimous consent that some excerpts that I have from academicians around the country alluding to this particular fact be printed in the RECORD.

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

ACADEMICIANS ON EXPENDITURE LIMITATIONS

"A ceiling on expenditures, by contrast, almost certainly benefits incumbents since challengers must usually spend a great deal more than average to upend an incumbent."—Source: Dr. Larry J. Sabato, Univ. of Virginia, *Pac Power*, 1984

"Requiring equality of finance merely emhasizes these other inequalities and prevents less well-known candidates from access to one of the few resources available that they can use to catch up."—Source: Dr. Nelson W. Polsby, Univ. of California, Berkeley; Kennedy School of Government, Harvard Univ., *Commonsense*, December 1983 (Polsby is one of 2 or 3 top political scientists in the country.)

"And it is also plain that contribution or spending limits, or any other measures that restrict the amount of money spent in campaigns, will, if they have any effect at all, help those already in office."—Source: Dr. Gary C. Jacobson, Univ. of California, San Diego, at U.S. House of Representatives Task Force on Elections hearing, August 22, 1983 (Jacobson has written extensively on expenditures in congressional campaigns.)

"* * * Spending limits work the other way. In the aggregate, with some exceptions that grow out of the peculiarities of individual races, spending limits would favor incumbents and would be felt most heavily in the most competitive districts."—Source: Dr. Michael J. Malbin, American Enterprise Institute, *Money and Politics in the United States* (Dr. Malbin was at the University of Maryland and is now at AEI in Washington, D.C.)

"Expenditure limits work to the disadvantage of nonincumbents and discourage electoral competition. * * * Keeping in mind that it is challengers, not incumbents, who benefit most from campaign spending, such proposals have a definite anti-challenger and anti-electoral competititon bias."—Source: Dr. John F. Bibby, Univ. of Wisconsin-Milwaukee, Statement before Subcommittee on Elections, House Administrative Committee, June 16, 1987.

Mr. PACKWOOD. Mr. President, I think it is also quite clear based upon the extraordinary evidence that Senator MCCONNELL has brought forth what spending limits cause. They cause efforts at cheating. They cause efforts at violating the law or if not violating the law, an effort to get around the law in ways that were not intended so that they can exceed the spending limit.

Mr. President, yesterday the Federal Election Commission has done it again. I am not blaming them. But here is a perfect example as to how you can get around the law.

Congressman GEPHARDT has been running a famous ad in the campaigns, showing that the cost of a Hyundai is whatever it is, $8,000 or $10,000 in the United States, but an equivalent Chrysler K car in Korea would cost $40,000. And at the end of the ad appear the following words: "Vote, Volunteer, Contribute."

And based upon the fact that the word "contribute" is in the ad the Federal Election Commission has indicated that half of the cost of the ad and half of the cost of the production and half of the cost of putting it on the air can be written off against what are known as the national spending limits rather than the State spending limits.

Every political manager that you talk with understands this. They know what they do. They design the ads that way, and all you have to do is put a three-syllable word "contribute" at the end and you can write off half of the cost against the national limit that you are never going to be able to exceed. You dramatically increase what you can spend in Iowa and what you spend in New Hampshire.

So, for a whole variety of substantive reasons, I think the present law as it affects the Presidential campaigns has been shown not to work and should not be extended to other races.

Now, Mr. President, I would like to address myself just for a moment, if I might, to the use of delaying tactics, filibusters, or call them what you want.

We always learn in this organization, even though we may think the rules are fixed and firm, it is amazing how the fertility of the minds of the Members manage to find ways to expand those rules—I do not want to say violate them—but expand those rules beyond what our concepts would have grasped before.

I remember, and I cannot remember if it was when our good friend, Senator BYRD, was majority leader, or when it was Senator Mansfield was majority leader, when the late Senator Allen first discovered the post-cloture filibuster rules by a simple device. Under cloture, of course, only amendments at the desk that are germane, that are filed at the time of invocation of cloture can be voted upon. I cannot remember what the issue was. But on a particular issue, Senator Allen filed at the desk shortly before cloture was voted I think 1,100 or 1,200 amendments, all of which were germane. And when cloture was finally invoked and all the time had run out, all he had to do was stand up and say, "Mr. President, I ask amendment No. 111 be called up," no time to debate it, but 15 minutes to vote on it and 15 minutes to reconsider it. And if you add up how many days it would take going 24 hours a day to vote on 1,100 or 1,200 amendments, you come to about 25 to 26 or 27 days, assuming you are willing to work 24 hours a day straight.

He discovered something that none of us had ever seen before in terms of extending debate.

The Republicans the other night thought we might have hit upon an idea of a way of extending debate, and the reason I mention this is because of the conviction I have the longer I am here that in many, many situations we are wiser to wait than to move, we are wiser to delay than act.

I cited the other night the classic example of Senator PROXMIRE's filibuster against the SST. He had an unusual advantage in that he was working against a time limit which was the end of the congressional session.

We were in the end of the second year. In fact, we were into January of the month in which the new Congress comes in and as the clock was ticking away up to 12 o'clock, it was obvious that his filibuster was going to succeed because Congress was going to be constitutionally adjourned and but for his filibuster, which he actually handled wonderfully over several days, we would have voted for the SST and we would have made a tragic mistake in terms of hundreds of millions and then billions of dollars being invested into something, and we were driven solely by the fear that the British and the French would beat us with the Concorde.

So that was the use of a filibuster that caused delay that was wise.

On the other hand, 4 years ago, I was on the other side. I was with Senator PROXMIRE on that issue. I was on the other side supporting the Civil Rights Act of 1984 and that act was very successfully filibustered to death. It was a filibuster being led by Senator HATCH of Utah. We were again up against a deadline. It was in September. Congress was about to adjourn. And he managed to filibuster that bill until I had to make the motion to take down, table my own bill, because the filibuster had been successfully used to delay it.

I remember what my good friend, Senator Williams, of Delaware, said years ago about making more mistakes in haste than losing opportunities in delay, and then he added, what needs to pass will pass. It may take two or three Congresses, but that is not a long time in the history of this country, and indeed he was right.

The Civil Rights Act of 1984 has been slightly amended. It is now the Civil Rights Restoration Act, and it is going to pass. It may or may not be vetoed by the President, but my hunch is if it is vetoed the veto may be overridden. And that was an example where time—Mr. President, I ask unanimous consent for 2 additional minutes and I will be done.

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

Mr. PACKWOOD. That is an example where time passed, public opinion mobilized on the side of the act, and it has passed.

Our side is convinced that given another year, 2 years, 3 years, of time to educate the public, especially educate editorial writers about the defects of the present bill, and we think time will be on our side, so we have attempted to use the legitimate tactics of delay in order to gain us time to wage a battle for the minds of the public. We think we will be successful, and we think in

retrospect this Senate will look back and say thank goodness we did not pass what would have been a pernicious and harmful piece of legislation.

I thank the Chair.

Mr. McCONNELL addressed the Chair.

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

Mr. McCONNELL. Mr. President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. Twenty minutes.

Mr. McCONNELL. I yield to the distinguished Senator from Connecticut, [Mr. WEICKER].

Mr. PACKWOOD. Mr. President, I believe the majority leader previously asked that the time on this side be controlled by me. I ask unanimous consent that Senator McCONNELL control the remaining time.

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

Mr. McCONNELL. I yield 5 minutes to the Senator from Connecticut.

Mr. WEICKER. I thank the distinguished Senator from Kentucky.

Mr. President, I rise in opposition to the bill and want to make a few remarks as to what it is that has transpired, both on the floor and off, in trying to focus on what is truly at issue.

What is not at issue is whether or not we have had extended debate or who was arrested. Indeed, if we were doing our job on issues and articulately presenting those issues to the Nation, we would be more arresting of the public attention than of ourselves. But we are not addressing issues. We are not presenting them in a way that creates enthusiasm among the voters and because of that, our democratic system is in jeopardy.

But in order to preserve it, I do not think it prudent to turn to artificialities. Rather, stick to the principles contained in the first amendment of the Constitution of the United States.

A paper I greatly respect makes the point well. I happen to agree 95 percent of the time with the content of editorials in the New York Times. And I might add, journalistically I think there is no better newspaper in this Nation. The other day, they had an editorial called "Reformbusters in the Senate." And in effect, it stated that:

> Given the charges of sleaze arising almost daily against the Reagan Administration, Republicans ought sensibly to want to dissociate themselves from the poisonous climate. Tomorrow's anti-filibuster vote will give all senators, and particularly Republicans, their chance.

It also says—

> By ending the filibuster and passing the bill, the Senate could control campaign costs and scrub away some of the suspicion that has settled, like polluted air, on Washington's marble halls.

I am mentioned by name in the editorial thought. That is immaterial to these remarks.

The first amendment of the Constitution of the United States several provisions, one of which is the Congress shall make no law, make no law abridging the freedom of speech. "Congress shall make no law abridging the right of the people to petition the Government for a redress of grievances." These are all in the first amendment. These rights are all involved in this debate on campaign financing.

The first amendment implies that political expression is a best tended to by the people of the Nation. I agree. It is not a matter to be defined by Congress.

Today an editorial appeared in the New York Times entitled "Outrageous Free Speech? Yes, and Free." The operative paragraph is right there in the first paragraph.

> When a Supreme Court headed by William Rehnquist delares the deepest commitment to free speech, and does so unanimously, it furthers a thrilling principle of liberty. Larry Flynt's rancid Hustler magazine may have ridiculed the Rev. Jerry Falwell in the coarsest and most outrageous way. But freedom of speech, the Court declares, extends to utterances that are outlandish, even detestable. The Court thus reaffirms its historic trust in the people to decide for themselves what to read and what to heed.

That same first amendment says "Congress shall make no law abridging freedom of the press."

So the Times is right when they say let the people decide on the matter and manner of ideas.

Yet what is being said here and in the Times is that people cannot decide for themselves on matters of speech and petition such as who to support or not when it comes to the free election process. However these same people can decide for themselves on ideas presented through a free press.

What I am fighting for here is a right of expression just as free as that for which the New York Times and other media fight in terms of constitutional rights.

The ACTING PRESIDENT pro tempore. The Senator's 5 minutes has expired.

Mr. WEICKER. I ask for 1 more minute.

Mr. McCONNELL. I yield 1 more minute.

Mr. WEICKER. I do not think we should be in the position to alter or dilute the first amendment rights of the people of this Nation. We are not here to subsidize mediocrity, socialize politics, or congressionally define what speech is permissable.

Let it be a free system of elections. Let the people decide, not Congress. Let the people decide on the matter of ideas as expressed through the press. And, yes, political lives in freedom with rancid people and ideas just as the press so similarily exists.

But you do not bring freedom in the United States down to the lowest common denominator. This bill is geared to a lowest common denominator reasoning and if it passes it replaces the highest expectations of the first amendment.

The ACTING PRESIDENT pro tempore. The Senator's time has expired

Mr. WEICKER. I ask for 30 seconds.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. McCONNELL. I yield.

Mr. WEICKER. I think people's political judgments can be trusted with as much feeling as the New York Times feels that people can decide for themselves "what to read and what not to heed." In this Senator's opinion the people can also decide who to support and who to defeat.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. McCONNELL. How much time remains on this side?

The ACTING PRESIDENT pro tempore. Twelve minutes and thirty-four seconds.

Mr. McCONNELL. I yield myself 7 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 7 minutes.

Mr. McCONNELL. Mr. President, I want to commend the Senator from Connecticut for his most insightful observations about the first amendment and how they apply to this historic debate. This has indeed been a historic debate. The distinguished majority leader is a man who is aware of many records in the Senate. Today we will have our eighth cloture vote on this measure.

I suppose it is fair to ask the question why eight cloture votes on S. 2? Why the extended debate? Mr. President, an important principle is involved in this debate. And it essentially is this: Will there be a limit on how many people can participate in the political process with limited, fully disclosed cash contributions? How many people can participate in the political process with limited and fully disclosed cash contributions? It is the feeling of this Senator and the overwhelming majority of the people on this side of the aisle that that ability to participate should not be inhibited.

Second, the real issue before this body in addition to that important principle is a question of partisan advantage. There is no question in the minds of the political scientists across this country and those who follow the rules of the campaign game that to the extent that you limit the cash contribution in terms of disclosed contributions, the money pops up somewhere else.

The Presidential system has worked out about like prohibition, about like prohibition, and in a sense that is what we are seeking to do here, to emulate, to imitate the Presidential system and apply it to 535 additional contests.

I will say, Mr. President, I can confidently predict that if we created for congressional elections a system of spending limits and public financing, the FEC would shortly be the size of the Veterans' Administration. And would it succeed? Why, of course not.

What has happened under the Presidential system? Why, spending has increased enormously. What else has happened under the Presidential system? One out of every $4 has to go to the lawyers and the accountants trying to figure out some way to skirt the process because it is unrealistic.

What else has happened? Every major candidate since 1976 has become a cheater. A number of folks in this debate, particularly on the other side of the aisle, have said time and time again there is a scandal waiting to happen. I agree. But it is in the Presidential system, not in the congressional system. That is where the scandal is waiting to happen. And that is where we go from here in the judgment of this Senator.

Let us look at the system that really has the problems that is unfolding right before us today, and which is the system under which we pick the most important elected official in this country.

We would have had a congressional campaign finance reform bill. We could have had one. The group of eight upon which the distinguished Senator from Oregon, who is quite knowledgeable on these issues, sat, four on each side as the majority leader suggested, and met on several occasions. We came ever so close to producing a bipartisan campaign finance reform bill that would have slipped through this body 90 to 10, would have been a landmark piece of legislation, something we could have been proud of, done something about the real problems that exist in congressional campaigns, and the real problems are the PAC's.

If there is a perception of undue influence out in the land, if there is any interest in this issue out in the land, it is about the PAC's. This Senator from Oregon and 13 other Senators were happy to eliminate PAC contributions all together. We could not get a single cosponsor on the other side of the aisle.

You look at the cost of campaigns in addition to growing PAC contributions. What else has fed the cost of campaigns? The millionaire problem, that was an area that both sides agreed we could do something about. Constitutionally, you cannot keep somebody from putting a lot of money into his own race, but we believe we could constitutionally make him eat the whole thing, keep a person who puts a lot of money into their own race from going around after it is over and getting it back, going around town and shaking down every special-interest group, and finding people all over the country to pay himself back. We think we could do something about that. That kind of measure could go through here tomorrow, 95 to 5.

And the cost of television: the group of eight agreed it is clear what has driven the cost of campaigns in addition is the cost of television. What do our friends in the broadcast industry do? Typically when you move into the last 60 days of an election, the lowest unit rate to be charged to all customers is raised. I wonder why. It is because we have to advertise heavily going down the homestretch.

There was an agreement in the group of eight that we ought to require the broadcasters to sell us the time at the lowest unit rate for the preceding year, the nonelection year. It would give us a chance to afford the process.

I yield myself 2 additional minutes.

The ACTING PRESIDENT pro tempore. The time remaining is under the control of the acting Republican leader.

Mr. PACKWOOD. I ask unanimous consent that the time under my control be transferred to the control of the Senator from Kentucky.

The ACTING PRESIDENT pro tempore. Without objection.

The Chair apologizes. I think that may have been done previously.

Mr. McCONNELL. So, as I was saying, Mr. President, we could have passed a bipartisan campaign finance reform bill for congressional elections, and I hope we will at some point in the near future, one that deals with PAC's, one that deals with millionaires, one that deals with the cost of television.

But let me conclude by saying that there is one thing that, in the judgment of this Senator, we will never do. We will not do it today. We will not do it tomorrow. We will not do it ever. And that is this: we will never agree, we will never agree, to put a limit on how many people can participate in the political process through limited fully disclosed campaign contributions.

In conclusion let me thank the staff of a number of Senators on this side of the aisle who have done an outstanding job in helping us prepare for this debate: Senators PACKWOOD, BOSCHWITZ, and STEVENS, and the distinguished acting Republican leader, all of whom have made an enormous and significant contribution to what has indeed been one of the most memorable debates in the history of the U.S. Senate.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KERRY addressed the Chair.

Mr. BYRD. Mr. President, I yield 5 minutes to the distinguished Senator from Massachusetts.

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

Mr. KERRY. I thank the Chair and I thank the distinguished majority leader.

Mr. President, all of us have listened with great interest and participated with great interest in the debate of the last days. I have listened this morning to my colleague, the distinguished Senator from Connecticut, talk about the first amendment. We have heard the Constitution invoked again and again in this debate. But the fact is—getting away from the emotional, getting away from the invocation of Constitution—the fact is that the first amendment and the Constitution are not challenged by a voluntary system that has been carefully crafted under the decision of Buckley versus Valeo to meet constitutional scrutiny. This is a voluntary standard that is being applied in S. 2.

But let us leave out that part of the debate on the merits because there really is a bottom line here; a fundamental bottom line. And the bottom line was just expressed by the distinguished Senator from Kentucky. "We will never, we will never accept a limit on the amount of people who will be able to participate with small contributions."

Mr. President, the measure of a democracy and the measure of participation is not money and should not be money. The measure of an American's ability to be able to participate in our system is according to the first amendment. And the right to associate freely and organize and speak freely is, in the democratic process, best articulated through the vote, through the organizational ability, through the grassroots kind of politics that money has taken us away from.

The reason the cost of campaigns goes up each year is not that the cost of organizing goes up, but that the media costs go up. And the media costs are incessantly higher and higher because each candidate comes to the political trough believing that if they can just buy that extra ad, if they can just get an extra minute on television, they may win. And the Republicans have said again and again, "We are not going to accept a limit on that ability to spend." Why, Mr. President? Because every single race in this country shows that they outspend their opponents 2 to 1, 3 to 1, sometimes not as high, but absolutely invariably outspend their opponents; even incumbent Senators are outspent.

I have heard the distinguished minority leader, Senator DOLE, say on this floor that if you put a cap on spending, the Republicans will not stand a chance. That means, when you think it out, that if they cannot spend more money, they cannot win.

Now, what we are dealing with here is a fundamental perception problem. I heard the Senator from Maine yesterday make an impassioned speech, and I think he has much to be angry about. But the issue is not whether or not one Senator or another in fact has a linkage of money to voting. It is the perception. We are supposed to be sensitive to perceptions of voters about the integrity of our system.

Let me read today's Washington Post editorial. Headline: "The Best Senate Money Can Buy."

And what they say in the Post is that it is important to remember what this vote is about.

The vote today is about the role of money in congressional affairs. A certain amount of money in democratic politics is healthy; too much is corrupting. There is too much now. In the period from 1976 to 1986, the cost of living nearly doubled. In that same period, congressional campaign expenditures nearly quadrupled. Senate candidates in 1976 spent $38 million; the average winner spent $600,000. Five election cycles later, the candidates spent $179 million; the cost of a Senate seat had become $3 million. To raise the money he will need for reelection, the average senator now has to raise $10,000 a week every week of his six-year term. If he comes from a large state or fears a close election, he may have to raise four times that. They already live with their hands out. Where can it end?

Then it says:

The Democrats seek to impose spending limits.

Skipping a couple of sentences:

But the willing Republicans have been whipped away from the bargaining table by others who say unlimited spending is the only way their party can thrive. The rational Republicans have been cowed by their——

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. KERRY. I ask for 2 additional minutes.

Mr. BYRD. Mr. President, we are going to run very short on time. I yield 2 additional minutes to the Senator.

Mr. KERRY. I thank the Senator. I will finish before that.

The rational Republicans have been cowed by their more vehement colleagues.

Last sentence:

The buying of the Senate goes on.

Mr. President, we have a perception problem. We have a perception problem, and we have been prevented in these last days from dealing as this Senate ought to deal with that perception problem. I hope that the day will come soon when we can meet and talk and move forward on a process. The problem is not, as we heard, with prohibition. The problem is not substituting mediocrity with the present election system. The problem is reducing the impact of money on our politics and the problem is on creating a fair system where we are equal in our approach and where it is our ideas and our touch with the people that carries the day, not our ability to spend money.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. Who yields time?

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

The ACTING PRESIDENT pro tempore. The Senator has 21 minutes 16 seconds remaining.

Mr. BYRD. Mr. President, I yield 4 minutes to the distinguished Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized for 4 minutes.

Mr. CHAFEE. Mr. President, today I rise to express my concern with the manner in which we are handling this whole issue of campaign finance reform. As you know, I am a cosponsor of S. 2, and have supported efforts to bring this measure to the floor. In fact, with today's vote, I will have voted eight times for cloture. I am one of only two Republicans who has done that. But 60 votes are needed to invoke cloture and they are not there. It seems to me, after the Senate says no to cloture today—and it is clear it is going to do that—it is time to move on with campaign reform.

I want campaign reform. I respect the efforts of the majority leader to move forward with S. 2. I have great respect for his work and the work of the senior Senator from Oklahoma, Senator BOREN, on this issue. But what do we want here in the Senate? Do we want a cause or do we want a bill?

With every cloture vote, this Senate is moving further away from campaign finance reform. The time has come, it seems to me, to redefine the debate. Let us take those aspects of S. 2 that both sides of the aisle can support and draft a compromise measure.

What would that measure be? Public financing and overall spending limits are clearly not going to pass. But does that mean we should abandon the whole issue of campaign finance reform?

Let us make a new beginning.

Even as a cosponsor of S. 2, I never thought that this measure was the final word on campaign finance reform. It was and is a starting point and a stepping stone to comprehensive reform. Indeed, I have proposed amendments which would go even further than S. 2.

We have had spirited debate on both sides of the aisle, and this legislation framed the debate. Now we can see that some provisions are unacceptable to a great many Senators. It is time to accept that and move forward. I am concerned that continuing on the present course will ultimately end our opportunity for any kind of reform. And to me that does not make any sense.

There are so many areas where we can make significant improvements in our system of campaign financing. I have listened to Senators on both sides of the aisle call for increased disclosure requirements. This could form the basis of a new campaign finance reform proposal, a proposal that all of us could support.

We ought to limit political action committee contributions. We ought to close the so-called millionaire's loophole. We ought to limit independent expenditures and disclose "soft money" contributions. We should require that PAC's fully identify themselves.

What in the world is "the Desert PAC, Tucson, AZ" that gave my opponent $10,000? Does anybody know what the Desert PAC is? Is it a realtors' PAC opposed to open spaces? Is it a gun control PAC for or against? Is it for smoking or against smoking? You would never know from the name, "the Desert PAC." I think these PAC's ought to be identified by their names.

The important factor is that there are gounds here for a compromise. There is a chance for some real reform.

I just hope that the distinguished majority leader, following this vote, will reach out and see if we cannot put that committee back together, or form another one, to work on drafting real campaign finance reform, reform that we all can agree upon.

I thank the distinguished majority leader for yielding me time.

Mr. BYRD. I thank the Senator.

Mr. President, I yield to Mr. MELCHER 4 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized for 4 minutes.

Mr. MELCHER. Mr. President, late yesterday, Senator NICKLES, the junior Senator from Oklahoma, flattered me by outlining the amount of money that has gone into my campaign funds during 1987 and outlining how much of that had been from PAC's. I am flattered in that I find that Senator NICKLES knew more about what is in my campaign funds than I did, and in fact broke it down into how much came from PAC's.

But I believe the point now in considering this bill is to limit the amount of campaign spending from whatever source. Political action committees were formed to be the legal way for people in a particular industry or occupation or profession or group to make small contributions that would be funneled in and reported legally in Federal Election Commission records.

So, you know, there are all kinds of political action committees. We know a lot about Cattlemen's Political Action Committee, sheep growers, wheat growers, sugar beet growers—they are all important in Montana. Also, a small group of professionals, veterinarians, have their own PAC's, doctors have their PAC's, banks and credit unions have their PAC's; and they are all part of the business of this country.

You know, that is one way of making a contribution. There is also so-called "bundling," which is another way of making a political contribution. Someone writes or talks to a great number of people encouraging each of them to make a contribution to a candidate.

I commend the Republican Senatorial Campaign Committee for being more effective than the Democrats have been. Bundling apparently is one of the principal ways they raise money. They have got a $65 million war chest; I guess, every 2 years, they collect up to $85 million to funnel out to their candidates.

But there is a lot to be said about how we should limit the amount of spending from all sources and that is why I am for this bill.

The last election that I ran in, a group in Montana looked at what was going on. That was in 1982; NCPAC, National Conservative Political Action Committee, was bringing out cash to Montana to spend trying to defeat me. This one particular group in Montana, taking note of that, thought they ought to get their own ad out. It was Montana cows. Ordinarily calm and peaceful, they were a little bit outraged by the fact that here were these Eastern Dudes coming out with bundles of cash to spend against the candidate they seemed to like that is "ol Doc Melcher." So they got their own ad out.

What it said was: let us keep this Eastern money out of it. Let us not distort the issues here in Montana. That was the Montana cow ad. They seemed to have good cow sense.

Now, in this particular election go-around for this year, I am running again and there are two announced Republicans; one is Pat Robertson's coordinator and another Republican candidate who opened his campaign by going to Israel. The National Jewish Policy Committee whisked him away to Israel to meet Shimon Peres. Let me tell you, Mr. President, that cows in Montana are somewhat puzzled by all of this. They are asking only for a sensible campaign and they believe that there is just too much spending on all of these campaigns.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. MELCHER. I ask for 1 additional minute.

Mr. BYRD. Mr. President, I yield 1 minute.

Mr. MELCHER. They are like Montana folks: good common sense. And what they believe in is that there should be attempts, right here in Congress, to get agreement on limiting campaign spending from all sources. So far, no matter what package is put together, it has failed to get widespread Republican approval. But surely there is a way to arrive at agreement that campaign spending is just way too much and it should be limited, no matter from what the source it comes from. That is just good cow sense. That is just good cow sense; Montana cows and Montanans in general favor that and so do I.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Oklahoma, the chief author and chief sponsor of S. 2 for 5 minutes.

Mr. BOREN. Mr. President, I thank the distinguished majority leader for yielding to me. We are now of course approaching a time for decision on this piece of leigslation; decision not on the final form of campaign finance reform, a decision on whether or not we are simply going to have an opportunity to take up campaign finance reform. That is what we are talking about. Not a vote on S. 2 but a vote on whether or not to allow us to consider S. 2, including the amendments from the other side of the aisle that they may wish to offer to improve it. Because if we invoke cloture today we are going to hear those amendments. They will have an opportunity to offer them.

So the sole question before the Senate is this: Should a bill which has a majority of the Members of this Senate as cosponsors, 52 consponsors, a bill which previously 55 Members of the Senate have said they would like to have a chance to have considered, shall we have an opportunity to have the Senate work its will for campaign reform, including considering the changes and the amendments that might be proposed by those who are in opposition to the present form of S. 2.

Will a majority of the Members of this Senate have an opportunity to work on the issue of campaign finance reform? That is what the vote will be all about in just a few minutes.

As we have looked at the opinion of the American people, we looked and discussed yesterday the Harris survey, with over 90 percent of the American people saying that we view too much spending on elections by candidates as a serious national problem. Will that overwhelming majority of the American people have an opportunity to have their concerns acted upon by their own elected representatives? That, Mr. President, is the issue.

There have been several arguments raised against this bill. Some of them, I think, are completely without merit.

One is that this is a partisan attempt to legislate forever into minority status the present minority party in the Senate. That simply is not true. This Senator and others have said we are willing to sit down, we are willing to listen, come forward with your own proposed formulas for spending limits. We will change the formulas in States which have historic imbalances between parties. And no proposals have been made because the statement has been made again and again: No, everything is on the table except we will not discuss spending limits at all.

That is like saying: Yes, you may go swimming but do not go near the water. We will talk about campaign reform, we will negotiate about other parts of campaign reform, but we will not talk about the main event. You can go swimming but do not go near the water. You can have campaign reform but you cannot do anything about the overall problem of too much spending and too much money pouring into campaigns.

POLITICS IS LOCAL

Mr. President, one of the unfortunate charges made against S. 2 is that it would somehow create a partisan advantage for Democrats and thus, perpetuate the minority status of the Republicans in the Senate.

Let us look at what happened in the last election to find any patterns or results of spending large amounts of money—and winning elections.

In 1986, there were 34 seats up for election in the U.S. Senate.

I have broken down the results of these races in the following categories:

Incumbents in competitive races who won;

Incumbents in competitive races who lost;

Incumbents in noncompetitive races who won; and

Open seats.

There were 6 races where an incumbent was in a competitive race and was the winner. Of these 6 races:

California, Idaho, Oklahoma, Pennsylvania, Vermont, Wisconsin—five candidates spent more than their opponent—one did not.

Next, there were six races where an incumbent was in a competitive race and lost. Of these 6 races:

Alabama, Florida, Georgia, North Dakota, South Dakota, Washington—five losing candidates spent more than their opponents and lost—one spent less and won.

There were 15 races in which incumbents were winners in what are considered noncompetitive races—basically those races where the incumbent had at least a 2-to-1 advantage in campaign funds over his or her opponent. In those 15 races—8 Republicans and 7

Democrats were reelected to office—rather balanced partisan result.

And finally, Mr. President, in the seven open seats:

Arizona, Colorado, Louisiana, Maryland, Missouri, Nevada, North Carolina—four candidates spent more and won—three candidates spend less and won. Incidentally, of the four that spent more and won—two were Democrats and two were Republicans.

What these figures try to point out is really very simple. At a certain point of diminishing returns, money does not—as it should not—play a dominant role in political campaigns.

Essentially what it reflects, Mr. President, is that politics is local and that no claim can be made that says more money in the process will help candidates.

In 1986, Senate incumbents in close races who lost their reelection bids spent more in five of six races.

And in the seven open seats, three Democracts spent less and won. The four who spent more and won were divided between two Republicans and two Democrats.

The point behind this entire analytical exercise is that the majority nor minority in this Senate is going to be enhanced nor diminished by an outer limit on campaign spending. It suggests that there is a saturation point in which more money:

Does nothing to enlighten voters;

Does nothing to encourage debate on complex issues; and

Does nothing to buy an advantage from a partisan point of view.

Instead Mr. President, what more money in politics today means is more 30-second TV ads which distort records of public servants or discredit challengers. In this money-saturated environment, we are seeing advertising for public service put on the same plane as toothpaste and dog food.

Mr. President, when will we return to a time when candidates for the U.S. Senate and the House or Representatives are judged:

Not by how many millions of dollars they can raise;

Not by how many negative ads they can buy on television;

Not by how they can distort their, or their opponents record; but instead by their ideas, their qualifications, their love of country and their commitment to serve the public interest—not the special interest.

Mr. President, when you analyze what happens in terms of total spending what you find basically is that incumbents, whichever party they happen to be from, are able to raise significantly more money than challengers and that incumbents tend to be perpetuated under a system which does not have campaign limits. With a majority of incumbents in both parties of Congress now being in the Democratic Party it defies logic, Mr. President, it defies logic to believe that setting some kind of overall spending limits is going to put the present minority party at a disadvantage.

Quite the contrary, even the political action committees contribute 80 percent of their money to incumbents, whichever party they happen to be in. The fact that both Houses of Congress are now in the majority status of the Democratic Party means most of that money, more of that money is going to those Democratic incumbents because that is where the majority lies.

So that is a false argument, a false concern.

PRESIDENTIAL SYSTEM COMPARISON

Mr. President, I have been interested to hear that some oppose S. 2, because it would "make cheaters out of everyone."

Comparisons have been made between the current system of spending limits in our Presidential system, which is not perfect, and the system proposed under S. 2.

I believe such comparisons are unfair and illusive. The Presidential system in the primary is a series of 50 separate campaigns in which 50 separate spending limits apply to candidates who qualify and participate in the program.

Recent reports of alleged cheating by candidates whose campaigns exceed the spending limits from some States are indeed serious. However, I would rather my colleagues come forward with ideas on how to improve that system, than condemn it and use it as an excuse not to support reforming our own campaigns.

With a Presidential primary system where 50 separate spending limits apply, ways around those limits are inevitable—and perhaps "separate" limits should be repealed—leaving instead a national limit for the primary period.

Along the same note, I have supported a system of five regional primaries which would improve this system where a few early primary or caucus States decide which candidates should be allowed to continue their candidacies. In fact, I have worked with the Senator from Oregon in this effort. With a series of regional primaries, no State or region will have more influence on a campaign than any other. Many strong candidates are unable to complete the primaries because they are unable to do well in a small area of the country, even though they may have vast appeal in others.

However, Mr. President, these are ideas about the Presidential system. I would not be entirely opposed to consider such ideas to improve that system. But, the Senate will be unable to do so, so long as opponents of spending limits in Senate campaigns continue to filibuster and deny 52 cosponsors of S. 2 the opportunity to have a vote on amendments and pass this bill.

The Federal Election Commission has already said that it would be able to oversee such a system for Senate elections. It woud be far more capable of tracking the expenditures of 2 candidates in 1 State with 1 spending limit than some say it has been able to do with 13 Presidential candidates with 50 spending limits in 50 States.

Mr. President, I strongly believe that we would see far fewer "cheaters" in congressional elections under S. 2 than we do today.

For one thing, today, the practice of "bundling" has shown us how PAC's and party committees can evade the spirit if not the letter of the law.

Additionally, Members of Congress are getting more sophisticated in "playing one PAC against the other." I will never forget the scenario drawn for me in a meeting several years ago in which political consultants lead a discussion on "how to play the PAC game." For example, let's say you, as an incumbent seeking reelection in a few years were on the Banking Committee. First you would take an early, favorable poll showing your strength for eventual reelection to some of the bankers' PAC's, saying, "I know you will be working with me on this committee for some time, as I appear to be in good shape in the polls—you better contribute now." Then you go to the savings and loan's PAC's and say, "did you know the bankers have gotten on board, you do not want to lose your access to the bankers." Then you go across the street to the securities lobbyists and say, "did you kow the S&L's and bank's are helping me—you do not want them to beat you out on that bill coming through my committee next year—you better contribute to my reelection." And the money chase continues.

Mr. President, there are no saints of fundraising in Senate elections either. We in this body, the PAC managers who are constantly solicited, the out-of-State fundraisers, are all caught in this game. It drains the creative energies of many in the Congress—and frightens many potential candidates who should run for public office but won't because they are not connected to the money valves in Washington.

Let us not wait any longer to reform our own system. If abuses in the Presidential system can be fixed, legislation to do that should be considered as well. But let us not dilute the debate on this important matter any longer.

It is also, Mr. President, really a falacious comparison. We are not talking about a multistate spending limit program in which you have to keep track of how much you have spent in each and every individual State where you are running a campaign in 50 States across this country. We are talking

about overall spending limits, State by State, where we are only dealing with two candidates in a specific State. Not many candidates spread out in campaigns all across the country, trying to figure out how much of the money spent should be allocated to the race in each State.

There simply is not an analogy that can be drawn. We are also not talking about a system of automatic public financing. This bill no longer has automatic public financing in it. It is used only as an inforcement mechanism.

We are talking about only one thing. I wonder if I might have 1 additional minute?

Mr. BYRD. Yes. Certainly, Mr. President. I yield another minute.

Mr. BOREN. I thank the leader.

We are talking about one issue now and one issue only, because we said we are willing to talk about everything. We are willing to work out a compromise on every subject, whether it is soft money or television advertising rates or aggregate PAC limits. We are willing to work out a compromise on every subject and the other side has said: We are willing to talk but there is one thing we will not talk about: overall campaign spending limits.

So it comes down to this, Mr. President. Do you think it has been good for this country that we are pouring more and more money into campaigns? Or do you think it has been bad for this country?

Is it good for this country that we have the costs of campaigns go up by 500 percent? The other side must say yes, we think that is good. It has improved participation. We do not think so. We think it is disillusioning the American people. We think it is making it hard for new people to run for office. We think it is making Senators and Congressmen who ought to be spending their time dealing with the Nation's problems spend their time to go out across this country to get money; not even getting to their home States, talking to their own constituents, because they have to go to the places that the money is that they need to run for office.

Mr. President, it is not good for this system. It is not good for this country, to put the highest offices of the land up for auction, to put pressure on people who ought to be dealing with national problems, pressure on them day after day after day, to raise money, money, and more money for campaigns.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Who yields time?

Mr. BYRD. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Four minutes and thirty seconds.

Mr. BYRD. To which side?

The ACTING PRESIDENT pro tempore. Your side has 4 minutes 30 seconds. The other side has 4 minutes 13 seconds.

Mr. BYRD. Mr. President, I ask unanimous consent that there be an additional 6 minutes to each side.

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

Mr. SIMPSON. Mr. President, I thank the majority leader. That is a graceful accommodation. That leaves, then, 10 minutes for this side?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. SIMPSON. I would yield 3 minutes of that time to the floor manager of the operation on our side.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized for 3 minutes.

Mr. MCCONNELL. Mr. President, I thought I had concluded my remarks but there is one thing I have learned in listening to my friend from Oklahoma, Senator BOREN: Every time he speaks, I get exercised. I just heard him once again go on and on about the money in the system.

He is right about the issue. The issue, Mr. President, is simply this: How many people can participate in the political process? Now, what S. 2 seeks to do would be about like saying to the Washington Post or the New York Times: We are going to put a limit on your circulation. We are going to put a limit on your circulation. There are only so many people you can communicate with. You are getting too big. You are doing too well.

That is ridiculous; absolutely ridiculous. The concept of spending limits has not worked in the Presidential system. It will never work. It has made cheaters out of all of the major candidates. If we imposed it on 535 additional races the FEC would be the size of the Veterans' Administration. It is a completely absurd notion that makes no sense and it snuffs out the opportunity to participate for a huge number of people across America. It is bad.

Mr. BOREN. Would the Senator yield for a question?

Mr. MCCONNELL. I will not yield.

It is bad public policy, dreadful public policy, and we should never enact such a measure.

Mr. DECONCINI. Mr. President, I have listened to the debate opposing the most recent version of the Boren-Byrd campaign finance reform legislation, and frankly I have become disheartened. It has become evident that some of the leading opponents of S. 2 will oppose this legislation, in any form, at any time. I am surprised. I assumed that when some of my colleagues argued that the big problem with S. 2, as we reported it from the committee, was public financing, that they meant what they said. Now, Senators BOREN, BYRD, and a number of other of my colleagues, have found a compromise which results in no net cost to the Treasury. None. Zero. Now my colleagues who spoke so eloquently against public financing, while saving they supported the concept of campaign finance reform, have changed their tune. Now, they argue that spending limits are inherently unfair. This just doesn't wash.

The American people want spending limits. In fact, they cry out for them. I will not repeat all the numbers, percentages, and figures that we have been hearing. Let me just summarize by noting that between 1976 and 1986 the cost of Senate elections increased from $38.1 to $211 million. The average cost of running for the Senate has increased from $600,000 to $3 million over the past decade. If we keep on this same track the average Senate race will cost almost $15 million in another 10 years.

Some have suggested that there is nothing wrong with these escalating costs—that in fact more is spent each year on selling dog food, and toothpaste than on selling Senators. But that is just the point we are not selling Senators. The election process when the electorate must make an informed decision on who should run this country, should not be based on who has the snappiest ad campaign, the best hairdresser, or the best TV personality. Voter decisions should be made on the issues, on facts. It is these very facts that have become obscured by expensive advertising campaigns and the pressures to raise money. The 100 Members of this body should not be packaged and sold like so much shampoo. But because Members must spend so much of their time raising money for multimillion dollar campaigns, they have less and less time to spend with the voters, and this is a tragedy.

Spending limits are ultimately reasonable and ultimately responsible. The American public does not want election to the highest offices in this country sold to the highest bidder. We need spending limits, Mr. President. Now that the excuse of public financing has been eliminated, the opposition has been exposed to the light of day. Many of those who oppose this bill do not want spending limits because they want to buy elections.

It has been suggested that this bill places an undue hardship on candidates who choose not to participate in the system. I have heard it argued that the Presidential system does not put such punitive provisions into place. Now, the opponents to this bill cannot, simply cannot, have it both ways. You cannot oppose the Presidential system for the Senate, and then argue against the new Senate proposal when it moves in a different direction from the Presidential system.

Mr. President, I have yet to hear a constructive suggestion from the oppo-

nents of S. 2. All I hear is nitpicking, and complaining, but no constructive alternatives. I can only surmise that many of the opponents want no changes at all in the present system which rewards those with the most money.

Perhaps the formation of the so-called Committee of Eight will result in a reasonable compromise proposal. But I do not believe that there can be a compromise unless there is a basic agreement that we must limit spending. Anything else is just cosmetics.

The opponents of S. 2 have spent a good bit of time discussing the problems with the bill. Either the bill doesn't adequately address this problem, or it overreacts to that problem. Let's see some concrete proposals, proposals that include spending limits. If our colleagues want to modify the limits, let them put forth their suggestions. If they want to make modifications of the soft money provisions, let's see those suggestions. But a lot of breath and rhetoric are being wasted on this floor tearing down S. 2, saying what it doesn't do, when we should be trying to improve it and see what it can do.

As I have said, and many of my colleagues have said, over and over again, "The bottom line is spending limits." Campaign finance reform requires spending limits to be reform. Beyond that I think that everything is on the table. I urge my Republican colleagues on the Committee of Eight to sit down in that spirit. If there is a failure to make this basic agreement, I expect that there are long days and longer nights ahead of us.

Mr. HEFLIN. Mr. President, I would like to take a few minutes to explain for the record my opposition to S. 2, the Senatorial Election Campaign Act of 1987.

I would first like to point out that, by speaking at the present time, I am in no way contributing to the filibuster which is being waged against consideration of S. 2. I just feel that I owe to my colleagues and to my constituents—the good people of Alabama—an explanation of my position in this matter.

Although I have voted against cloture on S. 2 in the past and will oppose cloture on the bill in the future, I am not, I repeat, not, an opponent of campaign finance reform. Rather, I believe that my voting record demonstrates that I am an advocate of campaign reform, having supported both the Boren bill in 1985, and the Goldwater-Boren bill in 1986. However, my opposition to the bill now before the Senate lies primarily in its provisions mandating taxpayer financing of congressional elections. I cannot, in good conscience, support any bill which would mandate the appropriation of the hard-earned dollars of the American taxpayer for congressional elections. In this time of high Federal deficits, there are simply too many other more important areas that demand a higher priority such as education, national security, care for the blind, the disabled, and we should actively curtail spending to reduce the deficits.

Many have stated that this bill does not necessarily institute public financing, but that candidates would receive funds only as a response to the spending levels of opposing candidates who were not participants in the system. Regardless of when or under what circumstances public financing would be instituted, it is an undeniable fact that the bill provides for the appropriation of taxpayer dollars for congressional elections. I cannot, as I said, support this concept.

I support campaign reform; I support spending limits; but I categorically oppose taxpayer financing of congressional elections in any form.

There is another, more effective, more legitimate way to accomplish reform and institute spending limits—the constitutional amendment to provide the Congress with the authority to make laws relative to Federal elections.

I am an original cosponsor of Senate Joint Resolution 21, the constitutional amendment that was introduced by Senator HOLLINGS to provide Congress with the authority to take all necessary action to improve and reform our Nation's Federal campaign laws.

While it has been argued that the process of passing a constitutional amendment that would allow Congress to truly reform our campaign laws would take too long, and for that reason is dismissed by many as an unrealistic alternative, I would like to remind my colleagues that the initial movement for campaign reform began some 15 years ago and is still not finished. Loopholes are still open; Common Cause and others continue to claim that the Congress is for sale, despite the many attempts of the past to reform our campaign laws. It is, therefore, clear to me that these piecemeal attempts to reform our campaign laws are not and will not be effective.

What has happened time and time again is that Congress will pass a campaign reform law which is hailed by its proponents as landmark legislation which they say will close the loopholes and reform the process once and for all. However, even before the bill is signed into law, the downtown lawyers and election law specialists have already found more loopholes. Congress will then address these new loopholes, and in the process will create dozens more. This process reminds me of the little Dutch boy who tried to stop the leaks in the dike with his fingers. And I submit that the legislation we are now considering would be nothing more. It seeks to close the loopholes and stop the abuses in our current system, thereby stopping the holes in the existing dike, but I believe it will create just as many loopholes and abuses as it seeks to close.

However, the bill now before the Senate proposes something new for congressional elections—public financing. It attempts to close the loopholes and stop the alleged abuses in the current Federal election laws by appropriating public funds. It seeks to stop the leaks in the election law dike by stuffing those leaks with the hard-earned dollars of the American taxpayer. It is important to note that this is an attempt to circumvent the bizarre Supreme Court ruling of Buckley versus Valeo, but Mr. President, I do not believe that this approach would be effective.

In my judgment, if S. 2 is passed, more loopholes will be discovered, abuses will continue, and the dollars of the American taxpayer will be wasted in the process. I cannot support legislation which I believe would be a waste of the dollars of the American taxpayer.

What we need is complete reform which would include spending limits, limits on independent expenditures, limits on the amount a candidate could spend on his own behalf, and other reforms. In other words, we need a new dike—one that will be constructed with Senate Joint Resolution 21, the constitutional amendment. Congress has already spent years trying with little success to reform our Nation's campaign laws. Relatively speaking, the constitutional amendment would take only a fraction of this time to pass the Congress and be ratified by the States.

Mr. President, I share the commitment of our distinguished majority leader, Mr. BYRD, and our distinguished colleague from Oklahoma, Mr. BOREN, for reform of our Federal election laws. I admire their efforts on behalf of the U.S. Senate and the American people in this matter, and in many, many other matters. They are a credit and a great asset to this body. They are motivated in this matter solely by their dedication to the U.S. Senate and to the people of America. And I know that they are pressing this matter because they believe now is the time and S. 2 is the appropriate vehicle for reform. However, I respectfully disagree. I wish that I could support them in this effort, but I cannot.

Rather, Mr. President, I urge complete reform of our Nation's campaign laws. I urge the Senate and the Congress as a whole to take the only appropriate, the only legitimate, the only constitutional, and, most importantly, the only lasting and effective approach in reforming our Nation's Federal election laws. Let us consider and pass Senate Joint Resolution 21 at

the earliest convenience and pass it along to the people for their quick approval.

Mr. THURMOND. Mr. President, the Senate has once again returned to campaign finance reform. We have spent a great deal of time debating this issue, and I hope a measure will eventually pass this Chamber that will bring some control to the campaign financing process. We must acknowledge though that there are strong feelings on both sides of this issue, and this will necessitate the need for a compromise bill. The proponents of this particular bill feel that a limit needs to be placed on campaign expenditures and that an aggregate limit should be placed on political action committees [PAC's]. On the other hand, the opponents of this campaign reform bill feel that the taxpayer should not shoulder the burden of campaign financing for congressional candidates.

The problem we face is to develop an equitable reform bill. A committee of eight Senators has been formed and given the challenge to negotiate a compromise bill. I am confident that my Republican colleagues on this committee, as well as my Democratic colleagues, are making every effort to develop an agreeable bill. However, there are certain fundamental principles involved that each side feels strongly about, and these principles will not be compromised. So rather than proposing a bill that can be passed, we are engaged in a prolonged discussion that will probably lead to a record eighth unsuccessful cloture vote.

Opponents of this bill have been accused of failing to take this opportunity to provide campaign reform. Mr. President, that is not the case. I am for campaign reform, and I had hoped the committee of eight Senators would have been able to reach a compromise bill. Maybe an agreement can still be reached, but it will not happen unless the proponents of this bill make concessions in the two major areas of disagreements; spending limits and public financing.

Mr. President, I would like to take a few minutes to explain the concerns I have with S. 2. The Republican conference has taken a position that it is opposed to any public financing of congressional campaigns. I whole heartily support this stance. The original S. 2 would have provided public financing for congressional campaigns. Due to the strong objections raised on this side of the aisle, the bill was modified to trigger public financing for a senatorial campaign only when an opposing candidate does not agree to spending limits. The supporters of this bill have argued that this should not really be considered public financing. The truth is S. 2 does provide for public financing of congressional campaigns. I am informed that the Congressional Budget Office has estimated the direct cost of the current bill to be nearly $21 million if applied only to Senate election, and between $75 to $100 million if House races are included. This estimate does not even include the cost of other factors such as postal subsidies.

It is inconceivable to me that in this time of budget deficits and program cuts, we are considering a proposal that will remove millions of dollars from the Public Treasury to help fund the election of Members of this body. Campaign financing should be reformed, but reform should not shift the financing burden to the American taxpayer.

Mr. President, let me again emphasize that both parties agree that campaign reform is needed. We spend too much time raising funds and the cost of campaigns has skyrocketed. The average cost of a senatorial campaign in 1986 was $3 million. This is absurd.

One of the main roadblocks on this issue is the proposal to limit campaign expenditures. I think campaign spending should be brought down, but the Supreme Court has ruled that an outright limit on expenditures is unconstitutional. The Court states in Buckley versus Valeo:

> The first amendment denies Government the power to determine that spending is wasteful, excessive, or unwise. In the free society ordained by our Constitution it is not the Government but the people—individually and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

I suggest Congress should limit campaign expenditures by limiting the source of major campaign contributions—the political action committees [PAC's]. This proposal has not only been determined to be constitutional, but it also addresses the public perception that PAC's gain special access to elected officials because of their large campaign contributions.

The minority leader, Mr. DOLE, has introduced an alternative campaign reform bill, S. 1672, that would reduce the maximum PAC contribution from $5,000 to $3,000. I understand that this is now being considered as low as $1,000, and some proposals have been suggested that would eliminate PAC's altogether. This is the way to campaign reform and control of campaign spending. Place a cap on PAC contributions, and I believe it is likely that either campaign spending or the percentage of PAC moneys in a campaign fund will decrease.

The current form of S. 2 does place an aggregate limit on PAC contributions, but that will only increase "soft money." I was shocked to read where it was estimated that labor and special interest groups spent $30.4 million in "soft money" to support the Democratic Presidential candidate in 1984. The alternative bill deals with this problem also by requiring groups to report expenditures of "soft money." I understand the other side of the aisle has agreed this is another acceptable proposal for campaign reform.

Mr. President, some progress was being made on campaign reform, but there are several fundamental differences that will not be compromised. The minority party feels strongly that a limitation of campaign spending will put us in a position where we will never be able to regain control of the Senate. This is particularly true in the South. Currently, in South Carolina and the Southern Super Tuesday States, the Democratic Members more than double the Republican Members in this body.

In order for a nonincumbent to be elected, one of his primary strategies is to bulld name recognition, and to have his candidacy considered an alternative. It takes money to accomplish these goals and that is a legitimate argument why many Members are against campaign spending limitations. From what I have heard, when this concern was presented to the four Democrats on the reform compromise committee, it was acknowledged as a problem. The distinguished Senator from Oklahoma has stated that there should be room for compromise on this issue, but he has tied it to a State formula for spending limits which is tied to public financing. Again, this is unacceptable. Taxpayer subsidies to politicians is not my idea of campaign reform.

Mr. President, I feel strongly that campaign financing needs reform. I am one of a few Members on this side of the aisle who have sponsored a measure that will provide for a constitutional amendment to allow Congress to set campaign spending limits—the only way constitutionally a spending limits can be imposed without public financing. This is an indication of how committed I am to cleaning up the campaign financing system. However, S. 2 is not going to accomplish this goal.

Moreover, we are tying up valuable time on the Senate floor. Even if this bill passed the Senate and House, the President will veto it. Clearly, there are not enough votes to override that veto.

We need to either come up with a compromise bill or move on to other vital issues affecting this Nation. Mr. President, S. 2 is not a compromise bill so I would urge my colleagues to vote against cloture.

Mr. ADAMS. Mr. President, as this debate on campaign finance reform draws to a close there are two issues we have to consider. One issue involves the substance of the bill; the other involves the procedures which have been used during its consideration. Because procedural concerns have, unfortu-

nately, tended to dominate the debate, let me deal with those first.

Many in the Republican Party believe that the notion of capping campaign spending threatens them. Not all Republican Senators share that view: After all some of our colleagues on that side of the aisle agreed with our belief that reform is needed and that a key component of that reform involves a limit on campaign spending. But for the moment, let us accept the fact that the Republican Party, as an institution, honestly believes that spending caps threaten its members. So be it; honorable people can have differences of opinion about issues.

But differences of opinion are to be debated and decided. A majority of Senators believe there is a pressing problem in our politics, and a majority of Senators believe that this bill is the right way to respond to those problems. As a result, we decided that this issue ought to be fully aired. We had debated this bill last year and we wanted to debate it again.

The majority of Members on the other side of the aisle do not want to see this bill debated. They do not deny that there is a problem in campaign financing. They even have some good ideas about how we might solve some of those problems—ideas which we, as Democrats, were willing to discuss and often willing to endorse. But on the central issue—could we place a cap on campaign spending—the Republicans were not willing to engage in meaningful discussions or debate.

We faced a choice. We could either surrender to the minority and decline to act, or we could make one last effort to try to resolve the issue. We made one last effort. The majority leader brought the bill back to the floor; the Republicans indicated that they would refuse to allow the bill to come to a vote. Indeed, to prevent the bill from coming to a vote, they indicated that they would filibuster it. In response, the majority leader in essence said, "Fine; if you want to filibuster, I'll give you an opportunity to do so." If Members feel so strongly about this issue, if they believe it threatens some basic democratic values, then we believe that they ought to be willing to express those feelings and defend those values. If a minority of Members want to filibuster, to thwart the will of a majority of their colleagues, they have a right to do so. The rules of the Senate specifically give them that right. But the rules of the Senate also explicitly give the majority the right to try to pass legislation—and the nature of a democratic society obligates us to exercise that right.

In order to discharge that obligation, the majority leader concluded that it would be wise to test the will of the minority, to see if their opposition to this legislation was deep enough to drive them to have a full debate on this issue. He announced that if the opponents of this legislation were not on the floor to debate it, then the Senate would move to a vote on it.

That decision was perfectly consistent with the rules and the traditions of the Senate. It imposed some pain on people—but so does the current system of campaign finance. We were willing to ask people to cast a lot of votes and spend a lot of time on the Senate floor in the hope that we could create a system where Members would not have to miss votes and be absent from the Senate floor in order to raise money.

And let us be clear about this fact: We were not asking only Republicans to pay that price. Speaking as one Member who supports this bill, this strategy caused me to miss a lot of sleep and spend a lot of time here on the floor. So be it. I was willing to pay that price because I believe in the bill. Those who oppose this bill, however, didn't want to pay the price. They wanted to stop a majority of the U.S. Senate from exercising its will, but they didn't want to expend any energy in an effort to achieve that goal. So, instead of taking to the floor and debating the issue, instead of following the rules and procedures, the minority simply decided that they would not participate. They left the Senate Chamber. And they said they would not return.

Now a minority of the U.S. Senate has a right to prevent us from enacting legislation; but they do not have a right to prevent us from acting in a legislative capacity. But that is what the minority tried to do when they refused to enter the Chamber and vote.

Given that situation, the majority leader had two choices: He could adjourn the Senate—in essence, accept the ability of a minority to prevent the Senate from even meeting—or he could insist on the right of the majority to attempt to conduct business. He insisted on exercising his rights. He did what the rules allowed him to do. He offered a motion to instruct the Sergeant at Arms to arrest absent Senators and compel their attendance in the Senate. I voted for that motion—and if the same situation existed, I would vote for it again.

But Mr. President, I did more than vote for the motion. By chance, I happened to be in the Chair serving as the Presiding Officer when the motion was adopted. It then became my responsibility to sign the warrants. I did so—without hesitation, without reservations, and without pleasure. I was obligated to implement the will of the Senate and I did.

Now, of course, people have raised questions about the technical and moral validity of the warrants. I understand the Parliamentarian is examining the technical questions. I will abide by his decision and we will all learn from it. But I do not need to wait for a ruling to respond to the moral question.

Some have said that the arrest was extreme. It was. But so was the decision of the minority to leave this Chamber and refuse to defend their own position as the rules require them to. In tactical terms, the outcome of this legislative battle hinged on a series of questions: Whether the Members of the minority were willing to do what was required to prevent action on this bill, whether they were willing to pay the price for the opposition, and whether they were willing to carry the burden of defending their point of view.

The minority was unwilling to answer those questions with a "yes" but they were also unwilling to accept the consequences of their refusal to defend their position. So they left the Senate Chamber. Their action reminds me of the kids who say, "It's my ball and if you won't let me play, I'll take it and go home." Such action may be tolerated in our schoolyards, but it ought not be accepted in our Government.

Let me make one more point about the issue of arrests. The decision to issue warrants was extreme but it was not unexpected. The acting Republican leader has indicated, on the RECORD, that his colleagues were fully aware that there was a possibility their decision to boycott the debate would force the majority leader to make the motion that he did. This did not, then, come as a surprise to anyone. Everyone knew that the rules allowed for such a motion, everyone knew the majority leader was prepared to make it, and everyone should have known that it would be adopted if the minority acted in ways which gave us no choice. And we had no choice other than to allow a minority of Members to close down the Senate and prevent the public's business from being debated, discussed, and hopefully decided.

That is my view of the procedural process we worked through last night. But our views of procedure ought not block the public's view of the larger issue: How do we clean up our politics and reform campaign finances.

So let me now turn to the substance of this issue.

Let me turn to what I see as one of the distinguishing characteristics of this legislation: The establishment of some sort of limits on the amount of money that can be spent on political campaigns.

You know, the Congress of the United States has accepted an assumption when it comes to the Federal budget: More is not necessarily better. We have looked at the deficits that have been generated and said, "no

more; we have to have a system to control the amount of money we spend." The specific mechanism we have adopted to achieve that goal—the Gramm-Rudman-Hollings Act—is one that I believe is flawed; but the concept of creating some system of controls is one that I fully accept.

What I find more than strange is the fact that many of the people who believe we ought to control Federal spending do not believe we ought to control political spending. I know that there are legitimate differences of opinion about the details of this legislation, just as there are disagreements about Gramm-Rudman-Hollings, but I do not know why the concept of establishing limits should be objectionable. It is not my desire, nor the desire of any Senator on this side of the aisle, to craft an incumbent protection bill or a Republican Party destruction bill. We are willing to work with all interested parties on the details. We want to produce a bill which preserves the legitimate rights of all candidates and parties; but we also want to produce a bill which protects the right of the American people to have clean and reasonable campaigns.

You know, Mr. President, in 1986, I faced an incumbent Senator in my campaign. He spent more money than I did but I was still able to win that race. The amount of money spent is not an indicator of the outcome. More is not necessarily better. But more is necessarily an invitation to excess.

I raised $1.8 million during my campaign. My opponent raised over $3.5 million. Together we spent close to $5.5 million. All of that money went to persuade 1.2 million eventual voters. That may not seem like a lot of money to those of you who campaign in New York, Florida, or California but for my State it was a record. It was a record which I hope is not broken by our candidates this year.

Under this bill each candidate in my State could spend $2.3 million this year. I do not understand, and I think the voters of Washington State do not understand, why $2.3 million is not enough money for a campaign for U.S. Senate.

Any political candidate can spend more money. We can always want to put on another 30-second TV spot or print another 100,000 copies of a brochure or hire a few more consultants and staffers. All of that spending may make sense in the context of the internal logic of the campaign; but that doesn't mean it makes any sense in terms of the larger logic of American democracy.

As a result of our ability to raise and spend so much money, the nature of campaigns has changed. Today's uncontrolled political spending has given rise to a professional group of people who have no interest in government, just in who governs. There is a whole industry which caters to the needs of campaigns. We have consultants who specialize in political functions which didn't even exist 10 years ago. There are the TV image makers, the direct mail fund raisers, the PAC solicitors, the computer specialists who manage lists, the pollsters, the FEC specialists, the phone bank suppliers—the list goes on. There are even trade magazines for these people full of tips on techniques and notices of job openings.

These people play a crucial role in modern campaigns; but they didn't play an essential role. We can create a message even if we don't avail ourselves of all of their services; and we can take that message to voters without becoming overly dependent on them. Will our campaigns be as professional if we decrease our dependence on these specialists? Probably not. But they may be a little more meaningful.

We all complain about lower voter turnout. But perhaps a reason for decreased public participation is decreased personal participation by the candidates. We have surrendered ourselves to the money machine and lost our ability to step out of the protective shell it creates and make contact with the people. Senator HOLLINGS, who I recognize has some problems with this bill, told a story a few days ago which may symbolize what is wrong with our system today. He indicated that in his last campaign he spent a lot of time out of State trying to raise money. After the election, he did a series of town meetings and speeches throughout the State and one of his friends asked him why he was doing that—after all, he had just been reelected. And Senator HOLLINGS said that it was the first chance he had to meet with the people who elected him. He was too busy raising money during the campaign to do that.

Now Mr. President, that is just wrong. This bill, as drafted, doesn't prevent the excesses of campaigns, it won't reverse the professionalism of the process, but it will set some limits on it. Between 1978 and 1986, the cost of a campaign has increased over 400 percent. Now come on. No one can believe that such an increase is justified or necessary. We can place a ceiling on it. And this bill does so in a way which does not decrease the ability of people to participate in the political process by contributing to candidates. It does not require the expenditure of public funds as long as everyone abides by the limits. All it does is set some limits on what we spend. And Mr. President, we need some limits.

Let me conclude by indicating that I understand why this bill causes such concern. We are talking about a potential threat to the political parties we represent. We are talking about changes which will effect people we have come to know. I understand all that. But I also understand that change is needed. I also understand that the majority leader and Senator BOREN are willing and anxious and eager to negotiate an agreement which protects the legitimate interests of all elements of the political system. When we got into honest negotiations, it seems we made some progress. We agreed on some things and we agreed to disagree on others. But the bottom line is this: We never got what we needed—a conceptual agreement that there ought to be cap on spending, some limit to the amount of private money we raise and spend in an effort to get and keep public office.

That failure was unfortunate. the American people want to see some action. They know what we know: That the system has gotten out of hand, that the amount of money being spent has become excessive, that the current system is a disaster. It is time to make a change—and this bill is the change it is time to make.

Mr. DURENBERGER. Mr. President, as the Senate prepares to take its eighth and final cloture vote on this issue, I want to take this opportunity to discuss what I consider to be essential issues which this debate has put on the table and what lessons we can learn. As President Eisenhower once said in a different context, this is not the beginning of the end, but hopefully only the end of the beginning.

As 100 Senators meet in this Chamber to discuss and vote on campaign reform, there are no disinterested parties. Each one of us got here through an election and, except for the few who have announced their retirement, hope to stay here by the election process. That affects this debate in two ways: First, we all believe we are experts on this subject; second, we each have a particular history of rights and wrongs done by us or to us in campaigns. There should be no surprise at the intensity or even the parliamentary excesses of this debate. Politicians talking about campaigns are talking about their own survival.

Elections are the foundation of our democratic system: The means by which millions of Americans pick a single individual to represent them in this place. People all over the world have suffered imprisonment, great hardship and even death to avail themselves of the right to vote. We should regard our election process with respect and even reverence. It is the linch pin of all of our freedoms as Americans.

There are forces working on that process from many directions. Sixteen years ago, the United States went through a constitutional crisis over the misuse of the election process by a sitting President. Each campaign seems to present new campaign issues

and problems. As this debate indicates, there is serious concern among the American people over the recent trends in national campaigns. Nonparticipation by a majority of the eligible citizens is perhaps the most serious threat.

As we approach the issue of campaign reform, which deals directly with the foundations of our Republic, we need to guard against two impulses. The first is to be carried away by our enthusiasm to "perfect" elections. I shouldn't need to remind my colleagues that many of the evils we are dealing with on this bill, grew out of our last attempt to reform campaigns after Watergate. It is also worth repeating that the Senate Watergate Committee specifically recommended against all forms of public financing whatsoever. Those facts should temper our enthusiasm to leap into the task of election reform.

The second impulse, which is equally prevalent, is to sit on the status quo because we are too cynical to believe we can do better. Our history also teaches us that we can never be satisfied with our democratic institutions. Mr. President, on S. 2, 2,388 Minnesotans contacted me by letter or telephone, and many others in person. They told me they were not satisfied, and neither am I.

Mr. President, elections are the means by which majorities govern in this country. They are also the means by which minorities become majorities, and visa versa. Partisan and personal bias aside, we judge the quality of elections by the degree to which they are competitive, substantive, and fair.

I do not support S. 2 because, Mr. President, simply put, I do not believe it would improve the quality of our elections. Let me review my reasons for that conclusion. Before I do that, I want to answer the question presented to my constituents in full page Common Cause newspaper ads twice in the last year: "Why won't Senator DURENBERGER let S. 2 come to a vote?"

The Senate was created as the sole institution in our Government where majority rule or executive power don't always rule the day.

Our Founding Fathers wisely created a body in which ideas would be tested, and minority voices could be heard and respected. I am not a big fan of the filibuster, but I hold in high honor the idea that gave birth to it: in a free and just society some questions shouldn't be settled by a 51-49 vote. I can recall standing strongly with a group of Senators, ably assisted by Common Cause and other outside groups, who turned back a dangerous effort in the Senate to strip the Federal courts of jurisdiction over several controversial issues. The filibuster is a protection against the "tyranny of the majority" about which Madison wrote so eloquently in Federalist No. 10.

In my judgment, campaign reform is of such importance to the future of our democracy that I would not support a narrowly decided, party-line reform package even if I were a member of the majority.

Several aspects of S. 2 as it currently stands before us, concern me greatly.

First, as I have said, I am very uncomfortable with a campaign reform proposal which draws the vast majority of its cosponsors from one side of the aisle.

Second, I am suspicious of a proposal which has undergone such sweeping revisions during the time it has been before us, to the point that it barely resembles the proposal which the Senate Rules Committee originally sent to us.

Third, I question the responsiveness of this proposal to the problems I hear my constituents talking about. If the problem is PAC's and their supposed undue influence, why does S. 2 deal solely with Senate campaigns and remain silent on House campaigns which take a far higher percentage of their contributions from PAC's? S. 2 does nothing about the trivialization of campaigns in 30-second campaign ads. S. 2 does nothing about so-called soft money contributions, which are a back door to the bad old days of undisclosed, unregulated interest group cash.

My bottom line, Mr. President, that this is not the way you reform campaigns. Recognizing both the need for reform and the legitimate concerns of many for a deliberate process of reform, we need to go another way.

I would suggest, Mr. President, that if ever a bipartisan commission was called for to resolve a difficult policy issue, this is it. In the context of a body comprised of officials from the two major parties, sitting and retired Members of Congress, academic experts, interest groups and legal scholars, a consensus can be built on what our problems are and what solutions we could consider.

I hope that in the aftermath of this debate, which produced far more heat than light, that we could get on with difficult, but vital undertaking of forging a bipartisan consensus to meet the legitimate demand of the American people for positive steps to improve our election process. I am committed to that process, and hope the leadership of this body can move us in that direction.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. SIMPSON. We do conclude now, a rather long debate. It has been a very good debate. I think that is the debate the majority leader wanted and it is the debate that those who were opposed furnished. A good debate, good, sturdy, spirited activity.

In many ways it has been a learning experience for all of us. I am very pleased that Americans——

Mr. BYRD. Mr. President, may we have order so the acting leader may be heard?

The ACTING PRESIDENT pro tempore. Order in the Chamber, please.

Mr. SIMPSON. I thank the majority leader.

As I say, we have had a good debate. I am very pleased that Americans have seen it. I think the majority leader is, too. And we provided them a forum, we have had a very civilized debate—except when we did not—and it was good. And one of the things we, I think, relearned, is what you always learn in legislating and that is that the majority can never override a determined minority. All of us who have legislated know that. The wheel comes around. We live by the sword, we die by the sword. There is no one more skillful in the crafting of a position for the minority than the majority leader. We learned from him. Whatever skills we have, whatever abilities we have, have been learned from the master.

We did this all within the rules. All this was done within the rules. No legislative process can tolerate a tyranny by the majority. It cannot work. That type of tactic always will fail. Our own Senate rules, those that are so cherished by the majority leader as he has shared with us the history of the Senate—and that will be a remarkable compilation that we will all enjoy sometime, when we get time to read in our lives—our own Senate rules establish these rights for the minority. And it is so important to remember that the preventing of a quorum is just as much an exercise of the minority's rights under the rules as any other. That is a very important thing to remember, that the preventing of a quorum is part of "working and the will of the Senate".

Another lesson that we should learn is that no one can possibly challenge the need to move the agenda. That is the majority leader's right and responsibility. And there will certainly be disagreements from time to time about that, but in my capacity as acting leader, I will work with the majority leader and we will move that agenda.

But I think the issue comes down to a couple of things. It is really not corruption and bloated spending, and so on. It is the fact that the Republicans know where the Democrats get all their scratch and the Democrats know where the Republicans get all their scratch, and neither one of us are honest enough to deal with it.

That is the real issue. It is a fun, fun game to watch. We know how they do us in and they know how we do them in. That has been something that we really never got into too far: Where do we get ours and where do they get

theirs? It is hard to believe they get more of theirs from corporations in "funny ways" and we get ours from "the little guys" in funny ways. Who would believe that one? They get theirs from little old widows and ladies and we get ours from heavy handed so-and-so's.

Well, anyway, we have all had enough of that. Some who do not take money from PAC's simply call the corporate officers and say, "I don't take PAC money, so will you go out and bag all your corporate officers? I will give them a call next month to see how they all came through."

Boy, that is hypocrisy of the first water. And so many people are on this bill who take a ton of PAC money and the only bill that had anything to do with cutting PAC money was the Republican alternative. Some of us are even ready to go to zero. Anybody hearing that? Some in this party are ready to go to zero on PAC's. We could get maybe a large majority to agree to go down to $1,000 or $2,000.

The other issue, then, is very clear to me. You cannot deal with the same issue eight times and hope to get anything done in a legislature. We have dealt with this same issue eight times and the result will be the same all eight times. We have sliced the snake in seven sections. Today we will lop off the head for the eighth slice and that will be it, but the snake will rise again from the sand.

I think that is what we want to watch closely. This is not directed at the majority leader but to those who really press and press and press because it is election year. This is a fun game for election year, but it does not mean anything. People are not going to hear it. What we are dealing with then, when we do that, is a type of obsessiveness and excess which is not becoming to a legislature.

I believe Senator WIRTH presented the other night the statistics that we have had five cloture votes on a single issue only once and three times we had four cloture votes, but we have never, ever, had eight. So that should not be part of the process. You cannot have that obsessiveness. You cannot have the position that you will do it my way or not at all, or I will take my toys and go play somewhere else. Forget the shrill calls for reform and cries of those who think they have a corner on the reform market or morals in politics. We all desire reform, every single one of us. Forget the old saw that somehow the Republicans are not supportive of reform. All of us know the bill does not just deal with money. It deals with vans in the night, setting up a little shop of phone banks on the edge of town, making calls all night about some fink, that is, the opponent who will not vote for the Social Security system. We do not like that and you do not like what we do.

Well, let us get serious. Let us quit smoking each other around. And even if we talk about money, do not forget that all of us on this side have proposed cutting PAC's. That is what this legislation was supposed to do when it started, but it all fell off the table, just kind of went right into the vat. So there is a lesson to be learned. It is that you cannot overreach yourself in the legislative arena.

So we are ready to go on, I say to the majority leader. I know there will be some more proposals like this. When they come up, they will be dealt with like this. The result is very clear as to what will happen. It will not change. We have two of your side who help us; you have three from our side who help you. This is not a partisan issue. We are ready to go on. I pledge to you cooperation; I pledge to you support of this minority, this Republican minority, this minority on this issue. And we are ready to put this aside. We do not keep score over here, except on cloture votes. We are ready. You have a big agenda. We have a lot of work to do, two national conventions, an election year, a recess period of a week a month, and it is so splendid that you furnished us that monthly opportunity to go home and see any constituents. We are ready to work with you on the Nation's business. I pledge you that, as we now put aside this very divisive issue for the eighth time, the eighth time to bury the dead. Thank you.

Mr. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Wyoming have an additional 3 minutes. He was entitled to 10 minutes under the previous order.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Wyoming has 33 seconds of his time remaining and without objection he is recognized for an additional 3 minutes.

Mr. SIMPSON. Mr. President, that is very kind of the majority leader. I am going to respectfully decline. Again, I appreciate that courtesy.

The PRESIDING OFFICER. The Senator from Wyoming yields back the remainder of his time.

Mr. BYRD. Mr. President, I yield 1 minute to the distinguished Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank the leader. I have great respect for those who have just spoken on the other side of the aisle, but I must respectfully disagree with them on two points. It is a credit to this legislative body that it has tried its best to deal with the real problem that is eating away at the heart of the American political system—too much money being pumped into campaigns. That is to our credit.

The Senator from Kentucky says if you limit spending, if you limit this massive tidal wave of money that comes into campaigns, you are limiting participation. I assume if he is concerned about participation, he is going to push same-day registration and national holidays for elections because when we talk about participation of the people, we are fundamentally talking about participation in the election process itself. We are not talking about buying elections. That is the fundamental difference. He is right. We on this side of the aisle think politics ought to be primarily based upon competition and ideas, ideals and qualifications, involvement by working for, speaking for and citizen participation with candidates. We do not think participation ought to be mainly by money. That should not be the main way in which we participate in politics.

I ask this one question, if the leader will give me 30 additional seconds. I ask this one question: Do you think it is good for this country that when we give high school commencement addresses this year we have to say to the young people in the audience," If you decide 12 years from now that you want to run for the U.S. Senate, at the current rate of increase of campaign spending, you will not only have to think about what it is you want to do if you are elected, you will have not only to think about your platform, you will have to think about how to raise $15 million in order to have an opportunity to run to be a public servant." Do you think that is good? They say, "Yes, do not control campaign spending. Let that trend carry on for 12 more years. Let that be a fact." We say we think that would be a tragedy and a disgrace for this country.

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

Mr. SIMPSON. I take back my 3 minutes. [Laughter.]

Mr. BYRD. Mr. President, I ask unanimous consent that Mr. SIMPSON may have back his 3 minutes.

Mr. SIMPSON. I thank the majority leader.

Well, now, really, we can stack it up pretty high in here this morning. Let us go ahead and vote. We are not talking about little kids running for the U.S. Senate or Congress. There are going to be plenty of those in the future.

There are people lusting for our jobs all over the United States, wanting to run for yours or mine. That is never going to change.

The reason that we are all running around looking for money is because it costs so darned much to do television. It costs so darned much to get your message across. That is what is killing us all. We are a bunch of bagmen running all over the United States, and the reason for it is because our friends in television and the media have decided that the rate goes up whenever we

decide to do this biennial or quadrennial exercise. They make it a little hard for us. That is really the issue. And then media consultants. All of us have to go to charm school. Then we go out and learn how to look at the camera and pay about 10 grand for that, and learn how to speak and elocute. That is what costs us the bucks. Let us not pretend that it is anything else. Some of us want to get it one way and some another way, but that is what is wrong with the system. That is what is busting it all down. The opponents' alternative had a limitation on expenditures in the media. We had a television limitation. We had a radio limitation. We had an advertising limitation. That was pretty good stuff. But you take on a pretty heavy, heavy little outfit out there when you do that. None of us want to do that.

I am sure children will run for this job. I know they will. I feel positive they will. And old people will run for it and anybody over 31 will run for it. But let us keep our eye on the rabbit.

Thank you.

The PRESIDING OFFICER. The Senator yields back his time.

Mr. BYRD. Mr. President, the distinguished acting Republican leader said it right; we are a bunch of bagmen running all across the United States looking for money. That is precisely what we have been trying to get at on this side of the aisle with S. 2.

Somebody else referred to a "tidal wave." Mr. President, down in my country where the hills are steep and craggy and the hollows are deep and narrow, we have floods. I have seen those floods. The waters start at the top of the mountain and then they grow as they sweep down into the hollows. They become a flood, a tidal wave that sweeps away homes and property and people.

Now, Mr. President, there is an old proverb that says let us have the foresight to build a dam, to prevent the floods from sweeping away the homes and the people.

Mr. President, this is what we are seeing here—it's raining money. It began as a dribble in 1972. It was $8.5 million. Then, in 1986, it became a downpour—$132 million.

Now we are here, and the ante is going to go up. In 1986, $3 million for a successful Senate campaign. This year, $3.7 million. In 1992, if that curve keeps going as it is now going, those who ran in 1986 for the Senate and had to pay $3 million for a seat, will then have to pay $9 million. Then, how heavy will be the bagmen's burden as they cross over this country?

Mr. President, Aaron Burr, when he made that remarkable speech in 1805 on his departure from the Senate, after having presided over it for 4 years, said: "This House is a sanctuary, a citadel of law, of order, and of liberty." He went on to say that "it is here in this exalted refuge, here, if anywhere, will resistance be made to the storms of political frenzy and the silent arts of corruption."

I will pause there: The silent arts of corruption.

The people see this bill as an instrument that will stop the corruptive influence of money.

The Bible says: "Every tree shall be known by its own fruit." We are out there shaking the money tree almost every day. What is the fruit of that tree? Lost hours from the work of the Senate; lost hours away from our homes, our families, our wives, our children, and our grandchildren. It is time to put a stop to this money chase.

Mr. President, the distinguished junior Senator from Kentucky says that the issue is how many people can participate in the political process. Every registered voter in this country can participate in the political process. But money talks, and the perception is that money will talk here in this Senate. Money will open the door. Money will hold the balance of power.

Yes, we are trying to do something to let the little man participate on an equal basis; give him an equal shake. More and more, he is not getting an equal shake.

My good friend says that there are plenty of people who will run for our seats. Yes, they will run. But, under the current system, we are going to see a time when only those individuals who can furnish the dough out of their own pockets, the millionaires, will hold the seats in this Senate. That is not anything against millionaires. They have a right to serve, too, and they can contribute to the service of this country as can anyone else. But is the Senate going to become the fortress of special interests and the citadel only of men of wealth, so that only they can afford to run for a seat in the United States Senate because the little man can no longer compete? He cannot raise the millions to win the race.

So, Mr. President, I close with another reference to the Scriptures: "The love of money is the root of all evil."

Mr. President, this bill strikes at the root of the evil that is more and more becoming a deluge and threatening to engulf this great body and sweep away its integrity.

We may not win this vote today. I do not expect to. A great deal has been made of the fact that this will be the eighth cloture vote. So what? Many of the great causes in this country have had to be repeatedly brought before the Senate before victory was achieved.

I respect the voices that have been lifted in opposition to this bill. There have been some very reasoned voices in the Senate on the other side of the aisle and on the other side of the question. I could name those Senators, but I do not have the time.

I do want to thank them for the contributions they have made to the debate. I also want to thank Senator BOREN, the main cosponsor of this legislation; Mr. MITCHELL, Mr. LEVIN, Mr. FORD, Mr. WIRTH, Mr. KERRY, and Mr. EXON. I want to thank all those who tried to work out some compromises.

I have offered—and I offer again today—to work on a time agreement, and we will give all Senators an opportunity to vote on their germane amendments, if we can have a time agreement that will provide for a final vote on this bill. I have offered to do that, and still so offer.

So, Mr. President, it is the root of the evil at which we strike. This issue will not go away. It will not be swept under the rug. We will revisit the issue.

Mr. President, we have made progress. The American people have learned a lot from this debate, and our time has not been lost. The more people who learn about the real issue—money and a limitation on the amount that can be expended for a Senate seat, based on the populations of the States—the more people who will support campaign financing reform.

Mr. President, I thank all Senators. I yield the floor.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

All time having expired, 1 hour having passed since the Senate has convened, the clerk will now report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute for S. 2, to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

Senators Brock Adams, J.J. Exon, Edward Kennedy, Daniel K. Inouye, David Boren, Harry Reid, Howard Metzenbaum, Wendell H. Ford, Terry Sanford, Carl Levin, Jay Rockefeller, Dale Bumpers, Tom Daschle, John Glenn, George J. Mitchell, Bill Bradley, Paul Sarbanes, Albert Gore, Jr., Max Baucus, and Robert C. Byrd.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, "Is it the sense of the Senate that debate on the committee substitute, as modified, for S. 2, the Senatorial Election Campaign Act, shall be brought to a close?"

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

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

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

I also announce that the Senator from Texas [Mr. GRAMM] is absent on official business.

The PRESIDING OFFICER (Mr. HARKIN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 41, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—53

Adams	Exon	Mikulski
Baucus	Ford	Mitchell
Bentsen	Fowler	Moynihan
Bingaman	Glenn	Nunn
Boren	Graham	Pell
Bradley	Harkin	Proxmire
Breaux	Hollings	Pryor
Bumpers	Inouye	Reid
Burdick	Johnston	Riegle
Byrd	Kassebaum	Rockefeller
Chafee	Kennedy	Sanford
Chiles	Kerry	Sarbanes
Conrad	Lautenberg	Sasser
Cranston	Leahy	Simon
Daschle	Levin	Stafford
DeConcini	Matsunaga	Stennis
Dixon	Melcher	Wirth
Dodd	Metzenbaum	

NAYS—41

Armstrong	Heflin	Quayle
Bond	Heinz	Roth
Boschwitz	Helms	Rudman
Cohen	Humphrey	Shelby
D'Amato	Karnes	Simpson
Danforth	Kasten	Specter
Domenici	Lugar	Symms
Durenberger	McCain	Thurmond
Evans	McClure	Trible
Garn	McConnell	Wallop
Grassley	Murkowski	Warner
Hatch	Nickles	Weicker
Hatfield	Packwood	Wilson
Hecht	Pressler	

NOT VOTING—6

Biden	Dole	Gramm
Cochran	Gore	Stevens

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the cloture motion is not agreed to.

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

The PRESIDING OFFICER. The Senate will be in order.

Senators will please retire from the well and cease audible conversation.

The Senate will please come to order.

The majority leader is recognized.

Mr. BYRD. Mr. President, I thank all Senators.

We had two more votes on our side which were not here, one, Mr. BIDEN, because of illness.

Mr. President, I would agree with the Apostle Paul, except I would paraphrase his words and use the plural pronoun in the first person.

We have fought a good fight. We have finished our course. We have kept the faith. I would deviate, however, from the Apostle Paul's statement by adding just these few words: we have not finished the course.

Mr. President, I want to thank Mr. BOREN, the chief author and cosponsor of the legislation, and all those on our side who worked with the group, working with the group on the other side of the aisle, and those who did floor duty, and those who did Chair duty. They were excellent.

I especially want to single out one Senator on this side of the aisle in referring to floor duty, and that is Senator STENNIS. Senator STENNIS even volunteered for floor duty during those two nights that the Senate was in session. That is a supreme dedication and every one of us should attempt to emulate that act of patriotism, dedication and, yes—I would say even heroism.

I thank those on the other side of the aisle. I thank the distinguished acting Republican leader. He did a good job. He worked hard. He cooperated with me. He maintained his wit and good humor throughout, and my admiration for him has not lessened. It has grown.

I also wish to express admiration for those Senators on the other side of the aisle who stood against great pressures and who voted with those of us who are supporting S. 2.

I also express appreciation again to those Senators on the other side of the aisle who expressed their opposition in a very reasonable way. They offered reasons in their debate why in their view they had to oppose S. 2. They were conscientious and I respect them for their views.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I want to thank the leader for the leadership that he has provided on this issue, and I want to join him in the remarks that he has made.

I think we have had an excellent debate. There have been some honest philosophical differences of opinion, but I think the airing of this issue in the course of this debate will help draw the attention of the American people to this very serious problem that confronts us.

One thing has been achieved and one thing is certain. This issue is on the national agenda and it is the national agenda to stay until we finally deal with it in a bipartisan constructive way. We all agree there is a serious problem. We left that problem unsolved, and that means we must come back to it.

I recall the last advice that Sir Winston Churchill gave when he went back to visit his old school and reflected on his whole lifetime of experience and he was asked to give the young people there a parting word of advice. People expected a long, long speech. Instead Sir Winston got up, looked at the young people, fixed them with his gaze, and said someting very direct and very simple. He said: "When you think you are right, never give up, never, never, never, never, give up."

Mr. President, as far as I am concerned this is a task that is unfinished. Until we get excessive campaign spending under control, until we stop the ever-increasing tidal wave of money that is coming into politics, until we do something to restore the balance between how much of the money is coming from the grassroots and how much of it is coming from the special interest, until we get some reasonable balance brought back into American politics, we owe it to ourselves to never give up, never.

This Senator does not intend to give up. This issue is on ther national agenda. I know the majority leader feels the same way. I know there are many sincere people on the other side of the aisle who also share that conviction.

This is not the end of the fight for campaign reform. This is but the beginning of the fight for campaign reform, and it will go on until it is won. The discussions between both sides will go on and we will continue to do our best to take the best ideas presented on both sides of the aisle to fashion something that will be someday enacted into law so that we will not hand on to the next generation the problem I spoke of on the floor, their having to worry about how in the world they can begin to raise massive amounts of money to run campaigns if they have a sincere desire to render public service.

So we will never give up, not ever, and we are going to continue this fight until it is won, and I believe that this debate, as the American people have watched it, I think the American people become more involved in it.

That is bound to further this process toward the right kind of conclusion.

Again, I want to join with the majority leader in thanking the distinguished acting Republican leader, my colleague from the other side, the group of four that have been part of the gang of eight on each side of the aisle which have been negotiating.

As I have said, while there have been very strong philosophical differences at times there have never been personal differences, and there has never been a lapse of personal respect.

So I think that this discussion has been in the best tradition of upholding one's view but doing it in the proper

spirit, and I look forward to round two. This is but a battle. The fight goes on. And it is a battle that ultimately is going to be won by doing something meaningful about campaign reform.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Wyoming.

Mr. SIMPSON. Madam President, I thought I was listening to Rocky IV there, or V. For heaven's sake, we are not going to give up either.

I mean, what does that have to do with the issue now? If we put everything here on the basis of win or lose, top dog or underdog, we have denegrated the process. We are ready to move on in total cooperation with this majority leader. We are gloating in victory. I do not think that is becoming. I do not think it is a victory. I think it is an issue that we are going to move on.

It will come up again. We will all watch each other around here, and do something about it; probably the same thing. It is not a death struggle. We are not embarking on the crusades across continents. That is not what we are doing.

We ought to get together and figure out how to quit punching each other, and we ought to figure out how not to do it to the Republicans or do it to the Democrats. And, no, there are just as many thoughtful Republicans who are deeply interested in reform of the campaign apparatus, and search for money, as the majority leader so beautifully phrases it. That is what it is.

But for heaven's sake, you know, it is not warfare to me. I have other things to do in life that are much more important than that.

So I hope we can keep that in perspective. But I want to pay respects to the majority leader. He is superb to deal with, one on one. It is a great pleasure. We do not need to deal otherwise. We can get eye to eye and toe to toe, and he refreshes my memory in a pungent way, and I try to refresh his and tell him what it is we are trying to do. He will say, "That is an interesting thing. Do you think they can get that done? I don't know. But we will stay here all night to find out." Or, he will say, "Well, we can see about that."

So it has been a very fascinating engagement of this unique and complex, and remarkable man that I have come to know in my 9 years. And I enjoy very much engaging with him in the business of the Senate. I thank him for his ultimate courtesies to me. He never fails to do that.

He will accept the suggestion or comments, and often disrupt his own activities or his own schedule to meet my requests, which is quite extraordinary, and that needs to be said.

Well, we have business to do. I just want to thank our team of Senators, Senator MCCONNELL, Senator PACKWOOK, Senator BOSCHWITZ, and Senator STEVENS. I know they have engaged with Senator BOREN who came here when I did. He is no more delighful as a friend. And we can crank out a bill, throw it in. If we can throw one in with Senator BOREN and Senator MCCONNELL's name at the top we will pass it in 20 minutes.

I want to thank the premium Member of the night patrol, LOWELL WEICKER, who I think did 5 hours of extraordinary labor and that remarkable gentleman deserves our praise.

And to the enlightenment of the giants on the majority leader's side of the aisle, Senator SHELBY and Senator LEVIN, we thank him for them. They were superb in their enlightenment on this issue.

And to a group we never thank, but the majority leader does, we want to thank the people at that desk, the people at the majority leader's desk, and at the minority leader's desk, the Secretary to the majority, the Secretary to the minority, the clerks, the reading people, the Parliamentarians, the doormen, the restaurant personnel, the waitresses, the custodial people who really disrupt their lives when we are doing two all-night sessions in a row. They get the full duty. We get to spell each other. I extend to them my appreciation.

Again, I extend my appreciation to the majority leader, and I look forward to trotting up some new stuff. And we will be here to help him with it.

ORDER OF PROCEDURE

Mr. MCCONNELL addressed the Chair.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Madam President, I want to yield to Mr. MCCONNELL so he will have an opportunity. Two of us have spoken, and he is the leader on the other side on this issue. We want to have his words also. But before I yield to him, I ask unanimous consent—and this has been cleared on both sides of the aisle—that when the Senate proceeds to the consideration of Calendar Order No. 541, Senate Resolution 381, resolution authorizing the expenditure by committees of the Senate, that there be a 10-minute limitation thereon equally divided as in the usual form, and that there be no amendments thereto in order, and no motions to instruct with, or to commit with instructions, or otherwise to do so.

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

YEAS AND NAYS ON SENATE RESOLUTION 381

Mr. BYRD. Madam President, I ask that it be in order to order the yeas and nays now on passage of that bill.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

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. BYRD. Madam President, there are Senators who will be wanting to leave early. We all remember the new plan of operation here, 3 weeks in, 1 week out—the quality of work plan. And we have said that there will be votes on Mondays, and there will be votes on Fridays when the Senate is in and during those 3 weeks. And we are going to stick to that.

Madam President, the Senate has been for many, many hours in session now without a recess. And Senators are becoming a little worn I am sure, and so are the officers and employees of the Senate, all of whom the distinguished acting leader alluded to quite appropriately in his remarks with his thanks, and I add mine.

So I would suggest that, as soon as Mr. MCCONNELL finishes, I will move, and I ask unanimous consent, Madam President, that upon the completion of the remarks by Mr. MCCONNELL for not to exceed 3 minutes, that the Senate turn to the consideration of Calendar Order No. 541.

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

Mr. BYRD. Then, Madam President, there will be a rollcall vote on that measure, and time limitation is not to exceed 10 minutes equally divided, and following that rollcall vote there will be no more rollcall votes today.

I hope that by having a little early "school's out" on this Friday Senators may replenish their strength and their spirit, and be with their families during this afternoon.

I yield the floor.

Mr. SIMPSON. Madam President, I thank the majority leader for that. It is very helpful to our Members, and to all Members. It is a very thoughtful suggestion that we might finish that rollcall vote, and then recess until Monday when we will be back in business with rollcall votes. I thank him very much. That is very helpful to our people, and very courteous. And it is very much appreciated.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

SENATORIAL ELECTION CAMPAIGN REFORM

Mr. McCONNELL. Very briefly, Madam President, almost everyone on this side of the aisle who has been involved in this debate has been thanked and certainly the group of four and the staff did a brilliant job.

I think the only remaining question is: Where do we go from here? It seems to me there are a couple of things that obviously need to be addressed. We came oh, so close to coming up with bipartisan campaign financing reform for congressional elections. I think we ought to continue to move in the direction.

Second, as many people have said, if there is a scandal waiting to happen in American politics it is in the Presidential system. I want to indicate to my colleagues that we are in the process now of developing the ability that would dramatically change the way we elect the President of the United States, and we want to give that adequate attention in the coming months.

Madam President, I yield the floor.

Mr. BYRD. Madam President, I call for the regular order.

OMNIBUS COMMITTEE FUNDING RESOLUTION

The PRESIDING OFFICER. Under the previous order, the clerk will report Calendar Order No. 541.

The legislative clerk read as follows:

A resolution (S. Res. 381) authorizing expenditures by committees of the Senate.

The PRESIDING OFFICER. There will be 5 minutes of debate on each side. Who seeks recognition?

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Kentucky.

Mr. FORD. Thank you, Madam President.

Senate Resolution 381 is the omnibus funding resolution to provide funding for Senate committees in 1988. The accompanying report, 100-287, I think explains what the committee has done in detail.

The committee budgets for 1988 recommended by the Committee on Rules and Administration are austere. The increase over 1987 actual recurring funding is 2.24 percent. On an annualized basis, the increase of the recurring budget is only 1.29 percent. The basic guidelines was a 2-percent increase for staff salaries and no increase for administrative expenses. With one exception, that guideline is embodied in the recommendation. The only exception is $6,500 for travel expenses for the Intelligence Committee. Last year, in a supplemental funding resolution, the Senate authorized funds for the creation of an audit staff for the committee. The supplemental included funds for salaries only. For the audit staff to fulfill its responsibilities, some travel will be necessary. Therefore, funds for travel by the audit staff were added.

Mr. STEVENS. Would my friend, the chairman of the Rules Committee, like to comment on why the committee is reporting out an omnibus committee funding resolution rather than an individual resolution?

Mr. FORD. Of course, I would say to my friend from Alaska that it should be noted that this original resolution is reported as a substitute to the Senate for each Senate resolution that has been referred to the Rules Committee pursuant to paragraph 9 of rule XXVI of the Standing Rules of the Senate. It affords this body time saving elements which after recent events can be appreciated even more. The omnibus resolution is a unified budget resolution for the 19 Senate committees and it avoids the necessity for 19 votes, if considered separately. I would add that there is a clear precedent for this. The Senate has adopted an omnibus funding resolution in lieu of individual resolutions every year since 1982. I want to point out to my colleagues that separate resolutions are required for supplementals.

Mr. STEVENS. In the summary of cuts provided at the markup on February 17, many of the requests for additional funds, which were cut from the 1988 budgets, were for Legislative Information Services. Would the chairman comment as to why these requests for new services were not funded with additional moneys?

Mr. FORD. A good point, yes I would like to take this opportunity to put in the record why the committee acted as it did. In reviewing the budget requests this year, it became clear that some committees demonstrated the ability to absorb the costs associated with these information services, while 11 committees requested increases in administrative costs ranging from $4,700 to $18,500 to pay for these services.

After reviewing unexpended balances of committee budgets over the last 6 years, the Rules Committee chose not to include an increase in funding to cover the cost of legislative information services. The committee believes that sufficient funds will be available to cover these services, if needed and desired, through attrition, turnover of staff, and underspending in other administrative expense categories. Unexpended balances anticipated also reflect that funds will be available. Therefore, the decision is being left to the various committees to determine the importance and priority of legislative information services.

Mr. STEVENS. Would the Senator from Kentucky tell this Senator how effectively we were able to hold the line on spending in the omnibus committee funding resolution for 1988?

Mr. FORD. I am pleased to be able to report that the $47 million requested in this resolution represents only a 1.29-percent increase for recurring funds over the 1987 annualized budget authorizations. The Rules Committee has commended the committees for following our guidelines as well as they did. Two committees were even able to come in below our stated guidelines. The Senate can take pride in the fact that despite all the demands placed on Senate committees for legislation, oversight, investigations, nominations, et cetera, their budgets will reflect a bottom line that has held the line on spending.

The Rules Committee commends each committee for its supervision of spending. It was noted in the hearings that an unexpended balance $2,478,742 is anticipated by committees to remain unobligated at the end of the current committee funding year. This amouint is approximately 5.36 percent of the total authorized amount. This balance clearly reflects the practice of spending the amount needed rather than the amount authorized.

Mr. STEVENS. There have been some questions on the method of annualizing the supplemental funding authorized in 1987 and adding it into the base for committees for comparison to the 1988 budget requests. I believe, Mr. Chairman, it would be helpful if you would supply the information for this record.

Mr. FORD. I would be happy to. During 1987, the Rules Committee received two types of requests for supplemental funding—annualized requests for the whole year and prorated requests for only a portion of the remaining funding period that would be necessary. Clearly, where a committee received a prorated supplemental for lets say the last 3 months, the Rules Committee annualized this request for the next year when considering a committee's total authorization.

Senate report 100-287, which accompanies this resolution, addresses this very point. The total committee funding authorized in 1987 was $46,212,512. Since some committees received supplemental funds for a partial year, these funds have been annualized. The annualization of supplementals was recommended by the Rules Committee and this fact was brought to the attention of the Senate in Senate reports 100-169, 223, 224, 225, 226, 228, and 229 which accompanied each committee's respective supplemental funding resolution.

For this reason, the annualized figures were considered a part of the budget base for developing the 1988 budget recommendations. The annualized recurring funding authorization for 1987 was $46,404,135. The recommended 1988 recurring funding is $47,002,568. The 1988 recurring funds recommended are, as I stated earlier,

1.29 percent greater than the 1987 annualized budget authorization and only 2.24 percent greater than the actual 1987 authorization.

Mr. STEVENS. Some have asked me if it is still the intention of the Rules Committee to require committees to file productivity data as it relates to the legislative workload of committees during the funding period which begins March 1, 1988?

Mr. FORD. I would say to the distinguished ranking minority member that our letter of December 18, 1987, originally put committees on notice of the requirement to become accountable for disclosing what activities their committees are involved in with respect to legislation, nominations, hearings, special investigations, conferences, and so forth. In my opening statement on February 2 and in Senate Report 100-287 which accompanies this resolution, committees have been notified that productivity data on various committee functions will be required on a quarterly basis beginning March 1, 1988. The Rules Committee ad hoc Committee on the Budget will develop the format for reporting this data.

Mr. HATFIELD. Madam President, I would like to take this occasion, speaking from the position, I think, of about the second-longest longest serving member on the committee, that in my view, the Senator from Kentucky [Mr. FORD] has probably run the tightest ship of any chairman I have served under, and particularly as it relates to the funding and other fiscal matters for which the committee is responsible to the full Senate.

I have not had an opportunity to publicly make such observation and I welcome it in the absence of Senator STEVENS, the ranking Republican member of the committee, who is necessarily absent at this moment. On his behalf, I know from his own comments to me that he has found it a delightful experience to work with the chairman of the committee, Senator FORD.

Madam President, I am ready to yield back the remainder of my time.

Mr. FORD. Madam President, rather than yield back the balance of my time, I, for just a moment, would like to acknowledge the kind words of the distinguished Senator from Oregon who has been the ranking member on the Rules Committee for a good many years.

I think there is more to the Rules Committee and there is more to what we can accomplish than just what appears on the surface as the name of the committee. It has been my good fortune to work with Senator MATHIAS as the chairman and now to work with Senator STEVENS as the ranking member.

Something that we attempted to do since I became chairman is that I get a weekly report from each of the sections of the Rules Committee on what has transpired, what the position of support of the Senators' offices might be for their requests and how they are being fulfilled. At the end of a 30-day period, I send each member of the Rules Committee a compilation of the past 30 days so they may stay close to what is transpiring in the committee.

For the first time, I believe, this committee is giving a legislative history to support the request of the budget, what was requested by the chairman and ranking member and what the decision of the Rules Committee and its debate was and how that supports the request for funding of the committees. I think it gives us a level of understanding.

I hope, if there are any questions, now or in the future, that they will be able to go back to legislative intent as it relates to the budget and the questions will be basically answered.

So I thank my good friend again. We know very well that by working together we can accomplish a great many things. There has never been any harshness or anything like that. We have put in a coffee pot now where we can sit around and talk about the problems and solve them in a very, very friendly way, but sometimes it is a decision that is not as tasteful as we would like for it to be in doing some things in trying to curtail the expenses of our committees.

Mr. HATFIELD. Madam President, I would like to pick up on a point the chairman has just so succinctly stated, and that is the role of the Rules Committee in providing assistance to the Senators in the operations of their offices and so forth.

Madam President, we have heard today the conclusion of a long and torturous debate on the question of campaign reform. Much of the discussion was sort of, "Well, we have finished one try; we will be back for another," as if we have to sort of wait until another bill comes forth.

Madam President, I think the chairman of the Rules Committee has pointed out that there is a relationship between how Senators administer their offices, in relation to answering their mail to their constituents and maintaining communications, that has a direct bearing on the campaign costs for reelection.

I am persuaded that, if we operated our offices in the most efficient manner in maintaining a focus upon the mail from the constituencies, we would have far less of a need to spend large sums of money to get reacquainted in the reelection effort. And that is the situation with too many Members of Congress as it has been developed through surveys and studies.

So, consequently, I think the Rules Committee has been very, very attentive to providing the latest technology and the latest assistance to Senators to expedite and to handle their mail and other requirements of the office.

But I would invite people to come look down through the Hart Building and look through the windows where you could see the internal workings of many of our offices, and you will see the environment of utter chaos. I think that there, again, we could say that the housekeeping functions, which the Rules Committee has such a direct bearing on, those housekeeping functions have to be given the highest priority by all of us. I think if they are given the kind of highest priority that most Senators do, you could find a direct relationship, then, upon the requirements, as I say, for expenditures on reelection efforts.

So I thank the chairman of the Rules Committee for being alert and attentive to these new technologies that come along that can build a stronger relationship between a Senator and his constituencies.

Mr. STEVENS. Madam President, I would just like to add my thanks to the Senator from Oregon for speaking up. I just got back from having my annual eye checkup and I see a nice, rosy hue out there. So I am not going to try to read or do anything other than thank the chairman for what he has done. I think it is a very fair funding resolution. We have gone over it in detail. No one on this side has complained to me about the treatment that has been given to either the committee on which he serves or the minority on any committee. I think that is a tribute to my good friend from Kentucky. He has been evenhanded and fair. Everybody knows we will have to hold the line and, with his leadership, we have done so.

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

The PRESIDING OFFICER. The Senator from Kentucky has 49 seconds.

Mr. FORD. I yield back the remainder of my time.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BYRD. Madam President, I ask unanimous consent that the regular order be automatic at the end of the 15 minutes on this rollcall vote. This will be the last rollcall vote of the day.

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

The Senator from Kentucky has yielded back his time. All time has been yielded back.

There being no further debate, the question is on agreeing to the resolution. 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 Tennessee [Mr. GORE], the Senator from Maine [Mr.

KERRY], and the Senator from Mississippi [Mr. STENNIS] 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 Colorado [Mr. ARMSTRONG], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Kansas [Mr. DOLE] are necessarily absent.

I also announce that the Senator from Texas [Mr. GRAMM] is absent on official business.

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

The result was announced—yeas 84, nays 8, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—84

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

NAYS—8

Hecht	Quayle	Trible
Helms	Roth	Wallop
Humphrey	Symms	

NOT VOTING—8

Armstrong	Dole	Kerry
Biden	Gore	Stennis
Cochran	Gramm	

So the resolution (S. Res. 381) was agreed to as follows:

S. RES. 381

Resolved, That this resolution may be cited as the "Omnibus Committee Funding Resolution of 1988."

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized in the aggregate $47,856,813, in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, or (2) for the payment of long-distance telephone calls, or (3) for the payments to the Keeper of Stationery, U.S. Senate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1988, through February 28, 1989, to be paid from the appropriations account for "Expenses of inquiries and investigations".

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,719,586, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,119,856 of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,490,812, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expeditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,690,000, of which amount (1) not to exceed $1,000 may be epended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expeditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reim-

bursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $3,022,846, of which amount not to exceed $22,000 may be expended for the procurement of the services of individual consultants, or organizagions thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $3,379,375, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,850 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,446,068, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,381,014 of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,503,993, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,438,915, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,529,719, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetenece, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationship with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized

criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents;

(iii) the adequacy of present intergovernmental relationships between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular reference to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1988, through February 28, 1989, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Permanent Subcommittee on Investigations specifically authorized by the chairman, by deposition.

(4) All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 353 of the Ninety-ninth Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,336,859, of which among (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, of organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,549,148, of which amount (1) not to exceed $43,200 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $7,500 may be expended for the training of the professional staff of such committee (under the procedures specified by section 202(j) of such Act).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,304,043, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out it powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Adminstration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $972,617, of which amount $1,500 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1988, through Feb-

ruary 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,001,553.

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,094,591, of which amount (1) not to exceed $33,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $800 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,105,072, of which amount not to exceed $41,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed on it by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, the Select Committee on Indian Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,770,746, of which amount (1) not to exceed $205,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,600 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c)(1) The Special Committee on Investigations (hereafter in this section referred to as the "special committee"), a duly authorized subcommittee of the select committee, is authorized from March 1, 1988, through February 28, 1989, to study or investigate any and all matters pertaining to problems and opportunities of Indians and the Federal administration of mineral resources, including but not limited to resource management and trust responsibilities of the United States Government, Indian education, health, special services, and other Federal programs, and related matters.

(c)(2) For the purpose of this section the special committee is authorized from March 1, 1988, through February 28, 1989, in its discretion (A) to adopt rules (not inconsistent with this resolution and the Standing Rules of the Senate) governing its procedure, to be published in the Congressional Record, (B) to make investigations into any matter within its jurisdiction, (C) to make expenditures from the contingent fund of the Senate, (D) to employ personnel, (E) to sit and act at any time or place during the sessions, recess, and adjourned periods of the Senate, (F) to hold hearings and to take staff depositions and other testimony, (G) to require, by subpoena or order, the attendance of witnesses and the production of correspondence, books, papers, and documents at hearings or at staff depositions, (H) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(c)(3) The chairman of the special committee or any member thereof may administer oaths to witnesses, and, at staff depositions authorized by the special committee, oaths may be administered by any individual authorized by local law to administer oaths.

(c)(4) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any member of the special committee designated by the chairman or the member signing the subpoena.

(d) The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate through the select committee at the earliest practicable date, but not later than February 28, 1989.

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

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

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. BYRD. Madam President, I ask unanimous consent that there now be a period for morning business for not to exceed 1 hour and that Senators may be permitted to speak therein for not to exceed 5 minutes each.

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

REPORT OF SENATOR BYRD ON MEETING WITH NATO ALLIES

Mr. DODD. Madam President, 2 days ago our distinguished majority leader appeared before the Senate Foreign Relations Committee to share with the members of that committee a report on his recent trip to our NATO allies along with several other of our colleagues.

He returned 12 days ago from leading a bipartisan Senate delegation in talks on security and political concerns with five NATO allies, and on Wednesday he shared his thoughts on these discussions with the Foreign Relations Committee, which is nearing the conclusion of its hearings on the INF Treaty.

Senator BYRD and the other members of the delegation—Senators PELL, NUNN, BOREN, and WARNER—met with heads of state or government, as well as with defense and foreign ministers and opposition leaders, in the United Kingdom, West Germany, France, Turkey, and Italy. In each capital, they attempted to gauge support for the INF Treaty, views of the Soviet threat and attitudes on future arms control efforts; broadly, they sought a diagnosis of the alliance's present and long-range health.

The majority leader and his party asked difficult and detailed questions—about security needs, intra-alliance relationships, and public opinion in the respective countries—and received frank and thorough answers.

The delegation also sought to impress on our allies four principal themes: that conclusion of the treaty was a victory for allied cohesion and adherence to the dual track policy; America's deep and continuing commitment to NATO; the need to maintain the alliance initiative on arms control, and the Senate's fidelity and constancy as a friend of the alliance surpassing partisan differences that may from time to time divide our Government.

Senator BYRD's testimony made a very significant contribution to the committee's work, was characteristically forthright and insightful, and I commend it to my colleagues.

I have taken the liberty of submitting the majority leader's testimony to a number of editors of newspapers in my State for their analysis. It is thorough and comprehensive and as good

an analysis as you can read about NATO thoughts with respect to the INF Treaty. It includes their concerns and, more important, their bottom-line commitment to this treaty and their reasons why.

For those who are interested in getting a brief but comprehensive analysis of where our present relation is with NATO as a result of this recent visit, this document deserves attention by our colleagues and their staffs. It will be particularly instructive, I believe, to those who share my view that since the impact of this INF Treaty will be felt most directly and immediately in Europe, it is our partners in the alliance whose voices must now be heard as we examine the accord and exercise our advice and consent role in its ratification.

I ask unanimous consent that the text of the majority leader's report of February 24 be printed in the RECORD.

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

THE INF TREATY AND THE FUTURE OF THE ALLIANCE

(Report to the Senate Foreign Relations Committee on a Trip of a Bipartisan Senate Delegation to Five NATO Countries, Feb. 6-14, 1988)

(By Senate Majority Leader Robert C. Byrd)

Mr. Chairman, over the February recess period, I led a bipartisan Senate Delegation to five NATO countries to confer with our allies on matters related to the INF Treaty and the future of our alliance. The delegation was composed, as you know, of the chairmen of the three Senate committees which are devoting their full energies to examining the provisions of the accord, and its ramifications. I appreciate very much, Mr. Chairman, that you gave of your valuable time to this short but intensive journey. As the one charged with the responsibility of the committee of jurisdiction over the treaty, you have the difficult task of conducting a thorough, yet expeditious consideration of the accord, taking into account the conclusions and recommendations of the two other committees concerned with this matter, and providing a comprehensive report and recommendations to the full Senate.

The last time that the Senate turned its attention to a major arms control treaty with the Soviet Union was 16 years ago, when it gave its advice and consent to the ratification of the Antiballistic Missile Treaty. I would point out, Mr. Chairman, that 82 of the current 100 incumbent Senators were not in the Senate at the time that the ABM Treaty was approved for ratification. In fact, 82 percent of both Democrats and Republicans have no experience in a floor debate on an arms control treaty. I note in passing at this point, Mr. Chairman, that events since the approval of that accord have necessitated that the Senate handle the question of the authoritative interpretation of the text of the INF Treaty somewhat differently from past practice—a matter the importance of which was reinforced to the delegation during its NATO visit. I will have more to say on this issue later in this report.

In addition to yourself, I was pleased that the chairman of the Armed Services Committee, Mr. Nunn, and the chairman of the Intelligence Committee, Mr. Boren, as well as the ranking Republican member of the Armed Services Committee, Mr. Warner, were able to be part of the delegation. At the outset, some said that European leaders would not really speak their honest, frank views on the advantages or disadvantages of the treaty. I am pleased to say, Mr. Chairman, that this was not the case at all. The delegation had a very full, very long set of discussions in all five countries. Indeed, it was my definite impression that all of the leaders we met were eager to communicate their views to us, and, at times, their concerns. In turn, they appeared eager to learn the opinions and attitudes we wished to convey about Senate consideration of the INF Treaty, our perceptions of both the state of the alliance and the challenge we face with a new dynamic style of Soviet leadership now in place in Moscow.

It was obvious to me, Mr. Chairman, that there was more than a passing interest on the part of European leaders as to our views about where the treaty and the alliance are headed, and a genuine desire to communicate their views to us. In all the capitals we visited, the level and quality of the dialog were very informative and beneficial. I have returned with a much deeper understanding of the climate in Europe and the challenges ahead for NATO.

For the record, the delegation first traveled to Munich, to participate in the annual defense conference known as the Wehrkunde Conference, where a sizable representation of officials from all NATO countries, as well as opinion makers and outside experts were gathered. Both Senator Nunn and I delivered addresses to that gathering, and we had an opportunity at the outset of the trip to hear a variety of informed opinions as to the future security needs and challenges for the alliance. Following that, we traveled to London, Bonn, Paris, Ankara, and Rome. In each capital, we met with the head of state or of government: Prime Minister Thatcher, Chancellor Kohl, President Mitterrand, President Evren, and Prime Minister Ozal, and Prime Minister Goria. Additionally we met with the defense and foreign ministers at each stop, with opposition leaders and opinion makers, as well as with both foreign and American press representatives. A full listing of those individuals, as well as transcripts of various roundtable discussions and meetings we had with the press will be provided to the committee in the form of a written report.

The delegation will also be delivering our report and recommendations to the President tomorrow afternoon, with the aim of helping the President to prepare for his upcoming NATO summit meeting, on March 2, in Brussels—a meeting of some importance for the alliance.

There were three broad purposes to the trip:

First, we sought to acquire a detailed and unvarnished view of NATO country leaders of the advantages and disadvantages of the INF Treaty, and to take those views into account in the context of our consideration of the treaty. After all, Mr. Chairman, more than anything else, ths treaty is the central piece of American relations with our European allies at this time.

Second, We sought their views on where the alliance should be going from here;

and *Third,* their perceptions of Soviet tactics and strategy for the foreseeable future. How do these leaders evaluate the Gorbachev regime's style and approach to the West. How should we collectively best adjust to that new style?

More specifically, we pursued several lines of inquiry. What were their views on the effect on public opinion of the new Gorbachev "charm" offensive, in conjunction with the successful culmination of the INF Treaty? Does this era of good feeling impact on the pace and type of future NATO weapon modernization planning? Does the perception of a diminished threat from the East have an effect on NATO cohesion? Is there an undiminished consensus in Europe for a strong deterrent posture based on a successful strategy of flexible response with a robust nuclear component? Or is there developing a momentum for rushing into additional arms control agreements, particularly in the nuclear weapons area, as a result of the INF Treaty and the changed style of the Gorbachev diplomacy? Do we need to reemphasize that arms control agreements are not ends in themselves but, first and foremost, a means to greater security. In short, what is the state of the public mood, how is it being formed, and what educational strategy is needed on the part of Western leaders to retain a strong consensus for NATO programs, remembering that it was vigorous consensus-building by NATO leaders which resulted in the successful conclusion of the INF Treaty?

We were also interested in how European leaders evaluate the various proposals and programs for close bilateral military cooperation, particularly between France and Germany, but also between France and the United Kingdom, particularly in light of an historic Soviet strategy of attempting to weaken NATO by playing on, and promoting, divisions among NATO partners.

Also, we sought their views on the most advantageous approach to NATO planning now, in terms of setting priorities, and the proper sequence and pacing of arms control initiatives and modernization actions. Is there a need at this particular time for an overall evaluation and development of a common coordinated concept on these matters? How urgent is this question for the immediate future?

THEMES AND MESSAGES THE DELEGATION CONVEYED

Both in my address to the Wehrkunde Conference and in our meetings in the individual capitals, we sought to convey certain themes. Briefly, they were:

First, the INF Treaty is a victory for the cohesion of NATO. We conveyed our belief that the alliance is healthy, and indeed flush with perhaps its greatest victory since its founding—the turning back of Soviet tactics of intimidation embodied in its provocative and unnecessary deployment of intermediate range missiles, the SS-20's, in the European theater. Despite a major propaganda and disinformation program in Europe in the early 1980's, and the Soviet's walking out of the Geneva negotiations, the alliance dual track policy was accepted by European constituencies after courageous stands were taken by European leaders. Thus, the Soviets faced with great NATO cohesion, were given no choice but to come back to the negotiating table to conclude an accord. Such a winning strategy needs to be continued in the post-INF period, and the lesson that we can prevail in our strategies if we act in a coordinated fashion should direct our current planning. In general, most of the European leaders with whom we

met praised the consultative process with which the Reagan administration negotiators brought the alliance behind the INF Treaty.

Second, reassurance that the American commitment to NATO is undiminished. We emphasized that our commitment to the alliance is unchanged. We have no plans for troop reductions, for instance, as we are aware that this could convey the wrong signal to the Soviets. This U.S. commitment remains in spite of budget pressures in the United States. We reiterated our support for the continuation of NATO's deterrent posture of flexible response, including the modernization of nuclear and conventional systems.

Third, to suggest that the alliance ought to develop new initiatives on arms control, both to maintain the momentum of cohesion engendered by the success of the dual track policy, and to regain the psychological initiative vis-a-vis the Soviets, so that the future debates on these matters are framed on terms developed by NATO, not by the Soviet bloc.

Fourth, to reaffirm the stability and constancy of the Senate in the American system. As leaders of the Senate, we reaffirmed our unchanged commitment to the alliance, and affirmed that, while administrations may come and go in Washington, and a confusion of noise can emanate from the United States during an election cycle, the Senate is a permanent body which can be relied upon to keep America firmly anchored and coupled to Europe. It was also our intent to clarify any question as to the Senate's commitment to conclude as expeditiously as is possible, with due regard to the need for thorough investigation of its particulars, our consideration of the INF Treaty. We indicated that, barring unforeseen developments, particularly in the verification area, we felt that Senate approval of the treaty was likely without the need for the kind of reservations which would require the administration to renegotiate the terms of the treaty with the Soviet Union.

It was immediately apparent that our themes of stability, steadfastness, the constancy of our commitment and our understanding of European problems are of considerable importance at this time. This is due to what, to put it bluntly, adds up to a pervasive sense of unease in Europe about, essentially, American leadership, constancy, and reliability. A series of events and developments, some of which have been ongoing and some of which occurred during our journey, highlights the components of the problem.

BACKGROUND TREMORS: UNCERTAINTIES AND AMBIGUITIES REGARDING AMERICAN RELIABILITY

First, the administration-Senate treaty interpretation debate. There was constant uncertainty during the trip over the possibility of delays in Senate consideration of the treaty because of a dispute between the Senate and the administration over how an authoritative interpretation of the provisions of a treaty is to be arrived at. The dispute, as the members of the committee are well aware, stems from the debate over the proper interpretation of the ABM Treaty provisions on the matter of new ABM technologies. Just prior to the trip, and extending into the time frame of the trip, Senator Nunn and I engaged in an exchange of letters with Secretary Shultz on this matter, and while very considerable progress has been made in reaching a common understanding between the two branches on how such an authoritative interpretation is to be reached, I believe that the Senate will have to take additional formal action on the resolution of ratification to clarify any ambiguities that are now present. After all, the process that this committee is engaged in, and that the full Senate will shortly be engaged in, has to be grounded in the certainty that the interpretation that the Senate arrives at, specifically of the obligations that the United States and the Soviet Union are undertaking to implement and abide by, is fully understood and will not be susceptible to change after Senate approval is given.

In particular, the other members of our alliance in NATO, who are very much dependent on the integrity of the American process in consummating the INF Treaty, as well, of course, as our treaty partner, in this case the Soviet Union, have to have some assurance that the obligations undertaken are not going to be repudiated by a future administration. Otherwise, the very value of negotiating treaties with the United States becomes debased and undermined.

In order to remove ambiguities and opportunities for future reinterpretation of the obligations herein undertaken, we have reached an agreement with the executive branch on access to negotiating records, and the Senate is now in possession of those records; they are being analyzed by the appropriately cleared staff members and are available for examination by all Senators. A comparison between the testimony provided by administration officials and the contents of those records will be made, so that an opportunity for a future administration to claim that the record reveals a different interpretation will be rendered nil.

Mr. Chairman, I indicated earlier that we assured our European allies that it would not be necessary, barring unforeseen developments, to attach reservations to this treaty which would require renegotiation with the Soviet Union. I do not think that the authoritativeness of the interpretation understood by the Senate in consenting to the resolution of ratification falls into that category. Such a reservation, which I am now inclined to believe is needed, would contain a statement: (A) That the Senate regards the testimony provided by executive branch witnesses as authoritative for purposes of interpreting the provisions of the accord; (B) that there is nothing in the negotiating record which contravenes that testimony; (C) that the Senate is relying on such testimony and representations and that it is therefore unnecessary to attach additional reservations to the resolution of ratification which outline the substance of that testimony; and (D) that an interpretation or meaning given to the treaty different from the one presented to the Senate prior to its vote on the resolution of ratification cannot be adopted without the further advice and consent of the Senate.

Naturally, Mr. Chairman, I will be pleased to work closely with you and the other chairmen and interested Senators in constructing this understanding, since it will carry substantial weight and be an important precedent for future arms control treaties if they are submitted to the Senate.

Another matter which has tended to raise questions in the minds of Europeans about the steadfastness of America's course and commitments, and something mentioned frequently during our trip, was the Reykjavik superpower summit. The impression conveyed from that summit was that the United States was uncertain about the value of nuclear deterrence in the European theater, raising all the old fears of a "decoupling" of America from Europe and fueling the arguments of those who believe that the proper goal is to make Europe a so-called "nuclear free zone." The denuclearization of Europe is certainly on the top of the Soviet agenda to divide the West. It is clear that we must continue to impress on Europe the unwavering commitment of the Senate to the strategy of flexible response, with the nuclear component which makes that strategy credible. As Chancellor Kohl mentioned to me in Bonn, and then again in his inspiring session with over 50 Senators just last week, it has been the credibility of the nuclear deterrent which has been of central importance in breaking the cycle of wars on the European continent for the last 43 years.

Mr. Chairman, the issue of the future location of the F-16 fighter wing based now at Torrejon Air Force Base in Spain has arisen. The delegation believes that that squadron's future should be determined by NATO, and notes that there are some among our allies who would make the necessary case to public opinion in their country of the need to provide a new home for the F-16's.

I believe it would send the absolutely wrong signal to provide any rationale to deactivate those squadrons. Such a move would constitute a unilateral disarming of an important component of the defense of NATO's southern flank, and would be unwise. I would also note, Mr. Chairman, that problems continue with regard to our basing arrangements with Greece, Portugal and Turkey, and whatever actions the Senate can take this year to ensure the continuity of those basing arrangements should be taken. We had discussions of this type during the delegation's brief, but very productive visit to Turkey, and I believe there is a very healthy understanding between us and the Turkish Government on these matters. It is important to note that there are always sensitivities on the part of the other partner, the basing country, and it is important for us to assess carefully those sensitivities before pointing the finger.

This matter of European sensitivities brings me to another point. Threatening Europe with a diminished American commitment if Europe does not undertake certain specific actions, is counterproductive. The Secretary of Defense, Mr. Carlucci, delivered a speech at Wehrkunde which, rightly or wrongly, was widely reported in Europe to contain a kind of ultimatum. The headline on the front page of the International Herald Tribune story on his address on February 8th, read "U.S. Warns of Troop Pullout if Bonn Bars Nuclear Arms," and the lead paragraph read that he had "Warned West Germany . . . that the United States might consider withdrawing troops from Europe if West German policies led to all nuclear weapons being removed from its territory." Our discussions in Germany led us to conclude that no responsible German official contemplates denuclearizing Germany; all German leaders reject the concept of the third zero, or removal of all short range missiles from German territory. The appearance of the use of threats by the United States does the Germans a disservice. It was the current German leadership which led the fight on deployment of INF missiles and made the difference in making the dual track policy a success. They deserve the kind of common planning to which I will refer in more detail at the conclusion of my remarks.

Last on my list of tremors is the report released just prior to our trip entitled "Discriminate Deterrence." The essence of the report appears to be that other parts of the world are gaining in their importance, and, consequently, the priority of the special American-European relationship ought to be reexamined. Although this report of a blue ribbon commission appointed by the Pentagon may not have received high billing in the United States, it very obviously played on European sensitivities about the American commitment. The delegation downplayed the importance of the document, but the level of attention it has been getting in Europe is disturbing.

CONCLUSIONS AND RECOMMENDATIONS

Mr. Chairman, despite the tremors that I have outlined here, the delegation found a great deal to be optimistic about in Europe. The alliance, in fact, is in good health, and if it is reexamining those areas of concern and weakness, the atmosphere within which such self-examination is occurring has many positive aspects. The opportunities to keep the alliance vigorous and prosperous are substantial.

In general, we found a widespread consensus among the allies for continuing cooperation and cohesion. There is evident unity, and indeed, a desire for stronger and more enlightened American leadership.

APPROPRIATE APPROACH TO THE NEW SOVIET LEADERSHIP

There was widespread agreement on (1) the need to develop allied priorities and new arms control initiatives to deal with the Soviet leadership; (2) the importance of educating our respective publics about alliance policies and the requirement to formulate a sober, realistic assessment of our Western security interests independent of our evaluation of the "sincerity" of Soviet intentions. As President Mitterrand told the delegation, "the problem is not whether these men are sincere, but whether they are behaving as if they are sincere." We must help make it to Gorbachev's advantage to be sincere; (3) the general assessment of Mr. Gorbachev and his new style is that he presents new challenges to the West, but that the Soviet Union's objectives have not changed. As Chancellor Kohl indicated, the Soviet campaign of disinformation in West Germany has not changed at all as a result of the coming to power of Mr. Gorbachev. As an Italian official said, they are just selling themselves better. So, there is not any great illusion that the Soviet challenge is a thing of the past. On the contrary, the desirability of close, unified NATO decisionmaking, as the key to success in dealing with the Soviet Union, is even more desirable in handling a stylistically renewed Soviet Union.

This sober-minded, cautious approach must be supplemented with a readiness to grasp any opportunities provided by the Soviet leadership to improve our relationship in ways clearly in Western interests, and to construct initiatives to test their willingness to agree to arrangements which truly enhance our security and reduce the risk of conflict. We do not know whether the Gorbachev reform program will be successful, and there is a healthy skepticism in Europe on this point. Further, if he should succeed in revitalizing the Soviet economy, we do not know whether that would result in long term Soviet foreign policies beneficial to the West.

The naval incident which occurred in the Black Sea during our trip illustrates the wisdom of sober realism. The intentional bumping of an American warship by a Soviet warship was a clear violation of the 1972 Incidents-at-Sea Agreement between the United States and the Soviets (specifically article III, paragraphs 1, 2 and 4), an agreement designed to eliminate such hazardous bumping tactics. That agreement had been hailed as having a 14-year record of success in moderating the movements of the two superpowers' warships when operating in close proximity. It should be instructive for us all that the Soviets are willing to violate one of the few operative agreements reducing the risk of conflict at the very time that the Senate is considering whether to approve an arms control accord.

I shall conclude with four brief observations:

ON INF TREATY RATIFICATION

First, the INF Treaty should be ratified and without reservations requiring renegotation with the Soviet Union. Although there are differing opinions about the details of how the agreement was handled, and about the specific impact on the military balance and future NATO planning for Europe, virtually everyone agreed the treaty should be ratified. Failure to ratify it would clearly cause a serious crisis in the alliance, and provide a fertile ground for Soviet mischief-making.

ELEMENTS OF NATO ARMS CONTROL/ MODERIZATION STRATEGY

Second, an overall coordinated NATO strategy on arms control initiatives and modernization questions should be formulated. The priorities of the alliance should be developed with the objective of enhancing alliance stability and minimizing the potential for strains over, in particular, modernization questions which are premature. In dealing with priority setting, there must be an appreciation of the sensitivity of European public opinion on the matter of short-range nuclear weapons, and, most importantly, German public opinion on the issue of "singularity", that is, the proposition that Germany, as a result of some particular NATO nuclear modernization plan, is being asked to bear a disproportionate brunt of any future conflict between NATO and the Warsaw Pact.

While it is not necessary or appropriate for me to go into great detail on these issues this morning, I offer the following suggestions as to how NATO should navigate this maze of modernization and arms control issues in the coming months. The alliance agreed, at its meeting at Montebello in 1983, to reduce the stockpile of nuclear weapons deployed in Europe an additional 1,400 beyond the reduction of 1,000 agreed to in 1979. Along with these reductions, the military authorities of NATO were directed to recommend appropriate modernizations of the remaining weapons. The objective of this was to maintain deterrence at the lowest level of weapons possible.

The regular planning process of NATO has been implementing the decisions of Montebello, and should continue to do so. We are approaching some key modernization decisions in the alliance, and these should be made in a timely fashion. But I want to emphasize that there is no need to link modernization of short-range nuclear systems with the INF Treaty. The alliance has been embarked upon the process of reviewing its requirements in this area for some time, and there is no need to alter the process now. I believe, based on my conversations with General Rogers, General Galvin, and others, that it will be necessary to modernize certain systems not prohibited by the treaty—but those decisions are some months in the future, and should not be at the center of our discussions on the treaty at this time. Indeed, to discuss modernization in the context of the treaty could create the false impression—I emphasize the "false" impression—that modernization is somehow required to compensate for the elimination of the INF.

The West German Government has stated that, in its view, a comprehensive Western security concept needs to be developed to guide NATO in the post-INF environment of modernization and arms control. This position is not unreasonable, and I would urge our NATO allies and our own Government to take it seriously. At the same time, I see no compelling need for an "agonizing reappraisal" of NATO strategy at this time.

The top priority for the present should be to formulate a comprehensive and detailed proposal on conventional arms reductions and control in the European theater to present to the Soviets this year. A consensus must be built around a sound conventional forces reduction proposal, which is a very formidable task. There are those in Europe who believe the asymmetries between the Warsaw Pact and NATO are so large that the chances of NATO coming out the loser are too great to even enter into negotiations. Nevertheless, a major attempt should be made. Moreover, the chemical weapons talks must be pursued with renewed energy.

Clearly Europe would welcome thoughtful, vigorous, American leadership on these issues. We should not disappoint them. No negotiations on further tactical nuclear weapons arms control should be entered into until and unless major progress has been made in negotiations dealing with the conventional and chemical weapons imbalances.

Regarding a start agreement, the consensus appears to be that the reaching of such an agreement is advantageous, so long as it is done with appropriate and sound provisions, particularly on the specific subceilings of weapons types and so long as verification procedures are adequate. Such verification techniques are different in kind from those employed in the INF agreement. Furthermore, we need to have assurances that the systems which will provide the verification will definitely be in place within specific necessary time frames before the Senate seriously considers the taking up of a start agreement. Finally, such an agreement must only be reached in close consultation with our allies. Thus, a sound agreement, with adequate ability to verify, should be concluded when it is ready, and only when it is ready, but no deadlines should be imposed which provide opportunities for negotiating advantages to the Soviets.

POST-INF DETERRENCE REPORT

Mr. Chairman, a report that was required of the Secretary of Defense to be submitted to the Senate along with the INF Treaty, and which was designed to address the matter of the requirements of the alliance in the Post-INF environment, is now available, and makes an important contribution on the question of modernization of the nuclear deterrent in this environment. I offer this report to you at this time, for possible inclusion into the hearing record on the INF Treaty.

FRENCH-GERMAN BILATERAL BRIGADE

Regarding bilateral military cooperative arrangements among NATO allies, such as

the French-German brigade, these initiatives are desirable, and should be viewed as an ingredient in a healthy Western security system. So long as there is complete understanding in the alliance about the specific nature of the cooperative arrangements, they should be encouraged. It should go without saying that this specific initiative between the French and Germans was generally welcomed in Europe, given the historical barricades that such an arrangement has had to overcome.

RELATIONS WITH FRANCE

Mr. Chairman, I regard one of the highlights of our trip the 2 days we spent in Paris conferring with French leaders and opinion-makers. It is evident that there is a healthy ferment in the French political system and that an important opportunity exists for the United States and the alliance to explore enhancements of the relationship with the French, despite their reluctance to rejoin the military planning organization of NATO. I would have to say their hospitality was very warm and every opportunity for further dialogue with the French should be explored. They are very concerned about the uneasiness of the West Germans in a post-INF environment and the efforts of Soviet leaders to promote European denuclearization.

THE FORMATION OF WESTERN PUBLIC OPINION

Now, I return to perhaps the most important of all the subjects discussed on our journey: public opinion in the West. The delegation was impressed with the sensitivity of virtually all NATO leaders about the need to inform our constituencies in a comprehensive and persuasive fashion of the appropriateness of alliance priorities and strategies. Althugh the impact of the new-style Soviet leadership of the Gorbachev era is in a formative period and varies from country to country, there is a consensus on the need for European and American leaders to educate actively our respective publics to the fact that Soviet long-term objectives have not changed.

We must, as Chancellor Kohl told us in Bonn and stated again in his meeting with Senators last week here in the Capitol, challenge Mr. Gorbachev to live up to his rhetoric. We can do this best, and maintain the support of our publics, by working in solidarity with our NATO allies, pursuing a sound and responsible policy of force modernization where necessary, and arms reduction agreements where possible.

WILLIAM F. "WILD BILL" CODY

Mr. SIMPSON. Mr. President, we now return to more pedestrian pursuits, after our rather lengthy debate, which was a good debate, as I said before, and one that the American people can weigh and think about. Now I shall revert to another item, which to the American people, perhaps, is a very pleasant remembrance, and we need to do that from time to time.

Today, February 26, is the 143d anniversary of the birth of a remarkable figure in American history, William F. "Buffalo Bill" Cody.

I see that the Chair is delighted with that prospect. Here is a figure in history of which there has probably been more written—more books, more plays, and more shows—than many others in American history.

I do not usually do this. These types of tributes can get a little overused in the Senate.

But this singular man truly was a legend in his own time, Buffalo Bill Cody—showman, raconteur, promoter, businessman, father, husband, founder of the small Wyoming town that bears his name and just happens to be my hometown—where I grew up. He was a complex, flamboyant, and dazzling man on the center stage of the world in the late 1800's and early 1900's.

Wyoming's citizens and all Americans are deeply proud of the remarkable heritage and tradition of this man. Born in Le Claire, IA, he later moved to Kansas. He was the breadwinner of his family and was hired by the railroad to provide meat, and he surely did—thus, the name "Buffalo Bill."

As a young man, he lived a most extraordinary life. He spent time riding in the Pony Express. He gained fame as a sure-shot marksman in the terrible battles of native Americans and the whites, in those terrible times of bloodshed on the plains that we look on now with some terrible and justifiable revulsion. Yet, at the time, it was a different time, but it did happen.

He was involved in those struggles and yet later became one of the true friends of native Americans. They were part of his show, along with cowboys and native dancers and ethnic groups as he traveled the world over.

He even guided tours into the wilds of America and returned unscathed and well rewarded.

He was an elected representative to the Nebraska State Legislature—I do not think many people know that—and he was involved in hand-to-hand combat with a famous Cheyenne chief, Yellow Knife.

Those fascinating experiences resulted in his introduction to the art of stagecraft and stage performance, when he was discovered by the well-known author, Ned Buntline. What followed in his life then is best described as "pure fame"—pure fame.

His popular and familiar visage graced the covers of books, magazines, and posters across America and worldwide. He held audiences with all the crowned heads of Europe and half of Asia.

Memorabilia of his life are contained in Cody, WY, at the Buffalo Bill Historical Center, which houses the Buffalo Bill Museum; and the Whitney Gallery of Western Art, with millions of dollars of rare art items, including works of Frederic Remington, Charles Russell, Thomas Moran, Karl Bodmer, Albert Bierstadt, Charles Schreyvogel, George Catlin, and others—a treasure-house of original art of the West. And it also encompasses the Plains Indian Museum and the Winchester Arms Collection.

But the picture of Buffalo Bill Cody is clear: The fringed leather jacket, the boots, the goatee, the mane of the white hair, the sweep of his hat—always the sweep of the hat—and the way he rode the horse are all part of the wild west show that earned him great notoriety and great personal wealth.

As those familiar with the legacy of William Cody can attest, he was not just "for show," but "for real." His many travels brought him to the beautiful Big Horn Basin in northwest Wyoming, where he decided in 1894 that he would settle. It is in this place that he left his surest imprint. He actually and physically laid out the town of Cody. He designed the canals for the irrigation system. I do not think people realize that. He brought his friends there to operate newspapers and businesses and facilities and services.

He built a magnificent hotel in the Rockies, the Irma, named after his daughter, and that became a showplace. The opening night at the Irma hotel, as reported through history and even by Frederic Remington, was a special event, with bluepoint oysters brought on the train from New York—the east coast. It was an extraordinary event. There are still people living who recall that remarkable night in Cody, WY. Those are the things that illuminate the minds of people who loved him.

He cherished his friendship with Teddy Roosevelt and it bore fruit in a most extraordinary way. He and Roosevelt were great friends; that will be found in the writings of Roosevelt, and Cody. His friendship with Roosevelt enabled the Nation to build the first Bureau of Reclamation dam, the Buffalo Bill Dam, in 1910-14, just several miles outside the town of Cody. That was the first reclamation project in the United States.

The dam is just now being raised an additional 25 feet. It is still a remarkable engineering feat, and the vast network of irrigation canals are all there. Some of them look almost like they make water run uphill, but they work, and they have worked since he laid them out. They irrigate the lush farmland throughout the valley of that Big Horn Basin, communities like Powell and Ralston along the Shoshone irrigation system.

That immediate reservoir that is there now also has the Buffalo Bill State Park on its shores, is a haven for recreation and water sports, fishing, and hunting. Just upstream from there is the most remarkable ranch, the TE Ranch. That is where he loved to repair. It was there where he left on a very bitter January day to visit his sister in Denver 1917, and he never returned to his beloved TE Ranch.

He died in the home of his sister in Denver, CO, and then began a very controversial and long struggle. The sister, who was in some financial extremity, sold his remains to the city of Denver so that the funeral would be held there.

It was a magnificent funeral, a Masonic funeral of last rites; and then he was buried on Lookout Mountain outside of Denver, several miles from Denver. The people of Cody brought forth the former will that he had signed. He said in that old will, "I want to be buried overlooking the remarkable community of Cody, WY, noted for the purity of its government and the spirit of its citizens."

It is really an extraordinary will. One should read it, but he changed that will later because he ran into financial extremity and lost all of his money because he was in some ways a softie. He gave it to children. He gave it to promoters. He gave it to miners and their families. He gave it to syndicates. You should see the pile of old stock certificates that we have in the Buffalo Bill Historical Center of his investments, all of them failures. Silver mines, gold mines, and a most extraordinary array of ventures and joint ventures. When he died, he had nearly expended all of his past fortune.

So he was buried there at Lookout Mountain, and the people of Cody were very irritated about that.

Madam President, I know my time is expired, and yet I see no one seeking the floor. I would ask unanimous consent that I be allowed to continue for 10 minutes.

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

Mr. SIMPSON. I thank the Chair.

So he was buried, and the people of Cody thought that was a very bad thing because he had wanted to be buried in this beautiful community of Cody. So they organized a kind of posse to go to Lookout Mountain. They fueled themselves with enthusiasm, and some liquid items, and then they took off, some by horse, some by rail, and they were going to dig up the old scout and bring him back to the Spirit of Cedar Mountain and place him right on Cedar Mountain outside of Cody, WY.

As they got closer to Denver, their legions thinned. Some fell away with illness and other ailments of perhaps too much spirited progress, and there was only a thin band when they got there. But then the next year, they did it again, and they got together a few more.

I know this will surprise many. Finally, the people of Lookout Mountain and Denver tired of this little band of ragamuffins coming down from Cody, WY, and environs to get the colonel back, so they covered the grave with rail ties and tracks and poured concrete over it.

If you look at the x rays of the gravesite at Lookout Mountain, you will find it is a huge, deep crevasse with the casket and then a string of variously placed railroad ties and rails and then concrete poured in on top of that so that any later effort would never be successful. That actually happened.

And so the loyal sons of Buffalo Bill did not make the pilgrimage after that, but they recognized this great man by forming the Buffalo Bill Historical Association, preserving his memory and, indeed, that has gone forward magnificently.

One of the places, as I say, where he lived and loved was that hallowed ground at the TE Ranch.

That ranch is still there. All of the original buildings are still there in white. They are painted white. Some of the original cottonwood trees that he planted or nurtured are still there, or seedlings of them. That ranch is about 1 mile from a place my parents have owned for more than 55 years, and, not far from there, some 50 miles away is Yellowstone Park where he used his extraordinary relationship with Teddy Roosevelt to do so much.

He also helped to create the country's first national forest—I think people may have forgotten that—the first national forest of the United States, the Shoshone National Forest. Also the first ranger station in the United States, the Wapiti Ranger Station, is still there.

So, far beyond the wild West, the shows, and the promotions and what has been described as a checkered life that he is famous for, Buffalo Bill truly did bless us with his many valuable and lasting gifts.

So we remember him on this special day, February 26. I think it is appropriate to see just how he was remembered in the U.S. Congress on the day following his death in 1917, in a statement from the CONGRESSIONAL RECORD by who was then Wyoming's long-time Congressman, Frank Mondell, who was and would have been the Speaker of the House had he not suffered defeat. I think he served Wyoming some 24 years. He placed this in the CONGRESSIONAL RECORD. He spoke thusly, in the vernacular of the year 1917. He eulogized:

> The winged couriers of the air brought us yesterday from a beautiful section so recently the frontier, in whose early, heroic, and adventurous days he was so striking and conspicuous a figure, the story of the peaceful passing over the range to his final camping ground one of the finest and most heroic figures of the old scouting, pioneering and Pony Express days—Colonel William Frederick Cody. * * * Whatever others may have contributed to the history of that time and region to the work of development that has brought so marvelous a transformation into many sections of the old West, of the mountains, and of the plains, no one will challenge Col. Cody's premiership in contribution to those thrilling episodes, to the pleasing and picturesque illumination of those incidents and characteristics of his period and section, which have most charmed and challenged, inspired and thrilled the Nation and the world. * * * He passed away as he had lived, a courageous soul, calm-eyed and even-pulsed, in the presence of the inevitable, heroic, gracious, considerate, and thus preserved for the Nation the charming ideal of character which has and will continue to make the story of William F. Cody, "Buffalo Bill," of intense and absorbing interest to those whose hearts remain forever young and respond to the thrills of romance and adventure.

That was the vernacular of the day, and there are many more later entries in the CONGRESSIONAL RECORD about the life and death of that man.

With that, Madam President, I share with you today that the beat goes on. We have preserved his remarkable memorabilia and memory. His grandson still lives in Cody, WY, one Bill Cody. You should know his other grandson, Fred Garlow, died only fairly recently, and Fred and his dear wife, Peg, were splendid friends and neighbors of mine. They both were remarkable, and my long time friend, Bill, and his wife, Barbara, remain remarkable citizens of the Cody community.

Today—to show you indeed that the beat does go on—at this very hour at the Riverside Church in New York City in the higher reaches of the city at the Laura Spelman Rockefeller Carillon of that remarkable and beautiful church by the river there will be a concert by James Lawson who is the master carillonneur of the Riverside Church. Jim is also a native of Cody, WY, and a dear and lovely friend. He will present to the people of the city of New York, as he does on every Buffalo Bill birthday, the pealing songs that will go winging out across that area of New York. If you know where that church is located you can imagine how people love that carillon tower. Its musical magic reaches across the river and up into the heart of the upper city.

Today Jim will play the selections Buffalo Bill loved most on the remarkable carillon endowed by a dear relative of our fine friend and colleague Senator JAY ROCKEFELLER. Amid the myriad melodies that will wing over the city of New York today as they have in the years before is the one he loved the best which was called "Tenting Tonight," tenting on the old camp ground, a great ballad of the Civil War. That will all take place today as it has for every year under the direction of Jim Lawson—a marvelous, bright, intelligent, creative genius of music and one of the most extraordinary carillonneurs of the world.

With that, Madam President, I leave us with the thought that as we do our

work here, there were some truly extraordinary people who went before us and certainly one who still commands the raft attention of young and old alike is the founder of my hometown, William F. "Buffalo Bill" Cody. I thank the Chair.

(At this point, Mr. SHELBY assumed the chair.)

ABM TREATY BREAKOUT?

Mr. McCLURE. Mr. President, I wish to bring to the attention of my colleagues an alarming editorial in yesterday's Wall Street Journal, which suggests that the Soviet Union has begun to break out of the ABM Treaty. This development, if it is true, would come as no surprise to many of us who have warned about such an eventuality for several years now.

This report is based on an earlier article in the New York City Tribune which cites "a senior military intelligence official" as the source of its information. Certainly I cannot personally vouch for this information. But it is incumbent on us as Senators to investigate these reports, which have tremendous implications for the whole range of our defense and arms control policies, in particular the START talks. To that end, I have written to Director of Central Intelligence William Webster and Secretary of Defense Frank Carlucci to request an immediate briefing.

I ask unanimous consent that the Wall Street Journal editorial and the New York City Tribune articles be printed in the RECORD.

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

[From the Wall Street Journal, Feb. 25, 1988]

BREAKOUT

Our seismographs have been recording a major explosion or earthquake this week in the U.S. intelligence community. Someone in Congress ought to conduct an on-site inspection.

We hear that Air Force Intelligence has officially concluded the Soviets have rolled production lines to break out of the ABM treaty and deploy a nationwide anti-missile system, which possibly could be in place by next year. That Maj. Gen. Schuyler Bissell, head of Air Force Intelligence, briefed the CIA on this conclusion late last week. And that the finding is based on two new pieces of evidence:

First, the Soviets are "internetting" their early-warning radars with interceptor-guidance radars. They have conducted "hand-off exercises" in which the large phased-array radars like the controversial one at Krasnoyarsk pick up targets and alert the Flat Twin and Pawn Shop mobile radars that guide their SH-04 and SH-08 anti-missile interceptors. This is the key "battle management" function of an anti-missile system.

Second, the Soviets are mass producing the Flat Twin and Pawn Shop radars, though the ABM treaty limits them to two locations. Similarly, they are mass producing the SH-08, a relatively new supersonic missile that intercepts warheads within the atmosphere, with 500 such missiles already produced and 3,000 ultimately projected. The ABM treaty limits each side to only 100 interceptors of all types, and the Soviets also have the SH-04, which intercepts above the atmosphere, as well as other interceptors with both anti-aircraft and antimissile capability.

While rich in detail, our reports admittedly have not been from direct participants in these briefings. We now find that the New York Tribune, the Unification Church paper in New York, published substantially the same reports on Monday, quoting "a senior military intelligence official."

An official conclusion that the Soviets are breaking out of the ABM treaty, to be sure, only would put an official stamp on what has been apparent all along. The Soviets have taken full advantage of treaty provisions allowing large radars at one ABM site, at missile test ranges and on the periphery of the nation. To finish the job, they simply ignored these restrictions to build at Krasnoyarsk (see map adapted from the Pentagon's "Soviet Military Power").

The administration has cited the Krasnoyarsk radar as an outright violation, and both houses of Congress have voted their agreement. The administration also has protested the deployment of Flat Twin and Pawn Shop radars at Gomel, beyond the sites permitted at the Sary Shagan and Kamchatka test ranges. In his compliance report to Congress in December, President Reagan said: "The absence of Soviet dismantlement of the Krasnoyarsk radar, the new violation in the deployment of the Flat Twin and Pawn Shop observed at Gomel, and the totality of Soviet ABM-related activities in 1987 and previous years, suggest that the USSR may be preparing an ABM defense of its national territory."

These are the words, of course, of the same administration that currently has a new INF treaty before the Senate, and has just had its Secretary of State in Moscow pushing a new strategic arms treaty in time for the impending Moscow summit. A breakout finding would be of monumental importance to these enterprises.

On arms control in general, the prospect of a Soviet ABM breakout raises once again the question of why we are negotiating new treaties with them when they are breaking the old ones. On the proposed 50% reduction in offensive arms in particular, the Soviet ABM technology is not Star Wars. It is ground-based, and many analysts think each interceptor carries a nuclear warhead so that highly accurate guidance is not needed. But with our offensive weapons limited by treaty and with no defense of our own against a Soviet first strike, our deterrent could be significantly degraded even by this 1970s technology.

Perhaps our reports, or for that matter the Air Force itself, may be overly alarmist. But Senators about to vote on another arms treaty should be warned to inquire for themselves. Certainly anyone as preoccupied with the exegesis of treaties as Senator Sam Nunn would want to know chapter and verse of the current Air Force assessment.

[From the New York City Tribune, Feb. 21, 1988]

USAF INTELLIGENCE SAYS SOVIETS ARE SET TO BREAK OUT OF ABM TREATY

(By Peter Samuel)

WASHINGTON.—U.S. Air Force intelligence says a major Soviet violation of the 1972 Anti-Ballistic Missile (ABM) Treaty is imminent.

A senior military intelligence official has reported that the Soviets are mass-producing SH-08 Gazelle ballistic missile interceptors and associated small engagement radars and have been exercising the coordinated operation ("internetting" in military jargon) of the large early-warning and battle management radars.

Air Force intelligence believes the Soviets could have an operational nationwide ballistic missile defense system by next year.

"This has the gravest implications for U.S. security, if confirmed by interagency review," a senior official told the New York City Tribune last Friday. He said that, together with Soviet superiority in heavy and mobile offensive nuclear missiles and their monopoly of anti-satellite weapons, the Soviets could quickly demonstrate military preponderance if protected by nationwide defenses.

He referred to a statement of former Secretary of Defense Caspar Weinberger on Dec. 11, 1986, which warned of a possible Soviet nationwide ABM capability.

"Such a development would have the gravest implications for the U.S.-Soviet strategic balance. Nothing could be more dangerous to the security of the West and global stability than a unilateral Soviet deployment of a nationwide ABM system combined with its massive offensive missile capabilities."

Administration officials up to the president have previously made statements that the Soviet Union may be preparing to deploy a nationwide ABM network, but none have said publicly that this is actually happening.

According to the source, Air Force intelligence made the formal finding of the Soviet move to build the nationwide antimissile system only days after U.S. signals intelligence noted major data exchanges between six of the 10 Pechora-class large phased-array radars (LPARs), about which the United States has frequently expressed concern. These radars are legal individually under the ABM Treaty as early-warning devices—although the large radar site at Krasnoyarsk is considered a violation of the ABM Treaty in itself—but their "internetting" together for ABM purposes may be charged as a fundamental treaty violation.

As well as operating the six large radars as part of an integrated system in the recent exercises, the source said, the U.S. signals intelligence produced evidence of the calibration of the large radars with smaller mobile radars used for several varieties of surface-to-air missiles (SAMs) that have been tested in a ballistic missile defense mode. These include the SA-5, SA-10, and SA-12B SAMs.

The second major piece of evidence leading to the U.S. Air Force Intelligence Service finding of an imminent Soviet treaty "breakout" is the conclusion that SH-08 specialized ballistic missile interceptors and the supporting "Flat Twin" and "Pawn Shop" transportable radars are now in "serial" or mass production.

These are known as components of what the Pentagon calls the ABM-3 missile interceptor system that is deployed around the Moscow region. The Moscow ABM-3 consists of 84 SH-08 very-high-atmosphere interceptors and 16 longer-ranging SH-11 ground-to-space interceptors.

"The deployment of 100 missiles around Moscow is legal under the ABM Treaty, although the use of the new SH-11 missiles

with infrared homing in place of the in place of the radar-controlled SH-04 is considered by some analysts as a treaty violation.

It is presumed the higher-flying SH-11 missiles are also being produced for the nationwide system, though probably in considerably smaller numbers.

Air Force intelligence says that ABM-3 system components have now been manufactured in numbers that go "well beyond the needs" of the Moscow region for defense.

Already about 500 SH-08 Gazelle interceptors and their associated radars are estimated to have been manufactured and stockpiled. The whereabouts of the ABM interceptor facility was not revealed, but the City Tribune was told the radars are being made in Gomel in the eastern Soviet Union.

According to the military intelligence official, Air Force intelligence believes the Soviet program is to produce 3,000 SH-08 ballistic missile interceptors and that they may be able to build the complete inventory by next year. The SH-08 interceptors are based in hardened ground silos in defense of the Moscow region (see the Pentagon's most recent annual report, "Soviet Military Power," page 47), but are thought likely to be deployed from SS-20-style wheeled launchers as part of the nationwide system.

SH-08 interceptors are somewhat similar to the U.S. HEDI (High Endoatmospheric Defense Interceptor) system designed under President Reagan's Strategic Defense Initiative (SDI) program, and the companion SH-11 system shares some of the characteristics of the ERIS (Exoatmospheric Re-entry vehicle Interceptor Subsystem).

Soviet ABM interceptors are, however, thought to be equipped with nuclear warheads to overcome the need to maneuver precisely to make a direct hit on a target for destruction.

The U.S. Air Force Intelligence Service is headed by a major general, and has a proud record of intelligence findings over 3 decades. Air Force intelligence was credited with being the most accurate, in retrospect, about Soviet strategic systems in the 1960s. It played the key role in detecting and analyzing data on Soviet intermediate-range missiles in Cuba during the Kennedy presidency. In the 1970s, it was alone in predicting the Soviet deployment of heavy SS-19 missiles under the SALT II treaty.

The military source told the City Tribune that Air Force intelligence last week briefed the Central Intelligence Agency on its dramatic finding, making it a formal event within the Washington inter-agency group that is referred to collectively as the "intelligence community."

The CIA is not known to have produced any response to the finding by the Air Force Intelligence Service, but is thought to be taking it seriously.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AFGHANISTAN

Mr. BYRD. Mr. President, I ask unanimous consent that on Monday next, at 12 noon, the Senate turn to the consideration of a leadership resolution dealing with Afghanistan; provided further that the resolution be considered under the following time limitations: 6 hours equally divided on the resolution, to be equally controlled by the two leaders or their designees; that no amendments be in order except those amendments that are agreed on by the joint leaders; and that no motions to commit either with or without instructions be in order; and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. We have no objection.

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

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on the final adoption of that resolution.

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

Mr. BYRD. Mr. President, I ask for the yeas and nays on passage of the resolution.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

BILLS NO LONGER ON DAILY CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the listing of the following bills as bills in conference no longer be printed as part of the Senate's daily calendar:

H.R. 2907, Treasury, Postal Service appropriations;

H.R. 2712, Interior appropriations;

H.R. 2713, D.C. appropriations;

H.R. 2714, legislative appropriations;

H.R. 3058, Labor, HHS appropriations;

H.R. 2783, HUD appropriations;

H.R. 2763, Commerce, State, Justice appropriations;

H.R. 2906, military construction appropriations;

H.R. 2890, Transportation appropriations; and

H.R. 2700, Energy and Water appropriations.

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

ORDER FOR RECORD TO REMAIN OPEN UNTIL 3 P.M. TODAY

Mr. BYRD. Mr. President, I ask unanimous consent that the RECORD remain open until 3 o'clock p.m. today for statements and for the introduction of legislation.

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

CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader, Mr. McCLURE, as to whether or not the following measures have been cleared on his side of the aisle: Calendar orders numbered 542, 543, 544 through 564, and 566.

Mr. McCLURE. Mr. President, those items have been cleared on our side of the aisle.

Mr. BYRD. I thank the distinguished acting leader.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration en bloc of the aforementioned measures, that the amendments to the measures and/or to the preambles, as shown, be agreed to, that statements by Senators for the RECORD be appropriately placed, and that the measures be agreed to, and that the motion to reconsider en bloc be laid on the table.

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

BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL

The joint resolution (S.J. Res. 216) approving the location of the Black Revolutionary War Patriots Memorial, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 216

Whereas section 6(a) of the Act entitled "To provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (100 Stat. 3650, 3651), provides that the location of a commemorative work in the area described therein as area I shall be deemed disapproved unless, not later than one hundred and fifty days after the Secretary of the Interior or the Administrator of General Services notifies the Congress of his determination that the commemorative work should be located in area I, the location is approved by law;

Whereas the joint resolution approved October 27, 1986 (100 Stat. 3144), authorizes the Black Revolutionary War Patriots Foundation to establish a memorial on Federal land in the District of Columbia and its environs to honor the estimated five thousand courageous slaves and free black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution and to honor the countless black men, women, and children who ran away from slavery or filed petitions with courts and legislatures seeking their freedom; and

Whereas the Secretary of the Interior has notified the Congress of his determination that the memorial authorized by the said joint resolution approved October 27, 1986, should be located in area I: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of

a commemorative work to honor the slaves and free black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution and to honor the black men, women, and children who ran away from slavery or filed petitions with courts and legislatures seeking their freedom, authorized by the joint resolution approved October 27, 1986 (100 Stat. 3144), in the area described in the Act approved November 14, 1986 (100 Stat. 3650), as area I, is hereby approved.

KOREAN WAR MEMORIAL

The Senate proceeded to consider the joint resolution (S.J. Res. 225) approving the location of the Korean War Memorial.

LOCATION OF THE KOREAN WAR MEMORIAL

Mr. ARMSTRONG. Mr. President, today marks another milestone in recognizing the sacrifices of America's "Forgotten Warriors," the men and women who served in the Korean war. With passage of this resolution today that provides the necessary authority to place the Korean War Memorial on public land here in the Nation's Capital, we know that the Korean War Memorial will become a reality.

The approval of the site on the Mall between the Lincoln Memorial and the Washington Memorial is important in that it recognizes the extraordinary effort of Americans to serve the cause of freedom. It is particularly important to understand what the Korean War Memorial will represent.

The Korean War Veterans Memorial Advisory Board has decided upon a general concept for the Memorial. First, the purpose is to express the enduring gratitude of the American people for all who took part in that conflict, those who survived no less than those who gave their lives. Second, it is meant to project the spirit of service, the willingness to sacrifice and the dedication to the cause of freedom that characterized all participants.

I cannot think of a more fitting or appropriate way to express this Nation's most heart-felt thanks.

At this time, I would also like to express my appreciation for the untiring efforts of the Senate Energy and Natural Resources Committee for its expeditious action in completing work on the resolution of approval. Without the cooperation and support of the members of that committee, we would not be here today, knowing that those who served in the Korean war are no longer "forgotten warriors."

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

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 225

Whereas section 6(a) of the Act entitled "To provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes," approved November 14, 1986 (100 Stat. 3650, 3651), provides that the location of a commemorative work in the area described therein as Area I shall be deemed disapproved unless, not later than 150 days after the Secretary of the Interior or the Administrator of General Services notifies the Congress of his determination that the commemorative work should be located in Area I, the location is approved by law;

Whereas the Act approved October 28, 1986 (100 Stat. 3226), authorizes The American Battle Monuments Commission to establish a memorial on Federal land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean War, particularly those who were killed in action, are still listed as missing in action, or were held as prisoners of war; and

Whereas the Secretary of the Interior has notified the Congress of his determination that the memorial authorized by the said Act approved October 28, 1986, should be located in Area I: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of a commemorative work to honor members of the Armed Forces who served in the Korean War, particularly those who were killed in action, are still listed as missing in action, or were held as prisoners of war, authorized by the Act approved October 28, 1986 (100 Stat. 3226), in the area described in the Act approved November 14, 1986 (100 Stat. 3650), as Area I, is hereby approved.

NATIONAL TUBEROUS SCLEROSIS AWARENESS WEEK

The joint resolution (S.J. Res. 212) to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 212

Whereas tuberous sclerosis (hereinafter referred to in this resolution as "TS") is a genetic disorder affecting as many as 1 in 10,000 Americans;

Whereas TS remains poorly understood and frequently misdiagnosed, even though it is one of the more common genetic disorders;

Whereas TS affects males and females of all races;

Whereas the characteristics of TS include skin markings, seizures, motor difficulties, mental retardation, tumors of the brain and other organs, and behavioral abnormalities;

Whereas in any individual, the disease's severity can range from being mild, when patients can live normal lives, to being extreme, when TS is disabling and may be life threatening;

Whereas although modern research technology has provided information about TS, there remains much to be learned;

Whereas only with continued, extensive research is there any chance of conquering TS; and

Whereas establishing a national TS awareness week would serve to enhance public awareness of TS and stimulate further TS research: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing May 8, 1988, and ending on May 14, 1988, is designated as "National Tuberous Sclerosis Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

EXPRESSING GRATITUDE FOR LAW ENFORCEMENT PERSONNEL

The joint resolution (S.J. Res. 227) to express gratitude for law enforcement personnel, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 227

Whereas the first day of May of each year was designated as "Law Day U.S.A." and has been set aside as a special day to advance equality and justice under law; to encourage citizen support both of law enforcement and law observance; and to foster respect for law and to understanding its essential place in the life of every citizen of the United States;

Whereas during the course of each year many law enforcement officers are killed and tens of thousands are injured or assaulted in the course of their duties;

Whereas each day police officers and other law enforcement personnel perform their duties unflinchingly and without hesitation; and

Whereas these dedicated people are devoted to their jobs, underpaid for their efforts, and tireless in their work, performing without adequate recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in celebration of "Law Day U.S.A.", May 1, 1988, special emphasis be given by grateful people to all law enforcement personnel of the United States for the unflinching and devoted service in helping to preserve the domestic tranquility and guaranteeing to all individuals their rights under law.

RUN TO DAYLIGHT DAY

The joint resolution (S.J. 229) to designate the day of April 1, 1988, as "Run to Daylight Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 229

Whereas between one million and one million eight hundred thousand people in the United States suffer head injuries each year;

Whereas twenty years ago 90 per centum of the people who suffered severe head injuries died as a result of such injuries, but currently the survival rate for such injuries is 50 per centum;

Whereas most people who suffer head injuries are under thirty years of age and will survive such injuries for at least forty years;

Whereas more than fifty thousand of the people who survive head injuries annually are unable to resume their normal lifestyles without intensive physical and physiological therapy;

Whereas the long term rehabilitation that is available for survivors of head injuries has not improved at the same rate as the medical treatment of such injuries;

Whereas Run to Daylight, a nonprofit corporation concerned with improving the rehabilitation that is available for survivors of head injuries, is sponsoring a three-thousand-six-hundred-mile run across the United States called the "Run to Daylight";

Whereas the purpose of the "Run to Daylight" is to raise the awareness of the people of the United States about the rehabilitation needs of survivors of head injuries and to raise funds to support the National Head Injury Foundation, an organization dedicated to improving the quality of life for survivors of such injuries and their families and to developing and supporting programs to prevent such injuries; and

Whereas the "Run to Daylight" will begin in San Francisco, California, on April 1, 1988, and will end in Boston, Massachusetts, on June 30, 1988: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 1, 1988, is designated as "Run to Daylight Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonies and activities.

CRIME VICTIMS WEEK

The joint resolution (S.J. Res. 234) designating the week of April 17, 1988, as "Crime Victims Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 234

Whereas millions of Americans are victims of crime each year;

Whereas many of those crime victims are traumatized further by the physical, psychological, and financial burdens resulting from their victimizations;

Whereas the sensitivity of our Nation's criminal justice system must be improved when working with crime victims and their families;

Whereas much progress has been made to correct these injustices by implementing in the Federal, State, local, and private sectors the recommendations of the President's Task Force on Victims of Crime; and

Whereas continuation of these efforts must be encouraged to ensure the restoration of balance to our Nation's criminal justice system and the fair and compassionate treatment of crime victims and their families: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 17, 1988, is designated as "Crime Victims Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

NEUROFIBROMATOSIS AWARENESS MONTH

The joint resolution (S.J. Res. 237) to designate May, 1988, as "Neurofibromatosis Awareness Month", was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 237

Whereas neurofibromatosis is a genetic disorder which causes tumors to grow in the human nervous system;

Whereas neurofibromatosis is the most common tumor-causing genetic disorder of the nervous system;

Whereas neurofibromatosis is a potentially debilitating disorder which strikes males and females of all races and ethnic groups;

Whereas neurofibromatosis can strike in any part of the nervous system, at any time;

Whereas the National Neurofibromatosis Foundation, Inc., is a voluntary health organization, with chapters across the Nation, which was established to serve people with neurofibromatosis and their families, to stimulate and support biomedical research on neurofibromatosis, and to increase public awareness of neurofibromatosis and its consequences; and

Whereas the public and the Federal Government are not sufficiently aware of neurofibromatosis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1988, is designated as "Neurofibromatosis Awareness Month," and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

NATIONAL SAFE KIDS WEEK

The joint resolution (S.J. Res. 240) to designate the period commencing on May 16, 1988 and ending on May 22, 1988, as "National Safe Kids Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 240

Whereas the children of the United States represent the most precious natural resoruce of the United States;

Whereas each year approximately one out of every four children under the age of fifteen in the United States is involved in an accident;

Whereas injuries resulting from accidents are the leading cause of death among children in the United States, claiming the lives of nearly eighty thousand children each year;

Whereas approximately fifty thousand children in the United States are left permanently disabled because of accidental injuries each year;

Whereas the incidence and seriousness of such injuries can be significantly reduced through preventive measures and appropriate treatments; and

Whereas adults and children in the United States should become aware of the frequency and nature of accidential injuries to children, and of the need to undertake preventive measures and seek appropriate treatment: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 16, 1988 and ending on May 22, 1988, is designated "National Safe Kids Week," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activites.

NATIONAL KNOW YOUR CHOLESTEROL MONTH

The joint resolution (S.J. Res. 244) to designate the month of April 1988, as "National Know Your Cholesterol Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 244

Whereas heart attacks struck an estimated 1,500,000 Americans in 1987, a third of whom died immediately;

Whereas scientific data indicates that effective measures to lower serum cholesterol are capable of decreasing occurrences of heart disease;

Whereas only 8 per centum of Americans know their cholesterol level; and

Whereas as many as 250,000 lives could be saved each year if Americans were tested for and took action to reduce high levels of cholesterol: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of April 1988, is designated as "National Know Your Cholesterol Month," and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs and activities.

NATIONAL ARBOR DAY

The joint resolution (S.J. Res. 247) to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

S.J. RES. 247

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1988 as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

BALTIC FREEDOM DAY

The joint resolution (S.J. Res. 249) designating June 14, 1988, as "Baltic Freedom Day," was considered, or-

dered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 249

Whereas the people of the Baltic Republics of Lithuania, Latvia, and Estonia have cherished the principles of religious and political freedom and independence;

Whereas the Baltic Republics have existed as independent, sovereign nations belonging to and fully recognized by the League of Nations;

Whereas the Union of the Soviet Socialist Republics (U.S.S.R.) in collusion with Nazi Germany signed the Molotov-Ribbentrop Pact which allowed the U.S.S.R. in 1940 to illegally seize and occupy the Baltic States and by force incorporated them against their national will and contrary to their desire for independence and sovereignty into the U.S.S.R.;

Whereas due to Soviet and Nazi tyranny, by the end of World War II, the Baltic nations had lost 20 per centum of their total population;

Whereas the people of the Baltic Republics have individual and separate culture, national traditions, and languages distinctively foreign to those of Russia;

Whereas the U.S.S.R. since 1940 has systematically implemented its Baltic genocide by deporting native Baltic peoples from their homelands to forced labor and concentration camps in Siberia and elsewhere, and by relocating masses of Russians to the Baltic Republics, thus threatening the Baltic Cultures with extinction through russification;

Whereas the U.S.S.R. has imposed upon the captive people of the Baltic Republics an oppressive political system which has destroyed every vestige of democracy, civil liberties, and religious freedom;

Whereas the people of Lithuania, Latvia and Estonia find themselves today subjugated by the U.S.S.R., locked into a union they deplore, denied basic human rights, and persecuted for daring to protest;

Whereas the U.S.S.R. refuses to abide by the Helsinki accords which the U.S.S.R. voluntarily signed;

Whereas the United States stands as a champion of liberty, dedicated to the principles of national self-determination, human rights, and religious freedom, and opposed to oppression and imperialism;

Whereas the United States as a member of the United Nations has repeatedly voted with a majority of that international body to uphold the right of other countries of the world to determine their fates and be free of foreign domination;

Whereas the U.S.S.R. has steadfastly refused to return to the people of the Baltic States of Lithuania, Latvia, and Estonia the right to exist as independent republics separate and apart from the U.S.S.R. or permit a return of personal, political and religious freedoms; and

Whereas 1988 marks the forty-eighth anniversary of the United States continued policy of nonrecognition of the illegal forcible occupation of Lithuania, Latvia and Estonia by the U.S.S.R.: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the Congress recognizes the continuing desire and right of the people of Lithuania, Latvia and Estonia for freedom and independence from the domination of the U.S.S.R.;

(2) the Congress deplores the refusal of the U.S.S.R. to recognize the sovereignty of the Baltic Republics and to yield to their rightful demands for independence from foreign domination and oppression;

(3) the fourteenth day of June 1988, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, be designated "Baltic Freedom Day" as a symbol of the solidarity of the American people with the aspirations of the enslaved Baltic people; and

(4) the President of the United States be authorized and requested to issue a proclamation for the observance of Baltic Freedom Day with appropriate ceremonies and activities and to submit the issue of the Baltic Republics to the United Nations so that the issue of Baltic self-determination will be brought to the attention of the United Nations General Assembly.

NATIONAL OSTEOPOROSIS PREVENTION WEEK OF 1988

The joint resolution (S.J. Res. 250) designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble are as follows:

S.J. RES. 250

Whereas osteoporosis, a degenerative bone condition, afflicts twenty-four million people in the United States;

Whereas osteoporosis, afflicts 90 per centum of women over age 75;

Whereas 50 per centum of all women in the United States over age 45 will develop some form of osteoporosis;

Whereas hip fractures are the most disabling outcome of osteoporosis, and 32 per centum of women and 17 per centum of men who live to age 90 will likely suffer a hip fracture due primarily to osteoporosis;

Whereas the mortality rates for people who suffer a hip fracture increase by 20 per centum, with such fractures resulting in the death of over fifty thousand older women and many older men each year;

Whereas 15 to 25 per centum of people who suffer a hip fracture stay in a long-term care facility for at least one year after the fracture occurs, and 25 to 35 per centum of people who return home from a long-term care facility after recovering from a hip fracture require assistance with daily living after returning home;

Whereas the total cost to society of dealing with osteoporosis was $7,000,000,000 to $10,000,000,000 in 1986 and such cost is expected to rise as the population ages;

Whereas osteoporosis is associated with the loss of bone mass due to a lack of estrogen as a result of menopause, alcohol or cigarette use, and low calcium intake;

Whereas exercise and proper nutrition before an individual is age 35 will build bone mass to help prevent osteoporosis; and

Whereas people who suffer from osteoporosis should be aware of the increased risk of bone fractures, and should take precautions to reduce the chance of accidents that may result in bone fractures due primarily to osteoporosis: Now, therefore, be it:

Resolved by the Senate and House of Representatives of the United States of American in Congress assembled, That the week of May 8, 1988, through May 14, 1988, is designated as "National Osteoporosis Prevention Week of 1988", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs and activities.

DEPARTMENT OF COMMERCE DAY

The joint resolution (S.J. Res. 251) designating March 4, 1988, as "Department of Commerce Day", was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The joint resolution, and the preamble, as amended, are as follows:

S.J. RES. 251

Whereas the ability of the United States to provide for the economic security of the American people depends primarily upon the vitality of the private sector and the competitive free enterprise system;

Whereas the ability of the private sector to generate jobs and a constantly improving standard of living depends heavily on the policies which the Federal Government pursues and the services it provides;

Whereas the Congress of the United States, recognizing the importance of these policies and services, on March 4, 1913, reestablished as the Department of Commerce the executive agency created by the Act of February 14, 1903, and directed it to "foster, promote, and develop the foreign and domestic commerce" of the United States;

Whereas the Department of Commerce has been charged with many important responsibilities, including the effective administration of the trade laws, providing social and economic statistics for business and government planners, promoting the protection of intellectual property at home and abroad, advancing the Nation's science and technology and facilitating their use for public benefit, working to improve our understanding of the Earth's physical environment and ocean resources, helping the private sector take advantage of commercial opportunities in space, assisting in the growth of minority business, promoting domestic economic development, assessing policies and conducting research on telecommunications, and encouraging foreign travel to the United States; and

Whereas the officers and employees of the Department of Commerce, by their dedication, diligence, loyalty, and integrity, reflect the finest traditions of public service and, along with the important work they perform deserve public recognition as the Department of Commerce celebrates its seventy-fifth birthday: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 4, 1988, is designated as "Department of Commerce Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to ob-

serve that day with appropriate ceremonies and activities.

NATIONAL NHS-NEIGHBORWORKS WEEK

The joint resolution (S.J. Res. 252) designating June 5-11, 1988, as "National NHS-NeighborWorks Week", was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 252

Whereas Neighborhood Housing Services (NHS) and its affiliated partnership organizations of neighborhood residents, local governments, and businesses all comprise the NeighborWorks Network;

Whereas the NeighborWorks Network is successfully revitalizing declining neighborhoods and building and rehabilitating housing for lower income Americans in 137 cities throughout the United States;

Whereas America's neighborhoods are made up of families of a variety of ethnic, social, and economic backgrounds and such diversity is fundamental to a strong nation;

Whereas deterioration of a neighborhood's physical, economic, and social structures harms the neighborhood's homes, businesses, and residents and especially harms the neighborhood's elderly and poor residents;

Whereas reversing such deterioration is essential to the strength of America's families, neighborhoods, and businesses;

Whereas the NeighborWorks Network has generated over $4,000,000,000 in reinvestment funds for 297 declining neighborhoods and has improved the quality of life of over 3 million individuals, the majority of whom are lower income, elderly, or minority Americans;

Whereas more than 3,000 businesses and local governments are annually contributing over $16,000,000 to the operations of their local NeighborWorks partnerships; and

Whereas, to accomplish their goals, NHS and both Apartment Improvement Programs and Mutual Housing Associations in the NeighborWorks partnerships rely on local government and private sector resources and on the help of thousands of volunteers who contribute millions of hours of service to rebuild America's declining neighborhoods: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 5-11, 1988, is designated as "National NHS—NeighborWorks Week" and the President is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

NATIONAL RURAL HEALTH AWARENESS WEEK

The joint resolution (S.J. Res. 254) to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Rural Health Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 254

Whereas the health of a nation depends on the health of its people;

Whereas one quarter of the population of the United States lives in rural communities;

Whereas one third of the Nation's elderly live in rural communities;

Whereas rural communities have disproportionately fewer health care providers compared to the urban population, with rural communities holding 12 percent of the Nation's doctors, 18 percent of the Nation's nurses, and 14 percent of the Nation's pharmacies;

Whereas rural areas face an acute and growing nursing shortage, with 50 percent of rural hospitals and long-trm care facilities reporting difficulty in recruiting and retaining nurses;

Whereas rural areas are increasingly impacted by a lack of access to obstetric care;

Whereas the decline of the rural economy in recent years has reduced economic resources available to rural communities, leading to increased closures of hospitals and other health care facilities in rural areas, the loss or curtailing of services by local health departments, and disruption of social service programs;

Whereas the decline in availability of health care services in rural areas has, in turn, increased the shortage of physicians, nurses, psychologists, and other allied health professionals;

Whereas rural communities have few transportation services, preventing rural residents from obtaining needed health care;

Whereas the health status of rural Americans is lower than for residents of urban areas, with rural residents having higher infant and maternal mortality rates, higher rates of chronic illness, and higher rates of injury;

Whereas there are more poor and medically indigent in rural areas than in urban areas;

Whereas rural hospitals serve a higher than average number of elderly patients, resulting in a high proportion of Medicare payment as a percentage of their total revenue; and

Whereas current policies result in substantially lower Medicare payments to rural health care providers for equivalent services, further increasing the likelihood of financial failure and closure of these facilities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 15, 1988, and ending on May 21, 1988, is designated as "National Rural Health Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the above period with appropriate programs, ceremonies, and activities.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

The joint resolution (S.J. Res. 255) to authorize and request the President to issue a proclamation designating April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week", was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 255

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week".

Mr. GARN. Mr. President, I am pleased that the Senate today will pass Senate Joint Resolution 255, to proclaim April 24-30, 1988, as "National Organ and Tissue Donor Awareness Week."

The miracles of modern medicine make it possible for thousands of lives to be saved when a transplanted organ from one human being takes over the vital functions of an injured or failing organ for another. There are a number of human organs and tissues that can be transplanted today including the kidney, heart, heart-lung combination, the liver, pancreas, cornea, bone marrow, and even the skin.

The challenge, however, is finding enough suitable donors. The American council on Transplantation relays that more than 17,000 people in our country are on waiting lists for such transplants.

The good news is that 20 percent of all Americans over age 18 currently carry an organ donor card. Even more encouraging is the fact that health providers are finding up to 70 percent of all Americans are willing to donate, if they are approached.

Sadly, the opportunity to give this gift of life most often arises when a family is facing a terrible tragedy, the death of one of its members. To be faced with the additional question of organ donation at such a time can be difficult. Yet families find the opportunity to give someone else a chance at life is comforting and can ease the pain of their own personal loss.

I hope that with increased awareness about organ donation, families will discuss their intent to give with each other before they are faced with a tragedy. I also hope that the 70 percent who say they would be willing to donate will take the time to fill out an organ donor card and make a point of sharing their intent with friends and family.

As you know, I can personally testify that organ donation saves lives. I am grateful that my daughter, Sue, has the chance at a normal life because of the miracles of modern medicine. And even though I am shy a kidney, I am most grateful that I could share a part of me with her.

AFGHANISTAN DAY

The Senate proceeded to consider the joint resolution (S.J. Res. 257) to authorize and request the President to issue a proclamation designating

March 21, 1988, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet troops.

Mr. HUMPHREY. Mr. President, it is critical that the Senate take time to express solidarity with the courageous people of Afghanistan.

The purpose of Afghanistan Day is to express solidarity with the Afghan people in their valiant struggle against the Soviet invasion. We hope that this is the last such resolution that the Congress will have to consider. However, I am confident that so long as Soviet troops occupy Afghanistan, the American people and Congress will continue to show unwavering support for the cause of Afghan freedom an independence. With 56 cosponsors, this resolution has more support than any previous resolution making Afghanistan Day.

We cannot be too familiar with what the Soviets are doing to the innocent nation of Afghanistan. For more than 8 years, Soviet forces have inflicted unspeakable horrors on the Afghan people. The toll has been enormous. According to a recent report financed in part by the French Government, more than 1.24 million Afghans have died as a result of Soviet policies in Afghanistan. Proportionately, that's the equivalent of 18 million dead Americans. Last October, the Congressional Task Force on Afghanistan held an important hearing on human rights in the country. We learned from a panel of international lawyers that "there is considerable evidence that genocidal acts have been committed against the Afghan people by the combined forces of the DRA and the Soviet Union."

Yet, despite the enormity of the suffering, the people of Afghanistan continue their struggle. On the battlefield, the Afghan freedom fighters have performed with greater and greater effect. The past year saw a series of successive resistance victories. It is this determination and courage, reflected in the growing military success of the Afghan resistance, which led the Soviets to propose the withdrawal of their forces this year.

Mr. President, we are at a very critical juncture. Next Wednesday, the Geneva negotiations will resume. There is enormous pressure to make the next round the last round of negotiations. The Under Secretary of State recently flew to Islamabad to discuss a settlement with the President of Pakistan.

Mr. President, unless the U.N. agreements are modified, the gains of the Afghan people may well be thrown away in the coming months. Last week, in a hearing of the Congressional Task Force on Afghanistan Dr. Zbigniew Brzezinski and Ambassador Jeane Kirkpatrick outlined several dangerous flaws in the agreements as they now stand and urged modification of the terms. I ask unanimous consent that their statements be printed in the RECORD at the conclusion of my remarks.

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

(See exhibits 1 and 2.)

Mr. HUMPHREY. In the negotiations to secure the Soviet withdrawal we must proceed with the greatest caution. Why? Because we are negotiating the fate of a nation. We are negotiating the fate of a people. We are negotiating the fate of a cause for which so many have suffered enormously. Yes, we are negotiating. The Afghans themselves are not at the table. Therefore, let us take every reasonable precaution to ensure the Soviets do not secure at the bargaining table what they failed to achieve through 8 years on the battlefield.

Specifically, we must ensure that the United States does not abandon the Afghan resistance prior to the complete withdrawal of Soviet troops from Afghanistan. To cut off aid to the resistance completely upon the withdrawal of the first Soviet units, is just plain foolish. If the Soviets have deceit in mind, they couldn't ask for a better deal. All they have to do is withdraw a few units and the resistance loses all outside support. What incentive is there then for the Soviets to complete their withdrawal.

Along these lines, I urge Senators take a few moments to read the wise remarks of the majority leader delivered on the floor this past Tuesday. Commenting on Mr. Gorbachev's assertion that the United States must end all aid to the Mujahideen, Senator BYRD spoke for many of us when he said:

> American aid should stay in place until it is absolutely, indubitably and unquestionably clear that the Soviets are mainly out and that they are not redeploying their forces to be reinserted again, and that the Mujahideen is well enough equipped to maintain its integrity during the delicate period of a transition government leading to new elections.

The junior Senator from Massachusetts and I are circulating a letter to the President on this subject. The letter states:

> To agree to cut off all aid to the Afghan resistance, while Soviet troops remaining are generously and continually resupplied, and while the puppet government they set up is likewise resupplied, is unwise on its face. Let it never be said the United States threw away the sacrifice of the Afghan people.

We have been joined in the letter by the chairman of the Foreign Relations Committee, the chairman of the Intelligence Committee, and 24 other Senators. I urge each of my colleagues to join us in this effort.

The administration has steadily retreated from its demands on the Soviets. Last year, the administration insisted that any withdrawal of Soviet troops from Afghanistan must be based on solely logistical criteria. In other words, no longer than it logistically takes the Soviets to pack up and get out. The Congress unanimously endorsed that position. A study conducted at my request by the Defense Intelligence Agency estimated such a withdrawal, allowing a safe withdrawal of Soviet forces, would take only 30 to 40 days. Yet, today the administration stands ready to endorse a timetable that may take as long as 10 months.

Prior to the Washington summit, President Reagan stated that the United States would never cut off all assistance to the Afghans at the beginning of a Soviet troop withdrawal. However, several days later, senior State Department officials reiterated to the press that the United States would, in fact, be prepared to cut all aid to the resistance, once agreement is reached on a Soviet troop withdrawal. Earlier this month, the New York Times ran a disturbing article that says:

> An American commitment in 1985 to end military aid to the Afghan guerillas at the beginning of a Soviet troop withdrawal was made without the knowledge or approval of President Reagan.

This resolution authorizes and requests the President to designate March 21, 1988, as "Afghanistan Day." It provides an important opportunity for the President to articulate clearly our policy on Afghanistan. I call upon him to end the confusion about the American commitment to the Afghan freedom fighters. I call upon the President to make clear to the world, and especially to the State Department, that America will stand by the Afghan freedom fighters for as long as even a handful of Soviet soldiers remain. I call upon the President to forcefully refute the notion that America will completely cutoff the Afghan freedom fighters on the first day of a Soviet withdrawal, a withdrawal that is likely to last for at least 8 months. The Afghan freedom fighters have to worry every day about the Soviet bayonet at their throats. They should not also have to worry about a State Department dagger at their backs.

I was shocked to learn recently, that there are those in the Department of State who see no necessity for an "Afghanistan Day" ceremony this year at the White House, that it is not important for the President to hold a special ceremony marking this occasion.

Mr. President, that is an outrage. If ever there was a time when our Government as a whole must express solidarity with the people of Afghanistan, now is the time. It is shameful that there are those in the State Department who would dispense with even

this minimal gesture of solidarity for the Afghan people.

In the days ahead, this body, which has been so solidly united in support of the Afghan cause, this body, which always has been substantially more generous than the White House in appropriations for the Afghan resistance, must stand guard against a sellout of the Afghan cause. Let it never be said America threw it all away at the bargaining table. We have no right to do it. To the contrary, we have a grave responsibility to guard against it.

EXHIBIT 1

STATEMENT OF ZBIGNIEW BRZEZINSKI, FORMER NATIONAL SECURITY ADVISOR TO PRESIDENT CARTER, 1977-81, PRESENTLY WITH THE CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES

Dr. BRZEZINSKI. Thank you, Mr. Chairman. And let me begin by making a few comments regarding the situation in the war of Afghanistan, and the implications for the war of the recent diplomatic moves that have taken place in the run up to the next round of the proximity talks in Geneva in early March.

In my testimony today, Mr. Chairman, I do not wish to prejudge the sincerity of the recent statement made by General Secretary Gorbachev. I have consistently argued that if the United States and the other supporters of the Afghan resistance continued to raise the military and political costs of the war to Moscow, the point would come when the Kremlin might choose to disengage.

We may have reached that point, although uncertainties remain. In his speech Gorbachev made some important initial concessions. We need to seek further changes, but I do believe that his proposal can be used as the partial point of departure for further negotiations.

Our goal must be a settlement that involves a withdrawal of the Soviet Union's occupation army, and that secures the right of self-determination of the Afghan people.

Such a settlement is in the interests of the Afghan people, and in the interests of those countries who have a strategic stake in Afghanistan. I believe we should do what we can to advance that goal through the proximity talks, but without engaging in wishful thinking, or in ignoring the very real differences that continue to divide the two sides.

It is to those outstanding issues that I will focus my remaks. But before taking up these issues, I wish to make one more general point.

As we move to take advantage of Gorbachev's new proposal, we must not foreclose the possibility that through these moves he seeks to attain at the negotiating table what he has failed to achieve on the battlefield.

It is conceivable that Gorbachev is trying to transform his problem in Afghanistan into our problem. He might be trying to shift attention away from the question of the presence of Soviet forces in Afghanistan and toward negotiating a complicated structure that would legitimize Moscow's present determinant in the internal affairs of Afghanistan, and that would enable his military forces to leave while Moscow retains political control, and while the talks precipitate a split between us and the resistance, and even perhaps Pakistan.

In this regard, a recent book, edited by Rosanne Klass at Freedom House, *Afghanistan: the Great Game Revisited,* offers some persuasive evidence to the effect that the talks in Geneva might be but a gambit in a larger strategy to prevail in Afghanistan.

Thus, while we should proceed with the talks, we must not let that happen.

Turning to the issues, I believe that there are two critical issues that still need to be addressed in the proximity talks. The first is a Soviet withdrawal timetable and the termination of outside aid to the resistance.

The second is the question of whether an accord is to be signed with the parent Kabul regime, or with some kind of a transitional government.

As far as the first issue is concerned, the current Soviet proposal calls for a 10-month withdrawal in which 50 percent of Soviet forces leave within the first three months, and during which Soviet forces would be prohibited from undertaking offensive actions.

Furthermore, it calls for a cutoff of outside aid to the Afghanistan resistance at the start of the Soviet withdrawal.

All of this under Gorbachev's proposal would be agreed upon by March 15th, and the aid cutoff and the withdrawal, would begin on May 15th.

It is my view that if we are to accept the 10 months timetable, or perhaps compromise on a 9-month timetable, since the Pakistani position right now is 8 months, we should still insist on two changes on Gorbachev's proposed formula; two changes.

First, we cannot accept the stipulation that terminates our assistance to the Afghans at the start of the Soviet withdrawal. We should agree to a phase-out but not to a cutoff of our aid.

I would favor an offer to reduce our aid in direct proportion to the reduction of Soviet manpower in Afghanistan. If Gorbachev pulls half his forces out, we could reduce our assistance by half; and so forth.

At the same time Soviet military aid to the Kabul regime would have to be phased down as well. This would guarantee that at no point would the military balance in the field shift in favor of the Soviet Union and its communist clients.

Therefore, at no time would our friends in the Afghan resistance become any more vulnerable than they are today.

There has been some discussion in the press to the effect that the United States may have committed itself in 1985 to an early aid cutoff. I believe you, Mr. Chairman, alluded to that in your opening remarks.

But any implied commitment was made in the context of an overall proposal by our side with a withdrawal timetable of 3 months. That is an important point.

Accordingly, if Moscow insists that we stick to this past implied commitment, we can simply respond by saying, fine; we'll cut off the supply effort entirely when only three months remain in the withdrawal period.

This is perfectly consistent with our previous commitment. Let me just make that clear. Since we made the initial statement that we may be willing to cut off aid upon the withdrawal of Soviet forces, and we expected that withdrawal to take place within three months; and we are willing to cut off that aid at the beginning of three months' period; it follows quite logically that we could say that we'll terminate all our aid to the Afghan resistance three months prior to the conclusion of the entire Soviet withdrawal.

This would be quite consistent with our position. And yet would meet the new situation which has arisen in the light of the expected longer duration for the Soviet withdrawal.

Furthermore, any undertaking of this sort should be part of a reciprocal prohibition on the provision of military support by either side to its respective friends in Afghanistan after the Soviet withdrawal.

Neither the Afghan communists nor the Afghan resistance should receive arms or munition or other military support after the Soviet Union's forces have departed.

Second, we cannot accept any settlement that would have the effect of dismantling the present infrastructure for assisting the Afghan resistance. This, too, is quite important.

Gorbachev's proposal calls for a two months' gap between the signing of a settlement and the start of the pullout. On January 11th, Pravda commented quite authoritatively, quote: The two-month gap is no random figure. It is conditioned by the need to allow Islamabad time to remove the rebel base in Pakistani territory. In short, the problem has to do not with the date when the Soviet troop withdrawal begins, but the date when U.S. aid to the rebels ends. End of quote.

If that observation represents Soviet intentions, we must not play into their hands. We should not accept any settlement that dismantles our assistance infrastructure, and that thereby precludes the possibility of restarting our aid in the event that Moscow violates the agreement.

The second major outstanding issue in the proximity talks is the question of a transition government. Gorbachev has declared his opposition to changing the leadership in Kabul.

Pakistan has demanded that the UN-sponsored settlement be signed with a transition regime, not with the current Kabul government. China has chided Gorbachev for ruling out the possibility of a transition government. Most resistance leaders also wish to see some kind of a transition regime established.

As far as this issue is concerned, I'm aware of the arguments in favor of demanding that a transition regime be established as part of a settlement. The often-cited danger is that signing with a Kabul regime would confer a measure of international legitimacy on Najibullah.

On the other hand, I'm also aware that negotiating a transition regime would take a long time, and would surely delay the initial staring point of a Soviet withdrawal, beyond May 15th.

Given these considerations, I lean toward the view favoring the separation of an agreement on the specific military arrangements for a withdrawal from any considerations of the political aftermath in the wake of a Soviet pullout.

In other words, concluding a technical agreement on the Soviet departure with whoever operates currently in Kabul as the alleged government need not imply a closer political relationship to this would-be regime than the one we have today.

We could certainly clarify that fact in a political statement issued coincidentally with the conclusion of an agreement. If the agreement provides for a proportional and reciprocal phase-out of military assistance, the emergence of an authentic Afghan government after the Soviet withdrawal would then be up to the Afghan people themselves.

It might, or it might not, involve the appearance of a transition regime arranged

among the Afghans. It could well involve a brief period of armed struggle, as a result of which the Mujahideen assume power directly.

It is not likely that the Najibullah regime could survive on its own for more than a brief period. The Mujahideen have indicated that they will be maganimous toward the remnants of the Najibullah government. And we could encourage and support such magnanimity. No one has an interest in continuing the bloodshed, or what would be a protracted negotiation over the membership and nature of a transition regime.

Nor do we have an interest in becoming mired in complex negotiations that would almost certainly lead to serious disputes between the resistance and the United States, or between the United States and Pakistan.

It could therefore well be best to separate the military aspects of the projected Soviet departure from the political arrangements that would emerge in its aftermath.

Thank you, Mr. Chairman.

INTRODUCTORY REMARKS—CONGRESSIONAL TASK FORCE ON AFGHANISTAN FEBRUARY 18, 1988

(By Zbigniew Brzezinski)

I am very pleased to have this opportunity to discuss with you the current situation in the war for Afghanistan and the implications for the war of the recent diplomatic moves that have taken place in the run up to the next round of the proximity talks in Geneva in early March.

In my testimony today, I do not wish to prejudge the sincerity of the recent statement made by General Secretary Gorbachev. I have consistently argued that if the United States and the other supporters of the Afghan resistance continued to raise the military and political costs of the war to Moscow the point would come when the Kremlin might choose to disengage. We may have reached that point, though uncertainties remain. In his speech, Gorbachev made some important, initial concessions. We need to seek further changes, but I do believe that his proposal can be used as the partial point of departure for further negotiation.

Our goal must be a settlement that involves a withdrawal of the Soviet Union's occupation army and that secures the right of self-determination of the Afghan people. Such a settlement is in the interest of the Afghan people and in the interest of those countries which have a strategic stake in Afghanistan. I believe we should do what we can to advance that goal through the proximity talks, but without engaging in wishful thinking or ignoring the very real differences that continue to divide the two sides. It is to those outstanding issues that I will focus my remarks.

Before taking up these issues, I wish to make one more general point: As we move to take advantage of Gorbachev's new proposal, we must not foreclose the possibility that through these moves he seeks to attain at the negotiating table what he has failed to achieve on the battlefield. It is conceivable that Gorbachev is trying to transform his problem in Afghanistan into our problem. He might be trying to shift attention away from the question of the presence of Soviet forces in Afghanistan and toward negotiating a complicated structure that would legitimize Moscow's present determinant in the internal affairs of Afghanistan and that would enable his military forces to leave while Moscow retains political control and while the talks precipitate a split between us and the resistance. In this regard, a recent book edited by Rosanne Klass at Freedom House, *Afghanistan: The Great Game Revisited*, offers some persuasive evidence to the effect that the talks in Geneva might be but a gambit in a larger strategy to prevail in Afghanistan. Thus, while we should proceed with the talks, we must not let that happen.

It seems to me that there are two critical issues that still need to be addressed in the proximity talks. The first is the Soviet withdrawal timetable and the termination of outside aid to the resistance. The second is the question of whether an accord is to be signed with the current Kabul regime or with some kind of a transition government.

As far as the first issue is concerned, the current Soviet proposal calls for a 10-month withdrawal in which 50 percent of Soviet forces leave within the first 3 months and during which Soviet forces would be prohibited from undertaking offensive actions. Furthermore, it calls for a cutoff of outside aid to the Afghan resistance at the start of the Soviet withdrawal. All of this, under his proposal, would be agreed upon by March 15 and the aid cutoff and the withdrawal would begin on May 15.

It is my view that if we are to accept the 10-month timetable, we should insist on two changes in Gorbachev's proposed formula:

(1) We cannot accept the stipulation that terminates our assistance to the Afghans at the start of the Soviet withdrawal. We should call for a phase out, not a cutoff, of our aid. I would favor an offer to reduce our aid in direct proportion to the reductions of Soviet manpower in Afghanistan. If Gorbachev pulls half his forces out, we could reduce our assistance by half, and so forth. At the same time, Soviet military aid to the Kabul regime would have to be phased down as well. This would guarantee that at no point would the military balance in the field shift in favor of the Soviet Union and its communist clients. Therefore, at no time would our friends in the Afghan resistance become any more vulnerable than they are today.

There has been some discussion in the press to the effect that the United States may have committed itself in 1985 to an early aid cutoff. But any implied commitment was made in the context of an overall proposal with a withdrawal timetable of three months. Accordingly, if Moscow insists that we stick to this past statement, we can simply respond by saying, "Fine, we will cut off the supply effort when only three months remain in the withdrawal period. This is perfectly consistent with our previous commitment." Furthermore, any undertaking of this sort should be part of a reciprocal prohibition on the provision of military support by either side to its respective friends in Afghanistan after the Soviet withdrawal. Neither the Afghan communists nor the Afghan resistance should receive arms, ammunition, or other military support after the Soviet Union's forces have departed.

(2) We cannot accept any settlement that would have the effect of dismantling the present infrastructure for assisting the Afghan resistance. Gorbachev's proposal calls for a two-month gap between the signing of a settlement and the start of a pullout. On January 11, a writer in Pravda commented, "The two-month gap is no random figure: it is conditioned by the need to allow Islamabad time to remove the rebel bases in Pakistani territory. In short, the problem has to do not with the date when the Soviet troop withdrawal begins but the date when U.S. aid to the rebels ends." If that observation represents Soviet intentions, we must not play into their hand. We should not accept any settlement that dismantles our assistance infrastructure and that thereby precludes the possibility of restarting our aid in the event that Moscow violates the agreement.

The second major outstanding issue in the proximity talks is the question of a transition government. Gorbachev has declared his opposition to changing the leadership in Kabul. Parkistan has demanded that the U.N.-sponsored settlement be signed with a transition regime, not with the current Kabul government. China has chided Gorbachev for ruling out the possibility of transition government. Most resistance leaders also wish to see some kind of a transition regime established.

As far as this issue is concerned, I am aware of the arguments in favor of demanding that a transition regime be established as part of a settlement. The often-cited danger is that signing with the Kabul regime would confer a measure of international legitimacy on Najibullah. On the other hand, I am also aware that negotiating a transition regime would take a long time and would surely delay the initial starting point of a Soviet withdrawal beyond May 15.

Given these considerations, I lean toward the view favoring the separation of an agreement on the specific military arrangements for a withdrawal from any considerations of the political aftermath in the wake of Soviet pullout. In other words, concluding a technical agreement on the Soviet departure with whoever operates in Kabul as the alleged government need not imply a closer political relationship to this would-be regime than the one we have today. We could certainly clarify that fact in a political statement issued coincidentally with the conclusion of an agreement.

If the agreement provides for a proportional and reciprocal phase out of military assistance, the emergence of an authentic Afghan government after the Soviet withdrawal would then be up to the Afghan people themselves. It might, or might not, involve the appearance of a transition regime arranged among the Afghans. It could well involve a brief period of armed struggle as a result of which the mujahideen assume power directly. It is not likely that the Najibullah regime could survive on its own for more than a brief period. The mujahideen have indicated that they will be magnanimous toward the remnants of the Najibullah government, and we could encourage and support such magnanimity. No one has an interest in continuing the bloodshed for what would be a protracted negotiation over the membership and nature of a transition regime. Nor do we have an interest in becoming mired in complex negotiations that would almost certainly lead to serious disputes between the resistance and the United States. It therefore could well be best to separate the military aspects of the projected Soviet departure from the political arrangements that would emerge in its aftermath.

EXHIBIT 2

STATEMENT OF JEANE J. KIRKPATRICK, FORMER U.S. AMBASSADOR TO THE U.N., 1981–1985

Ambassador KIRKPATRICK. Thank you, Senator Humphrey.

I would like to begin by thanking you for inviting me this morning to share with you some views I have on this very important subject.

Senator HUMPHREY. Would you pause just a moment and pull the microphone a little closer, please? Thank you.

Ambassador KIRKPATRICK. Thank you very much for asking me to testify this morning. I welcome the opportunity to share my concerns with you and the other members of the Task Force.

I should like also to reiterate the view just expressed of Dr. Brzezinski that the work of the Task Force is important, has been important, and I think has made a major contribution and should continue to.

If I may, I will very briefly present some current preoccupations which I have about the current status of our situation in Afghanistan. Afghanistan's situation, I should say.

First, we are all aware of the agony of the Afghan people, the terrible, almost unthinkable cost to the Afghan people of the Soviet invasion and occupation of Afghanistan, which is now in its eighth year; the four million Afghan refugees, the more than a million Afghan dead, the disruption of Afghan life in all its aspects.

I would also remind the committee of the Soviet explanations for their decision to invade Afghanistan. First Secretary Brezhnev, then First Secretary Andropov have both described that decision as a lofty act of loyalty to the principle of proletarian internationalism necessary to defend the interests of our Motherland. First Secretary Gorbachev has recently restated in several public arenas his own view that the Soviet invasion and continued presence in Afghanistan was a direct consequence of both Soviet needs for self-defense and Afghan pleas for Soviet assistance. There has been no correction of the record, as it were, from the Soviet side about the reasons for the Soviet presence in Afghanistan.

The current negotiations, the proximity talks, so-called, which have been under way for a number of years and which were, I might mention, under way during my years as U.S. permanent representative to the United Nations, have, we all hear, reached a kind of a critical stage in which it is said that agreement is, indeed, very close at hand. And this is consistent with the repeated public statements, of course, of First Secretary Gorbachev and of his principal lieutenants of their desire to leave Afghanistan, the decision to leave Afghanistan. May I say that I believe that the Soviet government has, indeed, concluded that their continued military occupation of Afghanistan and war against the Afghan people is profoundly counterproductive from their point of view.

It is interesting. The deployment of Soviet SS-20's against the capitals of Europe were taken in Europe as the most tangible symbol of an actual possibility of a Soviet attack on western Europe. And the Soviet invasion of Afghanistan was widely interpreted in the world—in Asia as well as in Europe and the Amercias and in Africa—as a tangible and alarming symbol of Soviet expansionism in the world, of their willingness and readiness to use force in the course of the pursuit of an expansionist policy.

I believe that the new First Secretary of the Soviet Union, Mikhail Gorbachev, desires to eliminate both those symbols of Soviet aggressiveness in the world. I believe this has been a major impetus to the negotiation of an INF agreement which would remove and destroy Soviet intermediate range missiles. And I believe it is directly related to the Soviet stated intention to withdraw from Afghanistan.

In his book, *Perestroika*, Mikhail Gorbachev speaks about the barbaric mentality of Americans in emphasizing the existence of a Soviet threat to the security of other nations. And one of Premier Gorbachev's principal advisers on international affairs, Georgi Arbatov, commented semi-publicly during his visit with Gorbachev in the United States that they intended to "deprive the United States and the West" of the idea of a Soviet threat. I believe that the withdrawal from Afghanistan, in their view, constitutes and important dimension of this refurbishing of the Soviet image worldwide. It obviously also would be very desirable from the point of view of the Afghan people, providing, of course, that the wirthdrawal was real and complete and came accompanied by the restoration of a government in Afghanistan based on self-determination and respect for Afghan independence.

We all know that rumors are rife in Washington concerning the status of that agreement and its various provisions. I have no special knowledge of the agreement nor its status. My understanding is very similar to that described by Dr. Brzezinski. It is that the Soviet Union proposes to provide within a nine-month framework for troop withdrawal, which is front-loaded, which would begin with the removal of perhaps 50,000 Soviet troops, and a commitment that the remaining troops would undertake no offensive actions. My understanding is that in exchange for this, the United States is asked to cease all supply of the Mujahideen, and resupply, if you will, of the Mujahideen.

My understanding of the agreement and its terms does not include detailed knowledge about the removal of the remainder of Soviet forces from Afghanistan. My understanding is that the agreement contains no discussion of the composition of a subsequent government and leaves the implication that the existing Afghan government would be a party to the agreement. I am not certain that this is accurate.

My understanding as well—and this is perhaps the most disturbing aspect of the agreement to me—is that there would be a U.S. commitment to begin the dismantling of the Mujahideen bases concomitant to the cessation of U.S. supply and the beginning of Soviet withdrawal

Now, if this gossip, these rumors concerning the agreement are reasonably accurate, then I would say there would be some very serious consequences of it. First, it would dramatically increase the pressure on both the Mujahideen and on Pakistan, the government of Pakistan, to settle for almost anything or engage in a suicidal struggle. I have heard that the United Nations, through its World Food Program and the United Nations High Commission on Refugees, has already significantly slowed the flow of basic foodstuffs and kerosene and tents to the Afghan refugees, leaving them with less a backlog than, for example, the Soviet-backed Afghan forces, which I understand have been heavily resupplied and who, I am told, possess today a substantial backlog of both military supplies and basic requirements of subsistence.

Second, if such an agreement were to be adopted in its current form, then my view is that it would dramatically complicate the problems of the government of Pakistan, increase pressure on them, encourage destabilization of Pakistan through the flow of refugees into the cities in search of work and food for their families and themselves.

It is not necessary to emphasize to this Task Force the importance of Pakistan, the strategic importance of Pakistan to the whole Eurasian and Southwest Asian land mass.

The agreement comes at a time when Pakistan is already under significant pressure from the government of India and from the Soviet Union, and would, I think, lead to substantial demoralization in Pakistan as well as in the United States. I cannot resist saying that there is no prouder accomplishment of the President and the Reagan Administration than the restoration in the United States of a sense of solidarity, of American solidarity with the forces of freedom in the world.

I believe myself that the President's principal contribution, perhaps, to our life and the freedom in the world is to have re-established the viability of freedomm as an alternative future for mankind, demonstrating that it is not necessary for the countries of the world to slide or be pushed into a future of centralization, bureaucratization and tyranny.

I do not believe that the current rumors concerning the full contents of the agreement could be accurate, but I note I have more confidence in the administration than acceptance of the current rumors as accurage would permit me. I do note that the very existence of these rumors has a negative effect on the United States and on Pakistan and on the Afghan freedom fighters.

I think a decent agreement, which I suppose we all desire, would have some different characteristics than those which are said to characterize the current agreement. First, I believe that a decent agreement would formally and explicitly include representatives of the Mujahideen through the alliance in the negotiating process, just as the Central American peace accords included negotiations with the contras and the FNLN in El Salvador and other representatives of rebel groups in the peace talks.

If there is no elected government of Afghanistan—but certainly any reasonable appraisal would conclude that the alliance is the most plausible and credible representative of the Afghan people today. Indeed, they represent the whole Afghan people in exile which is more than a sample of the total population of Afghanistan.

Second, I believe the U.S. should take steps to guard the Mujahideen against pressures against their livelihood. The United States is the largest contributor to the United Nations High Commission on Refugees. We are the major contributors to the World Food Program. We are in a position to insist that supplies to the Afghan refugees not be diminished and that their livelihood not be forced to a dangerous edge.

Third, I believe that an adequate agreement would make some provision for the repatriation of refugees in an orderly fashion, and I understand that the current agreement does not. Again, all my information about the current agreement may be mistaken. Frankly, I hope it is. But I am unaware of any provision for repatriation in the current agreement.

Finally, I think that an adequate agreement would include some further provisions. It would, for example, provide for a return of Afghan children who have been forcibly removed from their families for prolonged education in the Soviet Union. It would provide a different timetable for U.S. termina-

tion of assistance to the Mujahideen. I think it is entirely unreasonable to imagine or contemplate that U.S. assistance to the Mujahideen would end before the total withdrawal of Soviet forces. Proportionate phasing down of support with Soviet troop withdrawal is reasonable, providing, of course, that it is not accompanied by dismantling of the infrastructure and the bases of the Mujahideen.

I note also that in the current form of rumors, there is no provision made for the dismantling of Soviet bases, forward air bases and other Soviet bases in Afghanistan. I should suppose that the dismantling of the Mujahideen's infrastructure would somehow be made proportionate to the total withdrawal of the Soviet infrastructure and destruction of the Soviet infrastructure.

I would note that in considering any U.S. commitment in any U.S. agreement of 1985, it is very important that the Task Force and all of us bear in mind that our Constitution provides for an orderly fashion for the making of commitments by the United States government. And, in fact, there is no lower level, even high level, lower level official of the United States government below the President, it seems to me, who is in a position to make an authoritative commitment on behalf of the United States.

Now, this is understood by the United Nations Secretary General and by other foreign governments with whom we deal.

So I would emphasize that it is disingenuous for anyone sophisticated enough to have followed the Afghan scene to pretend that they imagine that an informal and secret agreement initialled by an anonymous person is somehow binding on the United States government. This could not be the case. And anyone sophisticated enough to concern themselves with these affairs surely understands that. So I regard it as almost frivolous for any part of the government of the United States to speak and act as though any such informal anonymous initialling of a secret agreement could be binding on us.

Thank you very much.

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

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 257

Whereas more than eight years after the Soviet invasion, more than one hundred and twenty thousand Soviet troops are waging war against the Afghan people, with thirty thousand more positioned in contiguous areas of the Soviet Union, available for use against the Afghan population;

Whereas the United Nations General Assembly by increasing majorities has in nine annual resolutions called for the "immediate withdrawal of foreign troops from Afghanistan";

Whereas Soviet policies in Afghanistan are directly responsible for driving more than five million Afghans into foreign exile, creating the largest refugee population in the world, and for the deaths of more than one million Afghans;

Whereas a recent report of the Independent Council on International Human Rights, as distributed to the United Nations by the United States Mission as an official document, finds "there is considerable evidence that genocidal acts have been committed against the Afghan people by the combined forces of the DRA (Democratic Republic of Afghanistan) and the Soviet Union";

Whereas Kabul regime aircraft violated Pakistan's airspace more than five hundred and seventy four times during 1987, killing more than one hundred and eighty three innocent people and wounding more than four hundred and thirty seven;

Whereas over four hundred and fifty Soviet and Kabul-inspired terrorist incidents took place in Pakistan during 1987, in circumstances calculated to cause the deaths of innocent civilians;

Whereas Public Law 100-204 declares it to be the policy of the United States to support a negotiated settlement to the Afghanistan war providing for the prompt withdrawal of all Soviet forces from Afghanistan within a timeframe based solely on logistical criteria; and to communicate clearly to the Government and people of the Soviet Union the necessity of a Soviet withdrawal from Afghanistan as a condition for better relations between the United States and the Soviet Union;

Whereas on May 16, 1985, the Afghan Resistance took an historic step by forming the Islamic Unity of Afghan Mujahideen, representing a unified coalition of the major Afghan organizations dedicated to ending the Soviet occupation;

Whereas, as enunciated by the President of the United States following a meeting with the President of the Afghan Resistance Alliance, any negotiated settlement to the war in Afghanistan that is unacceptable to the Resistance is destined to fail;

Whereas the Afghan Resistance continues to control more than 75 per centum of the territory of Afghanistan, despite more than eight years of brutal warfare;

Whereas in a statement on November 12, 1987, the President stated: "The support that the United States has been providing the Resistance will be strengthened rather than diminished, so that it can continue to fight effectively for freedom";

Whereas, since the Soviet invasion of Afghanistan, the Congress has in numerous resolutions declared the solidarity of the American people with the struggle of the Afghan people against the Soviet invaders; and

Whereas the people of Afghanistan observe March 21 as the traditional start of their New Year and as a symbol of their nation's rebirth: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating March 21, 1988, as Afghanistan Day, and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

NATIONAL CHILD CARE AWARENESS WEEK

The joint resolution (S.J. Res. 260) to designate the week beginning April 10, 1988, as "National Child Care Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 260

Whereas the status and composition of the family in the United States is constantly changing;

Whereas women hold 53 percent of all jobs in the United States;

Whereas 80 percent of the women in the United States who are employed are of childbearing age;

Whereas, while child care is no longer considered the sole responsibility of women, the percentage of single-parent families headed by women has increased by more than 51 percent in 12 years;

Whereas it is estimated that 80 percent of the women with children of preschool age will hold jobs by 1990;

Whereas the increasing participation of women in the workforce will continue to increase the demand for child care during the working hours;

Whereas communities across the United States are planning special activities to honor child care providers and to illustrate the importance of quality child care as part of the Child Care America project of the Public Television Outreach Alliance;

Whereas the National Association for the Education of Young Children and the Public Television Outreach Alliance are sponsoring a week of the child, and it is appropriate for the Congress to designate the same week as a period devoted to increasing public awareness of child care issues; and

Whereas all children deserve quality child care, and all parents have a profound obligation to provide a safe and wholesome environment for their children at all times: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning April 10, 1988, is designated as "National Child Care Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Mr. BOSCHWITZ. Mr. President, I rise today to call the Senate's attention to the pressing problem of child care. In our Nation today, over 8 million preschool children need some kind of child care. Many parents are able to provide care in their own home. But for a growing number, especially single parents and the working poor, affordable child care outside the home is one of their greatest needs.

We in this body need to recognize that need. Last year, I joined as a cosponsor of the child care bill introduced by our colleague from Utah, Senator HATCH, which develops new child care initiatives and supplements existing programs. I will soon be introducing my own bill, which will especially bolster the child care food program, a program I have worked on and supported for years.

Today, I have the privilege of placing before the Senate a joint resolution that will focus the attention of Congress—and the country—on the problem of providing good and affordable child care. This joint resolution designates the week beginning April 10, 1988, as "National Child Care Awareness Week." Already, a number of activities are being planned in Minnesota and across the rest of the Nation.

"National Child Care Awareness Week" will also be marked by a number of important television shows on the public broadcasting network. A nationally televised program, "Who Cares for the Children?" will give an overview of the issues involved. Activities are also planned for parents, child care centers, businesses, child care professionals, and educators.

Obviously, this joint resolution is only the first step in what Congress must do to support quality care for our children. We must begin by recognizing and assessing the challenges we face in child care. I look forward to working with my colleagues in the months ahead, as we develop an effective response to these problems.

WOMEN'S HISTORY MONTH

The joint resolution (S.J. Res. 262) to designate the month of March 1988, as "Women's History Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 262

Whereas American women of every race, class, and ethnic background have made historical contributions to the growth and strength of the Nation in countless recorded and unrecorded ways;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of our Nation's life by constituting a significant portion of the labor force working in and outside of the home;

Whereas American women have played a unique role throughout our history by providing the majority of the Nation's volunteer labor force and have been particularly important in the establishment of early charitable philanthropic and cultural institutions in this country;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements to create a more fair and just society for all; and

Whereas, despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the body of American history: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March, 1988, is designated as "Women's History Month", and the President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

NATIONAL FOSTER CARE MONTH

The Senate proceeded to consider the joint resolution (S.J. Res. 59) to designate the month of May 1987, as "National Foster Care Month," which had been reported from the Committee on the Judiciary, with an amendment:

On page 2, line 3, strike "1987," and insert "1988".

The amendment was agreed to.

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

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 59

Whereas there are more than 250,000 licensed foster families in the United States who temporarily provide guidance, emotional support, food, shelter, and nurture to children who cannot remain in their own home;

Whereas foster parents devotedly and unselfishly open their home and family life to children in need;

Whereas foster parents are a vital part in permanency planning to protect the best interests of a foster child;

Whereas foster parents work cooperatively with human service agencies and biological parents to strengthen family life;

Whereas foster parents must have the commitment of the national, State and local communities in terms of funding, support, and training; and

Whereas the National Foster Parent Association holds its annual training conference during the month of May, 1987: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May, 1988 is designated as "National Foster Care Month". The President is requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

The title was amended so as to read "joint resolution to designate the month of May 1988 as "National Foster Care Month."

NATIONAL ADULT DAY CARE CENTER WEEK

The Senate proceeded to consider the joint resolution (S.J. Res. 147) designating the week beginning on the third Sunday of September in 1987 and 1988 as "National Adult Day Care Center Week," which had been reported from the Committee on the Judiciary, with an amendment:

On page 2, line 4, strike "1987 and".

The amendment was agreed to.

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

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 147

Whereas more than 1,200 adult day care centers are in operation nationwide, providing safe and positive environments to functionally disabled adults and senior citizens who are in need of daytime assistance or supervision;

Whereas adult day care centers have comprehensive programs providing a variety of services related to health, including medical therapy, medication monitoring, counseling, and health education;

Whereas adult day care centers are operated by professional staff which identify individual health needs and give appropriate advice;

Whereas adult day care centers assist functionally disabled adults and senior citizens in maintaining a maximum level of independence;

Whereas adult day care centers provide opportunities for social interaction to individuals who otherwise may be socially isolated; and

Whereas adult day care centers offer relief to families who otherwise must provide constant care to functionally disabled adults and senior citizens, including victims of Alzheimer's disease and other forms of dementia: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the week beginning on the third Sunday of September in 1988 is designated as "National Adult Day Care Center Week". The President is requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

The title was amended so as to read "Joint Resolution designating the week beginning on the third Sunday of September in 1988 as "National Adult Day Care Center Week."

NATIONAL FORMER PRISONERS OF WAR RECOGNITION DAY

The Senate proceeded to consider the joint resolution (S.J. Res. 253) designating April 9, 1988, and April 9, 1989, as "National Former Prisoners of War Recognition Day," which had been reported from the Committee on the Judiciary, with an amendment:

On page 2, line 3, strike "and April 9, 1989 are", and insert "is".

The amendment was agreed to.

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

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 253

Whereas the United States has fought in many wars;

Whereas thousands of members of the Armed Forces of the United States who served in such wars were captured by the enemy and held as prisoners of war;

Whereas many such prisoners of war were subjected to brutal and inhumane treatment by their captors in violation of international codes and customs for the treatment of prisoners of war and died, or were disabled, as a result of such treatment;

Whereas in 1985, the United States Congress (in Public Law 99-145) directed the Department of Defense to issue a medal to former prisoners of war in recognition and

commemoration of their great sacrifices in service to our Nation; and

Whereas these great sacrifices of former prisoners of war and their families deserve national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 9, 1988, is designated as "National Former Prisoners of War Recognition Day" in honor of the members of the Armed Forces of the United States who have been held as prisoners of war, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to commemorate such days with appropriate ceremonies and activities.

The title was amended so as to read "Joint resolution designating April 9, 1988, as 'National Former Prisoners of War Recognition Day'."

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee and as the author, along with the committee's ranking minority member, the Senator from Alaska [Mr. MURKOWSKI], of Senate Joint Resolution 253, a resolution to designate April 9, 1988, as "National Former Prisoners of War Recognition Day," I rise in strong support of passage of this joint resolution to honor those of America's veterans who were prisoners of war.

Mr. President, over the many years I have served on the Veterans' Affairs Committee, both as the committee's chairman from 1977 to 1981 and now again, as well as its ranking minority member from 1981 to 1987, I have developed a deep appreciation for those of our Nation's veterans who made enormous sacrifices and endured extreme hardships as prisoners of war. Their strength, courage, and commitment to our national security and democratic ideals and institutions helped to preserve our country, and we truly owe them a debt that can never be fully repaid.

In a Veterans' Administration study undertaken as a result of legislation I authored in Public Law 95-479, the VA found that, although the particular type and source of hardship differed significantly according to place and time of internment, American prisoners of war from each of the three most recent wars—World War II, Korea, and Vietnam—were subjected to widespread hardships that often included extreme malnutrition, great psychological stress and abuse, inadequate medical care, brutal living conditions, and, very frequently, physical and pyschological torture or other abuse.

Mr. President, as my colleagues know, April 9, 1942, is the day that marks the fall of Bataan, the isle where thousands of American soldiers were taken prisoner by enemy troops in the Philippines and forced to march long distances under extremely brutal conditions to prisoner-of-war camps, where they suffered further hardships and deprivations. Many of those troops did not survive that harrowing ordeal, and those who did were often permanently disabled. Thus, April 9, is sadly, a most appropriate day to honor our Nation's POW's.

Mr. President, in 1985, Congress directed the Department of Defense to issue medals to former POW's in recognition of the great sacrifices they have made in service to our Nation. I believe, and have recommended to the VA Administrator, that the first distribution of these medals be marked by ceremonies on April 9—the proposed day of national recognition—to appropriately commemorate our former POW's.

Mr. President, this joint resolution is cosponsored by 69 of my colleagues, including 8 other members of the Veterans' Affairs Committee—the Senators from Hawaii [Mr. MATSUNAGA], Arizona [Mr. DECONCINI], West Virginia [Mr. ROCKEFELLER], Florida [Mr. GRAHAM], Wyoming [Mr. SIMPSON], South Carolina [Mr. THURMOND], Vermont [Mr. STAFFORD], and Pennsylvania [Mr. SPECTER].

I would like to express my appreciation to the members of the Judiciary Committee for moving so expeditiously to report this joint resolution in time for it to be passed by the Senate and, with the help of our colleagues in the House of Representatives, enacted before April 9.

Mr. President, April 9, 1988—the day that would be designated as "National Former Prisoners of War Recognition Day" by this resolution—is fast approaching. As one expression of our Nation's continuing gratitude to our Nation's former POW's, I urge all of my colleagues to join today in support of this joint resolution.

TRAUMA AWARENESS MONTH

The Senate proceeded to consider joint resolution (S.J. Res. 199) to designate the month of May 1988, as "Trauma Awareness Month."

Mr. BYRD. Mr. President, the joint resolution that we are considering today to designate the month of May 1988 as "National Trauma Awareness Month" will draw the American public's attention to the gravity of the traumatic injury problem in the United States.

Trauma is the medical term for physical injury, either accidental or intentional, caused by motor vehicle accidents, falls, fires, and violent crimes. Trauma is the third leading cause of death among persons of all ages, and is the leading cause of death between the ages of 1 and 44 years of age.

According to the American Trauma Society, over 60 million people are traumatized in accidents, violent crimes and suicide attempts, and between 140,000 to 160,000 Americans die from trauma each year. Particularly tragic is the fact that trauma is the No. 1 killer of young Americans under the age of 40.

The problem of trauma can be addressed through both prevention and implementation of comprehensive emergency medical systems. Much has already been accomplished through seatbelt promotion and drunk driving awareness campaigns. Nevertheless, the incidence of trauma continue to rise alarmingly. A more comprehensive attempt to arouse public awareness is essential.

The adoption of this resolution will provide an important focus on a serious medical problem and I urge its passage.

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

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 199

Whereas more than 2 million persons suffer traumatic injury every year;

Whereas traumatic injury is the number one killer of young Americans under the age of 40;

Whereas trauma costs American citizens over $100 billion annually;

Whereas every person is a potential victim of trauma;

Whereas trauma is a disease for which the victim has no anticipation and cannot care for himself;

Whereas trauma is the most neglected disease of modern man;

Whereas the problem of trauma must be addressed by both prevention and treatment;

Whereas the American public should be educated about trauma care and prevention: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May, 1988, is designated "Trauma Awareness Month". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate ceremonies and activities.

NATIONAL AGRICULTURE DAY

The joint resolution (S.J. Res. 265) to designate March 20, 1988 as "National Agriculture Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 265

Whereas, agriculture is the nation's largest and most basic industry, and its associated production, processing, and marketing segments together provide more jobs than any other single industry;

Whereas, agriculture serves all Americans by providing food, fiber, and other basic necessities of life;

Whereas, the performance of the agricultural economy is vital to maintaining the strength of our national economy, the

standard of living of our citizens, and our presence in world trade markets;

Whereas, it is important that all Americans should understand the role that agriculture plays in their lives and well-being, whether they live in urban or rural areas;

Whereas, since 1973, the first day of Spring has been celebrated as National Agriculture Day by farmers and ranchers, commodity and farm organizations, cooperatives and agribusiness organizations, nonprofit and community organizations, and Federal, State, and local governments:

Now, therefore be it *resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That March 20, 1988, is hereby proclaimed "National Agriculture Day," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities during the week of March 20 through March 26, 1988.

CALENDAR ORDER NO. 128, S. 2, RETURNED TO CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 128 be returned to the Calendar.

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

INF TREATY RIDDLED WITH LOOPHOLES, AMBIGUITIES

Mr. McCLURE. Mr. President, the INF Treaty has been presented to the American people as leakproof and verifiable. In fact it may be neither. A recent report from the American Enterprise Institute finds the treaty riddled with loopholes, ambiguities, and gaping uncertainties. I'd like to congratulate the authors of the report, a group of former administration arms control experts chaired by former Deputy Assistant Secretary of Defense, Frank Gaffney, for their excellent and provocative work. And I'd like to commend the report, which was entered into the CONGRESSIONAL RECORD of February 4, to my colleagues for their examination before the INF Treaty comes to the floor.

For the most part, the AEI report does not focus on the strategic wisdom of the treaty. Instead, it questions whether the treaty as written really does what it purports to do, namely eliminate INF missiles. The report raises a number of questions which I plan to address in future statements. For the moment I'd like to focus on the most glaring problem, what I call the "missile gap of 1988."

One of the breakthroughs in the INF Treaty, supposedly, is the baseline data on how many systems the Soviets have. As my colleagues will recall, one of the faults of SALT II was the lack of a verifiable baseline number of Soviet strategic systems. The negotiators were forced to work with United States intelligence numbers, which the Soviets refused to confirm or deny.

It turns out, however, that the numbers we have been given in the INF Treaty may be off by as many as 550 missiles, or 1,650 warheads. According to the memorandum of understanding, the Soviets have a total of 650 SS-20's. But according to press reports of a July 1987 CIA national intelligence estimate, the Soviets may have 1,200. Even if we take a more conservative intelligence community estimate of 950 SS-20's, which Admiral Crowe described during the ratification hearings, that still leaves a covert force of 900 warheads. A 1981 Defense Department study found that a mere 50 SS-20's—or 150 warheads—would be enough to devastate NATO. So it is clear that a covert force of 300 missiles would pose a severe military threat, especially in a START environment of 50 percent cuts in strategic arms. Not to mention the tremendous political implications of such enormous display of bad faith on the part of the Soviet Union.

Mr. President, before the Senate considers the INF Treaty, it must know whether the INF Treaty really eliminates all INF systems. If the huge discrepancy between our intelligence estimates and the data the Soviets have supplied cannot be resolved, then clearly the treaty does not meet its avowed purpose and should not be ratified.

AMERICA'S GROWING HOUSING CRISIS

Mr. RIEGLE. Mr. President, I rise today to call to the attention of my colleagues in the Senate a recent article in the Wall Street Journal which outlines the growing problem of affordable housing in our country.

Mr. President, many people are under the impression that there has never been a better time for purchasing a home. Yet, testimony before the Senate Housing Subcommittee suggests that the dream of homeownership is becoming more and more difficult for many Americans to achieve. Today, the Nation's homeownership rate is at its lowest level in 15 years. This decline occurs at a time when members of the baby boom are at the prime home buying age and during one of the longest peacetime recoveries in our Nation's history.

One of the principal reasons for the difficulties facing first-time homebuyers is that prices are rising faster than incomes. The cost of buying a house has gone up 108 percent in the last decade while the median family income has increased by 97 percent. The average cost of new and existing homes rose to $108,000 last fall—up 17 percent from the year before. In addition, rents have been rising faster than inflation which in turn siphons off savings which could have been used for a downpayment.

It is imperative that Congress begins to examine and to address our Nation's affordable housing crisis. One way we can begin to address this problem is to extend the sunset date of the mortgage revenue bond program. This tax exempt, private purpose bond program has successfully and efficiently enabled States to maintain first-time homebuyer programs.

Last July, I introduced legislation, S. 1522, that will extend this program through 1992. I am pleased to report that S. 1522 has the bipartisan support of 42 of my colleagues in the Senate.

Mr. President, the Wall Street Journal provides an excellent background for those of us who are concerned about affordable housing. I urge my colleagues to take a few moments from their busy schedules to review it.

Mr. President. I ask unanimous consent that the text of the article be printed in the RECORD.

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

[From the Wall Street Journal, Feb. 5, 1988]

EVEN WITH GOOD PAY, MANY AMERICANS ARE UNABLE TO BUY A HOME

(By Michel McQueen)

Married four years ago, Vincent and Michelle Williams of Chillum, Md., still come home to a rented first-floor apartment. They picnic on the terrace instead of barbecuing in a back yard and drive their three-year-old to the public park to play.

The Williamses want to buy a house. "It's part of the American dream to own," Mr. Williams says. "It's frustrating that every month you're putting out this large sum of money" for rent.

"And you're not getting anything in return," his wife adds. But despite nearly $40,000 in combined annual income, a year of saving and seven months of searching in Chillum, one of the least expensive suburbs of Washington, D.C., they haven't found a house they want and can afford.

The Williamses, both 28 years old, aren't the only aspiring homeowners who are finding the American dream deferred: For the first time since the 1930s, the percentage of Americans who own homes had been dropping. Even in smaller communities in the Midwest, the goal of owning a home has become elusive—frustrating and angering many of those who thought they had earned the right to achieve that cherished dream.

A LONGER ROAD

"If we were to say just 10 years ago that families with incomes of $35,000 and $40,000 and even $50,000 don't realistically have housing opportunity, people would have said. 'That's ridiculous,'" says Sen. Alfonse D'Amato, Republican of New York, but "that's the case today." Although many buyers with rising incomes will eventually find a way to buy a home, the road is getting longer and harder.

One reason is that home prices in most places have gone up more than incomes. Nationally, home prices rose 108% between

1976 and 1986 while median family income rose 97%. The median price for new and existing homes hit $108,000 last fall, up 17% from a year before, the Census Bureau says.

Meanwhile, rents are rising faster than inflation, siphoning off funds that could go into savings. And while fixed-mortgage rates have fallen below 10% lately, requirements for low-down-payment mortgages—which first-time buyers often need—have been tightened in recent years, making it harder to qualify or reducing the size of the loan a buyer can get. Many localities also have pushed up the fees that buyers must pay at closing.

OWNERSHIP RATE DROPS

After rising steadily since 1940, when 43.6% of American households owned their homes, and peaking in 1980 at 65%, the homeownership rate has edged steadily downward to 63.8% in 1986, the latest year for which figures are available. The ownership rate for households headed by people under age 35 has dropped even more—to 53.6% in 1986 from 61.7% in 1974.

"I can't afford to buy the houses I build," says Jeff Carter, 28, a contractor in Bridgeport, Conn. Homes there, he says, consistently appreciate faster than his ability to save. His annual income is about $30,000 and a single-family home in the area typically sells for $150,000 and up.

Housing affordability varies widely of course. Overall, the National Association of Realtors' affordability index shows a marked improvement from nearly a decade ago, when mortgage rates hit 17%. But the index reflects only those buyers who can make down payments of at least 20%, which mostly means those who have sold a previously owned home. For many first-time buyers, housing researchers say, the outlook remains grim.

"Our analysis shows there is an affordability problem for young families that's particularly difficult in areas where home prices are appreciating rapidly or were appreciating rapidly," says Denise DiPasquale, an assistant professor with the housing policy project at Massachusetts Institute of Technology. "A lot of people say when housing prices stop going up so fast, that housing is affordable there. Well, no, it's not. You still have the question of house price levels from the inflationary run-up in the late 1970's"

SOME BLAME THEMSELVES

Although prices are a problem, some homeseekers feel that they themselves are partly to blame. "It's me. I didn't manage my money correctly,' says David Jeffers, 33, a trade association executive in Washington.

Mr. Jeffers says that after their marriage in 1980, he and his wife, Leah, luxuriated in the new wealth of two rising incomes. Instead of saving for a house, they bought clothes, furniture and appliances that they probably could have done without. Now, seven years later, they have three babies under five and are cramped in a two-bedroom rented Cape Cod-style bungalow in the suburbs of northern Virginia. The rent he would have to pay for a less cramped house would be nearly twice as much, and that would take away from money he hopes to save to buy a house.

Even Mr. Jeffers's income—now about $55,000—plus a few thousand dollars in savings isn't enough to buy a home big enough for his family in an area where the median sales price for a home last year was $165,900. "You can't believe what an object of conversation we are for our friends," he says.

Some analysts suggest that such home buying woes partly reflect new attitudes favoring delayed marriages and delayed childbearing. And many initial buyers aren't willing to settle for modest starter homes or don't want to live in areas lacking the "right" racial or socioeconomic mix. "My kids wouldn't even consider living in the type of place I did," says John Tuccillo, the chief economist for the Realtors' association. "There may be kind of a crisis of rising expectations."

But many potential buyers dispute suggestions they want too much too soon. Last year Marilyn Chadwick, 34, held two part-time jobs in addition to her 40-hour week counseling unemployed job hunters in Providence, R.I. Living frugally on $17,000 a year, she managed to save the $5,000 she figured she needed for the down payment to break into the housing market.

PLANNED TO MOVE

Because frustrated buyers who can't afford sky-high home prices in nearby Boston pushed up prices in Providence by nearly 40% last year to an average of $127,000. Ms. Chadwick planned to move to a rural part of the state to qualify for a Farmers Home Administration mortgage. She scoured the papers and county records for a cheap house or property and decided to buy a manufactured home to put on a lot. She put down a deposit only to find that the land needed extra preparation work—$6,000 beyond her budget.

"It was very discouraging," Ms. Chadwick says, "I spent the whole year looking to find something that would meet the requirements." She hopes to get a teaching job that pays more than she earned last year.

But that wouldn't necessarily alleviate her plight: Teachers, police officers and other municipal workers are among those finding themselves hardest hit by rising home prices because their once-respectable salaries are, increasingly, not enough.

And even two incomes aren't necessarily the answer. Although most young wives work these days, research by the National Association of Home Builders shows that among couples 25 to 29, the homeownership rate dropped to 53% in 1986 from 54.2% in 1974. For reasons that aren't clear, the rate for singles that age increased to 19.7% from 13% in the same period. "Married couples are sort of taking it on the chin," says NAHB economist Douglas Diamond.

BIG DROP IN MIDWEST

Nor is the problem limited to the Northeast, where buoyant local economies have fueled housing demand and pushed prices to record levels: An NAHB analysis shows that from 1980 to 1986, the steepest drop in homeownership was in the Midwest (70.3% to 66.9%), where home prices haven't spiraled so fast.

The frustration isn't limited to young families, either, L.G. "Bud" Fritzgerald, the 50-year-old manager of a recreation center in Alexandria, Minn., wants to buy a small home for his and wife Beverly's retirement; it would be the first home they have ever owned. Last April he thought he had found one for $43,000. But mortgage rates went up to 12%—pushing the monthly payments beyond his reach, especially when his income, currently $26,282 a year, drops after retirement.

"The problem I have is, I've worked a lot of years to accomplish something and haven't been able to," says Mr. Fitzgerald who has seven children, with the youngest in college. "I've never been unemployed for more than a week. So it's kind of tough to look back and say, 'What am I doing wrong and what are these other people doing right?'"

The situation is prompting calls for action. Sen. D'Amato and Sen. Alan Cranston, Democrat of California, last fall helped form a congressional task force that is studying the issue, calling the firsttime homeownership situation "a crisis." The task force is reviewing ways the government could help—for example, by giving a tax break to savings when the proceeds are used to buy a first home.

Many states and some local governments have their own programs: Prince Georges County, Md., will help subsidize closing costs for some lower-income firsttime buyers. But additional efforts to aid such buyers are likely to be controversial at a time when federal spending on low-income housing has been cut.

Albert Wynn, a Maryland state lawmaker, says he would "rather take that money and put it in" subsidized rent for low-income families "or something like that, put it on the lower end. Based on my housing experience, I do think that most people who want a house get a house. It's like me a couple of years ago. I wanted a house, but I wasn't ready. I hadn't saved."

While that is true of Mr. Jeffers, not owning still hurts. "You still want to get into a house," says the trade-association executive. "I don't know why. It's a cultural imperative."

RESIGNATION OF UNDER SECRETARY OF THE ARMY JAMES R. AMBROSE

Mr. KENNEDY. Mr. President, I note with great regret that today Mr. James R. Ambrose will step down from his post as Under Secretary of the Army. For the past 6½ years, he has served with great distinction in this very difficult and demanding position. His reputation for hard work, good humor, and sound judgment is well deserved. When men of his caliber hold the highest posts in the Department of Defense, the country is well served.

I ask unanimous consent that the Army Times editorial on Mr. Ambrose's tenure as Under Secretary be included in the RECORD.

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

[From the Army Times, Feb. 15, 1987]

THE AMBROSE LEGACY

Those who care for the Army should mark with deep regret the decision by Army Undersecretary James Ambrose to step down from his post. The service is losing a mind of the keenest intelligence and a man of the utmost diligence.

In more than six years on the job, "the Under" took weapons-buying as his special turf. But though the acquisition process has come in for much scrutiny in recent years, with tales of high priced toilet seats and other spare parts horror stories, Ambrose's more sophisticated analysis of the acquisition process has made him something of a pariah to Congress and the defense industry.

Part of the problem is his lack of enthusiasm about Congress' efforts at procurement

reform, largely taken from the recommendations of the President's Blue Ribbon Commission on Defense Management, better known as the Packard Commission. While most attention has been focused on rivalries among the services and the relative impotence of Defense Department officials such as departed procurement czar Richard Godwin, Ambrose consistently has maintained that the process of generating weapons requirements is far more critical than any organizational arrangement. His concerns are still valid, but still ignored.

Ambrose's attention to the requirements process is a reflection of his determination to master the details of his job, remarkable in a high-level civilian appointee. It also has been another source of irritation to his colleagues in industry, Congress, the Defense Department and, occasionally, the Army. But no one ever boasted of pulling a fast one on the undersecretary. Ambrose is a man who trusts his own instincts and intellect, willing and able to argue the minutiae of programs. In many ways, Ambrose has remained an outsider, a Socratic gadfly buzzing in the ears of those in the Pentagon who want to conduct business as usual.

It does remain to be seen, however, the depth to which the Ambrose method will penetrate his service. There is a saying among those who follow Army procurement that no weapons issue can be decided until Ambrose decides it. We will discover in the coming years whether program officials have been studying attentively at Ambrose's knee or merely daydreaming. Without Ambrose as the master of the procurement system—and it is an issue, too, whether such a vast bureaucracy can be significantly changed by one man's efforts—the Army's weapons-buying process runs the risk of disintegrating entirely.

Nonetheless, when Ambrose leaves his post Feb. 27 he will leave a mark on the Army that will be visible for many years. His most significant achievement will be the purchase of the Mobile Subscriber Equipment, a giant, $5 billion battlefield communications network that will bring the Army firmly up to date technologically. Such projects, for all they may contribute to actually conducting a battle, have traditionally been the unloved stepchildren of the big weapons programs that make general's careers and congressmen happy. Ambrose also pushed the project through quickly, using a modified French design and off-the-shelf components. Without his involvement, the program probably would be on the drawing board still.

Another Ambrose legacy, if it survives, will be the Light Helicopter Experimental family. Though this has been a highly controversial program, and may well get terminated without Ambrose as its champion, Ambrose has been exactly right to focus on the service's need to replace, in large quantities, an aging fleet of Hueys and Cobras and other light choppers that form the overwhelming portion of Army aircraft. In pursuing the family-of-aircraft approach, Ambrose has been alone among service officials in seriously addressing the need to field significant numbers of aircraft in the future.

Finally, Ambrose has guided Army air defenders through an extremely troubling time. With the cancellation of the Roland and Sgt. York projects, Army air defense hit new lows in morale and competence. Ambrose's aid in formulating a new, comprehensive forward area air defense plan and selecting a new weapon to protect heavy divisions has helped to revitalize that moribund branch of the service.

Ambrose's term as the Army's acquisition chief has not been smooth sailing in terms of quickly developing and building new generations of weapons. Indeed, the service was not prepared to do that. But the Army well may reap the dividends in future decades for having wrestled with systematic problems and tended to deep-rooted deficiencies under Ambrose's leadership.

TRIBUTE TO MRS. VIVIDELL HOLMES McDONALD

Mr. HOLLINGS. Mr. President, it is with much sadness that I rise to offer these remarks on the tragic death of Mrs. Vividell Holmes McDonald. Vividell hailed from Spartanburg, SC, and, as a fellow Carolinian, I considered her a special friend. Yet I am far from the only Senator who held a special affection for this unusual woman. All of us have respected her as the charming and efficient hostess of the Senate Dining Room. How often I have heard Senators remark on the easy, gracious manner with which she greeted and assisted Members, family, staff, and visitors. Indeed, over the years, Vividell became a kind of fixture around here—one of those special, standout people who give character and warmth to the Senate community.

It is a rare Senator or staff member who doesn't recall occasions when Vividell came to the rescue by arranging for a table at the last minute, by coming up with an extra chair for a late arriving dinner guest, by seeing to it that a meal was available during a late-night session. No matter what the special request from Senators, their family and staff, Vividell invariably rose to the challenge. In this, as in so many other respects, she was a consummate professional.

Mr. President, I don't suppose any of us will ever understand the irrational and tragic incident which took this caring woman from us. We have lost a good friend in Vividell. However, we are all enriched for having been associated with such a fine person. I know the entire Senate community, along with the many visitors to the Capitol who made Vividell's acquaintance, join with me in extending our deepest sympathy to her family. We will miss her.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, with out amendment:

S. 2104: An original bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States (with additional views) (Rept. No. 100-290).

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. HOLLINGS:

S. 2098. A bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel; to the Committee on Commerce, Science, and Transportation.

By Mr. SYMMS (for himself and Mr. LEVIN):

S. 2099. A bill to amend the Internal Revenue Code of 1986 to permit taxpayers to elect to pay tax shown on return in installments and to authorize the Secretary to enter into installments agreements; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. SYMMS, Mr. BURDICK, and Mr. STAFFORD):

S. 2100. A bill to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Enviroment and Public Works.

By Mr. STAFFORD (by request):

S. 2101. A bill to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works, jointly.

Mr. McCLURE:

S. 2102. A bill to prohibit the licensing of certain facilities on portions of the Salmon and Snake Rivers in Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HEINZ:

S. 2103. A bill relating to decennial censuses of population; to the Committee on Governmental Affairs.

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary:

S. 2104 An original bill to amend the Immigration and Naturalization Act to change the level, and preference system for admission, of immigrants to the United States; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. McCONNELL (for himself, Mr. KENNEDY, Mrs. KASSEBAUM, Mr. SIMON, Mr. WEICKER, Mr. LEVIN, Mr. MURKOWSKI, Mr. ROTH, and Mr. SARBANES):

S. Res. 384. Resolution regarding the banning of political activity in South Africa; to the Committee on Foreign Relations.

By Mr. HEINZ (for himself and Mr. RIEGLE):

S. Res. 385. Resolution expressing the opposition of the Senate to the continued control of the cathedral of Vilnius, Lithuania, by the Union of Soviet Socialist Republics; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS:

S. 2098. A bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel; to the Committee on

Commerce, Science, and Transportation.

AIR TRAVEL RIGHTS FOR BLIND INDIVIDUALS ACT

Mr. HOLLINGS. Mr. President, I am today introducing legislation entitled the Air Travel Rights for Blind Individuals Act. The purpose of this bill is to clarify and strengthen existing law to ensure that seating restrictions in commercial airlines are prohibited if based on the visual impairment or blindness of any passenger or the use by any such passenger of a white cane or dog guide.

In 1986, Congress attempted to ensure that commercial airlines not discriminate against any individual with a physical or mental impairment. The Air Carrier Access Act of 1986 (Public Law 99-435) was overwhelmingly approved to ensure that no individual be subjected to discrimination by any airline. Some 16 months later, however, the regulations implementing this legislation have yet to be issued.

A "regulatory negotiation" to establish the regulations broke down last fall when DOT announced plans to remove seat restriction issues from the negotiations. DOT's announcement said that the Federal Aviation Administration would issue a regulation on its own concerning passenger seating near emergency exits. FAA's involvement is premised on the provably false assumption that blind people will be hazardous to themselves and others in emergency evacuations of aircraft. But the FAA has never had a regulation to limit seat assignments of the blind before, and there is no present or known justification for a new regulation now.

Mr. President, our blind citizens are capable and competent people. They are as capable and competent to use and enjoy the benefits and privileges of air transportation as any other group. Their only disability is the lack of eyesight. This cannot be a barrier to travel, however. Those of us who can see often forget that maneuvering effectively without sight is a normal way of life for the blind. They are accustomed to using other senses and skills that the sighted are not trained to use.

It is unfortunate that the blind have been subjected to many unreasonable restrictions in air travel. These restrictions are not caused by the physical conditions of blindness, but rather the lack of knowledge about blindness and the understandable fear that many people have in dealing with blindness. This fear and lack of knowledge has in numerous instances led to policies that restrict the activities, movement, or rights of the blind.

Air transportation for the blind is now an essential part of business and commerce, as well as leisure time activities. Blind people who travel by air are rightfully concerned that they be treated in a dignified and respectful manner. And it is appalling to me that exactly the opposite trend has developed.

In a rising tide of incidents, Mr. President, blind passengers have become the targets of abusive treatment and harassment onboard airplanes. The situations I am referring to typically involve flight delays of up to 2 hours or more, and in some cases the arrest of blind persons who are seated near emergency exist windows or doors, after they have been assigned to those seats by airline personnel.

In one such incident that occurred in Louisville, KY, a blind Minnesota couple was arrested and taken to jail, where the woman was partially strip-searched. Charges were filed against the couple even though they were quietly sitting precisely where airline personnel had seated them. A jury trial was held and the couple was acquitted. In fact, no blind person has ever been found guilty of the violation of any law in these incidents.

In another situation, a blind man traveling from Baltimore, MD, to Denver, CO was one of three blind persons simultaneously arrested when seated near an emergency exit, again, as assigned by airline personnel. The man in question is an accomplished skier and rock climber, and serves as the deputy mayor of Boulder, CO. Charges were not filed in this instance and the three were quickly set free to take another flight. As hard as it is to imagine, the three were again seated in an emergency row, over the wing. Of course, it was a different flight crew and different airline altogether. This time, however, the deputy mayor and his friends were welcomed aboard and took their seats without incident. Their trip from Baltimore to Denver was uneventful, as they sat where assigned in the exit row.

Airline personnel admit that they do not reliably screen or assess passenger abilities to perform as required in the event of an emergency. In many instances, they do not even challenge passengers who pose obvious safety problems for themselves and others. For example, passengers who have already had too much to drink are often, without question, seated near emergency exits. In many other instances, the airlines seat infants, small children, and elderly people in emergency exit rows, clearly at the risk of all passengers on the aircraft.

Mr. President, the Department of Transportation must resolve this problem as expeditiously as possible. This legislation is to serve as a signal to DOT and the airlines that we are serious in our efforts to ensure that blind travelers are no longer subjected to harassment aboard commercial aircraft. It is indeed unfortunate that this legislation appears to be the only way that we have to assure the blind of fair and safe treatment when they fly.

Our passage of the Air Carrier Access Act in 1986 was intended to provide the blind with a legal means of protection against unwarranted airline demands and improper arrests. But implementation of this law has broken down. Therefore, I have concluded that clarifying legislation of the type I am introducing at this time is in the best interest of the aviation industry and the blind consumer of air travel services.

I remain firmly convinced, Mr. President, that the Department of Transportation and the Federal Aviation Administration must continue to bear primary governmental responsibility for adopting policies to assure fair treatment for the handicapped by the airlines. However, Congress must also continue to provide the aviation industry and the Federal regulatory and enforcement agencies with guidance from time to time when issues, such as seating restrictions placed on the blind, arise and cannot be resolved through administrative channels. My bill is intended to accomplish this objective, Mr. President, and I hope that my colleagues will join in its support.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

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

S. 2098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Air Travel Rights for Blind Individuals Act".

SEC. 2. Section 404(c)(1) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1374(c)(1)) is amended by adding at the end thereof the following: "An air carrier shall not restrict seating in aircraft on the basis of the visual acuity of a passenger or the use by a passenger of a white cane, dog guide, or other such means of assistance.".

By Mr. SYMMS (for himself and Mr. LEVIN):

S. 2099. A bill to amend the Internal Revenue Code of 1986 to permit taxpayers to elect to pay tax shown on return in installments and to authorize the Secretary to enter into installment agreements; to the Committee on Finance.

INSTALLMENT PAYMENT OF TAXES

Mr. SYMMS. Mr. President, today I am introducing a bill to formalize the procedures for the Internal Revenue Service to receive tax payments due on April 15 of each year by installments. Briefly, the bill I and my colleague from Michigan [Mr. LEVIN] are introducing today would permit a taxpayer who owes money on April 15 to pay one-third on that date, one-third 2 months later on June 15, and the final

third on September 15. These dates were selected because they correspond with the dates the Internal Revenue Service already is equipped to process estimated tax payments, so no new administrative procedures will need to be devised.

In this first year of tax return filing following the Tax Reform Act of 1986, thousands if not millions of Americans are discovering they are going to be paying more tax. I think most of the problem with additional tax due is related to the absurd fiasco with the W-4 payroll withholding forms the IRS published last year, but regardless of the reason it is simply time to establish a formal procedure in the Internal Revenue Code for installment payments of tax.

As long as the Congress is making such a dramatic overhaul in the Tax Code, it is important and necessary that we permit taxpayers to adjust their financial arrangements to meet their obligations without hardship.

The idea of installment payments for tax is not a new one. The Secretary of Treasury already has the authority to negotiate a series of payments with a taxpayer, and our bill does not take anything away from the Secretary's existing authority. What our bill does is to formalize the process and make it available automatically to every individual taxpayer. In this way, we will reduce any uncertainty taxpayers might feel at tax time about whether the IRS would demand immediate payment or show some leniency.

I know of taxpayers who have borrowed money on their credit cards or borrowed from relatives or banks to make tax payments on April 15. This proposal for installment payments would not relieve a taxpayer of paying interest on the money due to the Treasury, nor would it relieve him of any penalties that may be due as a result of underwithholding or underestimating his tax. We are not making any changes in this bill to the rules in the Tax Reform Act of 1986 for the 90 percent test for estimated tax.

What this installment plan does is give the taxpayer a method to make three easy installments and pay the tax, with interest. The Federal Treasury will actually receive more revenue from this proposal than under existing law, because there will be interest income. The interest a taxpayer has to pay on underwitholding or underestimated amounts is greater than the U.S. Treasury has to pay on its own Treasury bills and Treasury notes, so the Government will make a profit. But even more important, the interest a taxpayer will have to pay on his installment payments in most cases will be significantly less than the interest charges on credit cards or other loans some taxpayers have had to make to meet the April 15 deadline.

Last year, I introduced a bill. S. 457, that provided for a 1-year amnesty in implementing the 90 percent estimated tax and withholding rule of the Tax Reform Act of 1986, and that provision was included in the tax section of the Budget Reconciliation Act that we adopted last December. The provisions in S. 457 for installment payments, however, were not enacted at that time, so my colleague and I are reintroducing the part of the earlier proposal that we believe is still needed.

The American people within a few weeks will be facing the annual agony of tax return filing. This bill we are introducing today is just one proposal to make the voluntary compliance of the people with our tax laws easier and more equitable. I supported the Tax Reform Act of 1986 because I believe in the wisdom and rightness of lower marginal tax rates. I know that many of my constituents have been adversely affected by some provisions, and many others have benefited from the tax reform.

Mr. LEVIN. Mr. President, I am pleased to introduce today with my colleague from Idaho, Senator SYMMS, legislation which would allow taxpayers to pay their taxes subsequent to April 15 in three installments plus interest without having to negotiate on a case-by-case basis a periodic payment plan with the IRS. It will not alter the current withholding system or reduce the IRS penalties for underwithholding. However, it will establish a standardized procedure for spacing over a reasonable amount of time the taxpayer's payments to the IRS for the taxes owed in excess of what has already been withheld.

Senator SYMMS voted for the Tax Reform Act of 1986 and I voted against it. But, we both agree that many taxpayers who have in the past received tax refunds will now find themselves owing the IRS a substantial lump-sum payment on April 15. It is true that preliminary data suggests that, in the aggregate, more taxpayers will be receiving tax refunds in the first year that the tax reform law is in effect than previously was the case. However, by the time this tax filing season is completed there is a very good chance that many taxpayers who have come to expect tax refunds will now find themselves having to mail a check to the IRS on April 15.

The reason for this new experience for many taxpayers can be traced to an attempt in the Tax Reform Act to make the withholding of wages and salaries during the year more accurately reflect the actual amount of taxes owed. At the same time, however, the Tax Reform Act also eliminated or greatly restricted some of the deductions which, in effect, had provided taxpayers with a margin of error upon which they could draw in April if they had been underwithheld during the year. In other words, the new W-4 withholding forms require taxpayers to project their incomes and deductions in the beginning of the year so that they are not under or overwithheld. As admirable as this goal may be from the point of view of tax policy, it runs into the practical difficulty that many taxpayers may estimate their deductions in the beginning of the year but not include income from unanticipated bonuses or salary increases that may occur during the year. Other taxpayers might, despite their best efforts, overestimate their deducitons for the coming year. These problems may especially arise in the case of two-earner couples whose chances of miscalculating the variables of deductions and income are effectively doubled. In fact, in recent testimony before the Senate Finance Committee, IRS Commissioner Lawrence Gibbs indicated that although most taxpayers would not be underwithheld, "pockets of underwithholding among certain groups of taxpayers such as—working couples—could exist."

One of the often repeated goals of the proponents of the Tax Reform Act was to decrease the cynicism of the American public toward the tax system. However, if taxpayers come to view this new income Tax Code as the callous dispenser of an unpleasant "April Surprise," then this goal will be undermined. The legislation we are introducing will make it somewhat easier for taxpayers to deal with that problem of underwithholding, if it occurs.

Similarly, it is true that under current law taxpayers could adjust their withholding amounts several times per year in order to accommodate unanticipated changes in income or deductions. However, expecting taxpayers to perform several of these "midcourse corrections" during the year is inconsistent with the understanding of many taxpayers that tax reform meant tax simplification. Unless there is a simplified way for taxpayers to compensate for this potential for underwithholding, many of them will grow even more resentful of the system. This legislation provides that simplified way.

I urge my colleagues to seriously consider this legislation. It offers a commonsense approach for assisting many taxpayers as they seek to adjust to the Tax Reform Act of 1986.

By Mr. MOYNIHAN (for himself, Mr. SYMMS, Mr. BURDICK, and Mr. STAFFORD):

S. 2100. A bill to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the

Committee on Environment and Public Works.

WATER RESOURCES DEVELOPMENT ACT

Mr. MOYNIHAN. Mr. President, on behalf of Senators SYMMS, BURDICK, STAFFORD, and myself, I am very pleased to introduce today the Water Resources Development Act of 1988. As too many of my colleagues are aware there was a 17-year hiatus between Omnibus Water Acts in the years 1970–86, and in that period of time water resource development by the Federal Government practically came to a halt. For many years the Corps of Engineers expended more on public works activities in Saudi Arabia than in its own backyard.

These days are now in the past, Mr. President. The major water policy issues of the last 20 years were resolved by the 1986 Water Resources Development Act, and it is time to return to a regular timetable authorizing new corps projects every other year. This is the most important reason for proceeding with this legislation Mr. President, and proceeding quickly.

Mr. President, for years the sighting of a water resource development act on the horizon has meant controversy, and conflict. Not so with this legislation. With this legislation we are merely exercising our legislative responsibilities to authorize those projects of the Corps of Engineers which have completed the planning process since the passage of the most recent omnibus bill, and make such technical adjustments to corps authorities which are refinements of that more general policy which was set in the 1986 act.

We are not revisiting cost sharing and user fees, Mr. President. Those issues are behind us. What the leadership of the Environment and Public Works committee proposes today is a routine bill. I would ask that a copy of the legislation and a section-by-section summary of its provisions be inserted at this point in the RECORD.

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

S. 2100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Water Resources Development Act of 1988".

SECTION 1. Table of Contents:

Title I—Project Authorizations.
Title II—General Provisions.
Title III—Programs and Studies.

SEC. 2. For purposes of this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—PROJECT AUTHORIZATIONS

SEC. 101. The following projects are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection:

FT. PIERCE HARBOR, FLORIDA

The project for navigation, Ft. Pierce Harbor, Florida: Report of the Chief of Engineers, dated December 14, 1987, at a total cost of $6,742,000, with an estimated first Federal cost of $4,319,000, and an estimated first non-Federal cost of $2,423,000.

NASSAU COUNTY, FLORIDA

The project for beach erosion control, Nassau County (Amelia Island), Florida: Report of the Chief of Engineers, dated May 19, 1986, at a total cost of $5,753,000, with an estimated first Federal cost of $4,619,000, and an estimated first non-Federal cost of $1,134,000.

LOWER OHIO RIVER, ILLINOIS AND KENTUCKY

The project for navigation, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky: Report of the Chief of Engineers, dated August 20, 1986, at a total cost of $775,000,000, with a first Federal cost of $775,000,000, and with the costs of construction of the project to be paid one half from amounts appropriated from the general fund of the Treasury and one half from amounts appropriated from the Inland Waterways Trust Fund.

HAZARD, KENTUCKY

The project for flood control, Hazard, Kentucky: Report of the Chief of Engineers, dated October 30, 1986, at a total cost of $7,450,000, with an estimated first Federal cost of $5,590,000 and an estimated first non-Federal cost of $1,860,000.

MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, MISSISSIPPI AND LOUISIANA

The project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana: Report of the Chief of Engineers, dated May 19, 1986, at a total cost of $59,300,000, with an estimated first Federal cost of $59,300,000.

WOLF AND JORDAN RIVERS, MISSISSIPPI

The project for navigation, Wolf and Jordan Rivers and Bayou Portage, Mississippi: Report of the Chief of Engineers, dated June 19, 1987, at a total cost of $2,290,000, with an estimated first Federal cost of $1,620,000 and an estimated first non-Federal cost of $670,000.

TRUCKEE MEADOWS, NEVADA

The project for flood control, Truckee Meadows, Nevada: Report of the Chief of Engineers, dated July 25, 1986, at a total cost of $78,400,000, with an estimated first Federal cost of $39,200,000 and an estimated first non-Federal cost of $39,200,000.

WEST COLUMBUS, OHIO

The project for flood control, Scioto River, West Columbus, Ohio: Report of the Chief of Engineers, dated February 9, 1988, at a total cost of $31,562,000, with an estimated first Federal cost of $23,671,000, and an estimated first non-Federal cost of $7,891,000.

DELAWARE RIVER, PENNSYLVANIA AND DELAWARE

The project for navigation, Delaware River, Philadelphia to Wilmington, Pennsylvania and Delaware: Report of the Chief of Engineers, dated June 15, 1986, at a total cost of $17,200,000, with an estimated first Federal cost of $9,100,000 and an estimated first non-Federal cost of $8,100,000.

CYPRESS CREEK, TEXAS

The project for flood control, Cypress Creek, Texas: Report of the Chief of Engineers, dated October 12, 1987, at a total project cost of $114,200,000, with an estimated first Federal cost of $84,900,000 and an estimated first non-Federal cost of $29,300,000.

GUADALUPE RIVER, TEXAS

The project for navigation, Guadalupe River to Victoria, Texas: Report of the Chief of Engineers, dated September 1, 1987, at a total cost of $23,900,000 with an estimated first Federal cost of $15,100,000, and an estimated first non-Federal cost of $8,800,000.

SEC. 102. The provisions of Section 902 of P.L. 99-662 shall apply to the total costs of projects set forth in this Act, and to the total costs of projects authorized subsequent to this Act.

SEC. 103. (a) The provisions of Section 1001(a) and Section 1001(c) of P.L. 99-662 shall apply to the projects authorized for construction by this Act, except that the five-year period during which funds must be obligated to prevent deauthorization shall begin on the date of enactment of this Act.

(b) The provisions of Section 1001(a) and Section 1001(c) of P.L. 99-662 shall also apply to projects authorized subsequent to this Act, except that the five-year period during which funds must be obligated to prevent deauthorization shall begin on the date of authorization such projects.

SEC. 104. The project for flood control, Redwood River, Marshall, Minnesota, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082, 4117), is modified to authorize the Secretary to construct the project substantially in accordance with General Design Memorandum, dated April 1987, at a total cost of $6,900,000, with an estimated Federal first cost of $5,000,000 and an estimated non-Federal first cost of $1,900,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. (a) Section 101(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082) is amended by deleting all of subsection (2) and inserting in lieu thereof the following: "Additional 10 percent payment over 30 years. The non-Federal interests for a project to which paragraph (1) applies shall pay an additional 10 percent of the cost of the general navigation features of the project in cash over a period not to exceed 30 years, at an interest rate determined pursuant to Section 106. The value of lands, easements, rights-of-way, relocations and dredged material disposal areas provided under paragraph (3) and the costs of relocations borne by the non-Federal interests under paragraph (4) shall be credited toward the payment required under this paragraph."

(b) The amendment made by this section is effective as of November 17, 1986.

SEC. 202. Section 1125 of the Water Resources Development Act of 1986 is amended as follows:

(1) By deleting from line 4 of subparagraph (a) the words "United States" and inserting in lieu thereof the words "Bureau of Indian Affairs of the Department of the Interior."

(2) By deleting from subparagraph (b) line 11 the words "north of the half northwest quarter" and inserting in lieu thereof the words "north half of the northwest quarter."

(3) By deleting from subparagraph (b)(2) the description of lands beginning on line 6 and ending on line 13 and inserting in lieu thereof the following: "Commencing at the quarter corner common to Sections 15 and 16; thence easterly along the quarter line of said Section 15 a distance of 1,320.00 feet;

thence South 42 degrees 37 minutes 58 seconds West a Distance of 903.34 feet to the point of beginning; thence North 42 degrees 37 minutes 58 seconds East a distance of 903.34 feet; thence South 00 degrees 03 minutes 00 seconds East a distance of 1,518.00 feet; thence North 83 degrees 00 minutes 00 seconds West a distance of 668.00 feet; thence North 03 degrees 28 minutes 26 seconds East a distance of 773.78 feet to the point of beginning."

(4) By deleting subparagraph (c) and inserting in lieu thereof the following:

(c) The legal description contained in subsections (b) (1) and (2) herein will be subject to correction by survey in order to accomplish the purpose and intent of this act.

(5) By deleting subparagraph (d) and inserting in lieu thereof the following:

(d) These lands described in subsection (b) are hereby deemed excess to the needs of the United States for the maintenance and operation of the Garrison Dam and Reservoir Project and are hereby gratuitously declared to be held in trust by the Secretary of the Interior for the use and benefit of the Three Affiliated Tribes of the Fort Berthold Reservation. The United States shall not be responsible for damages to property or injuries to persons which may arise from, or be incident to, the use of said lands.

(6) By inserting a new subparagraph (e), as follows:

(e) "The United States hereby retains a flowage and sloughing easement for the purpose of flood control and related Garrison Dam and Reservoir project purposes over that portion of the lands described in subsection (b) that lie below the elevation of 1,854 feet (mean sea level), to exclude and reserve any residual interest necessary for project operations outside said 1,854 feet msl contour caused by the movement of such contour because of erosion, or the effect of flood impoundments, including, but not limited to, seepage, wave action or sloughing."

SEC. 203. Section 916(a) of the Water Resource Development Act of 1986 (Public Law 99-662; 100 Stat. 4082) is amended as follows: Delete all after ". . . and shall" and insert therein "have the power to recover benefits through any cost-recovery approach that is consistent with State law and satisfies the applicable cost-recovery requirement under subsection (b)."

SEC. 204. Section 402 of the Water Resources Development Act of 1986 (33 U.S.C. 701b-12) is modified by inserting the words "or shoreline protection" after the words "local flood protection".

SEC. 205. (a) The Secretary shall, whenever feasible, seek to promote long- and short-term cost savings, increased efficiency, reliability, and safety, and improved environmental results through the use of innovative technology in all phases of water resources development projects and programs under his jurisdiction. To further this goal, the Congress encourages the Secretary to—

(1) use procurement and contracting procedures that encourage innovative project design, construction, rehabilitation, repair, and operation and maintenance technologies;

(2) frequently review technical and design criteria to remove or modify unnecessary impediments to innovation;

(3) increase timely exchange of technical information with universities, private companies, government agencies, and individuals;

(4) foster design competition; and

(5) encourage greater participation by non-Federal project sponsors in the development and implementation of projects.

(b) Within two years after the date of enactment of this Act, and thereafter at the Secretary's discretion, the Secretary shall provide the Congress with a report on the results of, and recommendations to increase, the development and use of innovative technology in water resources development projects under the Secretary's jurisdiction. Such report shall also contain information regarding innovative technologies which the Secretary has considered and rejected for use in water resources projects under his jurisdiction.

(c) For the purpose of this section, the term "innovative technology" means designs, materials, or methods which the Secretary determines are previously undemonstrated or are too new to be considered standard practice.

SEC. 206. Upon receipt of a request from a non-Federal sponsor of a water resources development project under construction by the Secretary, the Secretary shall provide such sponsor with periodic statements of project expenditures. Such statements shall include an estimate of all Federal and non-Federal funds expended by the Secretary, including overhead expenditures; the purpose for expenditures; and a schedule of anticipated expenditures during the remaining period of construction. Statements shall be provided to the sponsor at intervals of no greater than six months.

SEC. 207. To the extent that the Secretary determines that a project for harbor development, constructed by the Corps of Engineers provides direct, quantifiable benefits to an installation, facility, or vessel of the armed forces of the United States or the Coast Guard, the proportionate share of cost of such project shall be borne by the Federal government.

SEC. 208. The Comptroller General of the United States General Accounting Office is authorized and directed to conduct a review of the Civil Works program of the U.S. Army Corps of Engineers. This management and administration review shall be transmitted to the Congress, together with any recommendations which the Comptroller General may make, no later than one year after the date of enactment of this act.

TITLE III—PROGRAMS AND STUDIES

SEC. 301. Section 91 of the Water Resources Development Act of 1974 (Public Law 93-251, 88 Stat. 12, 39) is amended by striking out "$30,500,000" and inserting in lieu thereof "$6,000,000 annually".

SEC. 302. The Secretary of the Army is directed to establish a Technical Resource Service for the Red River Basin in Minnesota and North Dakota. There is authorized an appropriation of $500,000 annually for the purpose of providing to the two such states a full range of technical services for the development and implementation of state and local water and related land resources initiatives within the Red River Basin and subbasins. The Technical Resource Service is to be provided in addition to related services provided under authority of Section 206 of the River and Harbor and Flood Control Act of 1960, as amended, and Section 22 of the Water Resources Development Act of 1974.

SEC. 303. (a) The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, shall undertake a study of the water quality effects of hydroelectric facilities owned and operated by the Corps of Engineers. Such study shall be transmitted to Congress within two years of the enactment of this section and shall consider and include information for each such Corps of Engineers hydroelectric facility pertaining to: relevant water quality standards including dissolved oxygen; water quality monitoring data; possible options and projected costs of measures required to improve the quality of water released from each such facility where justified; and recommendations with respect to these findings.

(b) Nothing in this section shall convey to any agency of the Federal government any new authority with respect to the allocation or release of water from Federal reservoirs. Further, nothing in this section is designed or intended to affect any present or future legal actions or proceedings.

SECTION-BY-SECTION

Section 1.

Table of contents and short title of bill.

Section 2.

Defines the term "Secretary" as the Secretary of the Army.

Section 101.

Authorizes eleven water resource development projects for construction. Each project has completed Corps of Engineers planning and review, and all have a final Chief of Engineers' report. Presently, five of these projects have been reviewed and cleared by the Secretary of the Army, and three of these five have been reviewed and cleared by the Office of Management and Budget. The projects are described below:

FORT PIERCE HARBOR, FLORIDA

Location.—Eastern coast of Florida within St. Lucie County at the City of Ft. Pierce.

Purpose.—Commercial navigation.

Problem.—Lack of sufficient channel dimensions, especially depths, preclude economical transportation of commodities.

Recommended plan.—Deepen and widen existing channels and turning basin and provide additional access channel, with disposal of suitable material on the beach.

Environmental impact statement.—Final statement filed with the Environmental Protection Agency in September 1986.

Project costs: Total $6,742,000; First Federal, $4,319,000; First Non-Federal, $2,423,000.

Benefit/cost ratio.—1.8 to 1 at a discount rate of 8⅝ percent.

NASSAU COUNTY (AMELIA ISLAND), FLORIDA

Location.—Northeast Florida, on the northern third of the ocean side of Amelia Island in Nassau County.

Purpose.—Beach erosion control

Problem.—Beach erosion along the shore of Amelia Island caused by natural erosion and by jetties constructed for a Federal navigation project at Fernandina Harbor.

Recommended plan.—Approximately 3.6 miles of initial beach fill with periodic nourishment along 4.3 miles of ocean shore. Advanced nourishment will occur with the initial construction, with renourishment over the life of the project.

Environmental impact statement.—Final statement filed with the Environmental Protection Agency in June 1985.

Project cost: Total $5,753,000; First Federal, $4,619,000; First Non-Federal, $1,143,000.

Benefit/cost ratio.—1.5 to 1 at a discount rate of 8⅝ percent.

LOWER OHIO RIVER NAVIGATION, ILLINOIS AND KENTUCKY

Location.—Lower Ohio River in the vicinity of Olmsted, Illinois.

Purpose.—Inland navigation.

Problem.—Water traffic demands and limited capacities of existing locks are projected to result in excessive delays in navigation. In addition, the existing locks and dams 52 and 53 have deteriorated and no longer meet design standards.

Recommended plan.—A new locks and dam structure about 1.8 miles downstream of the existing locks and dam 53, near the community of Olmsted, Illinois, to replace existing locks and dams 52 and 53. The new structure would consist of twin locks, 110′ by 1200′ and a dam with a navigable pass.

Environmental impact statement.—Final statement was filed with the Environmental Protection Agency in April 1986.

Project costs: Total, First Federal, $775,000,000; $775,000,000.*

Benefit/cost ratio.—2.2 to 1 at a discount rate of 8⅞ percent.

HAZARD, KENTUCKY

Location.—A 14-mile reach of the North Fork Kentucky River in Perry County, Kentucky.

Purpose.—Flood control.

Problem.—Recurring flood damages, primarily to residential and commercial properties and public facilities, in the Hazard, Kentucky vicinity.

Recommended plan.—Approximately six miles of channel enlargement consisting of clearing and snagging and channel widening.

Environmental impact statement.—An Environmental Assessment and Finding of No Significant Impact is included in the project report.

Project costs: Total, $7,450,000; First Federal, $5,590,000; First Non-Federal, $1,860,000.

Benefit/cost ratio.—1.6 to 1 at a discount rate of 8⅞ percent.

MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, MISSISSIPPI AND LOUISIANA

Location.—Southeastern Louisiana and southern Mississippi.

Purpose.—Enhancement of fish and wildlife resources.

Problem.—Deprived of the annual fresh water and sediment from the Mississippi River, the natural processes of subsidence compaction, erosion, and saltwater intrusion and man-induced activities have resulted in the loss of up to four square miles a year of coastal marshes in the study area. Saltwater intrusion is a key factor in habitat loss, erosion, and vegetative changes. The loss and alteration of habitat types have adversely affected the productivity of fish and wildlife.

Recommended plan.—Water diversion facilities to divert fresh water from the Mississippi River into Lake Pontchartrain and the Mississippi Sound: a multi-cell box culvert control structure, with necessary inflow/outflow channels, realignments of existing levees and associated features.

Environmental impact statement.—Final statement was filed with the Environmental Protection Agency in April 1985.

Project costs: Total, $59,300,000; First Federal, $59,300,000; First Non-Federal, 0.

Benefit/cost ratio.—1.2 to 1 at a discount rate of 8⅞ percent.

* Note: Of this amount, 50 percent of the total project cost is to come from the Inland Waterways Trust Fund into which are placed the receipts from the tax on barge fuel.

WOLF AND JORDAN RIVERS AND BAYOU PORTAGE, MISSISSIPPI

Location.—Pass Christian, Mississippi, adjacent to the St. Louis Bay.

Purpose.—Commercial navigation.

Problem.—The channel dimensions of Bayou Portage are inadequate for the size vessels using the Pass Christian Industrial Park, requiring lightloading and resulting in delays and safety problems.

Recommended plan.—Deepen and widen the navigation channel in Bayou Portage to 8 feet by 100 feet and extend the channel to the 8-foot contour in St. Louis Bay, ending in a 200′ by 800′ turning basin.

Environmental impact statement.—An Environmental Assessment and Finding of No Significant Impact is included in the project report.

Project costs: Total, First Federal, First Non-Federal, $2,290,000; $1,620,000; $670,000.

Benefit/cost ratio.—2.3 to 1 at a discount rate of 8⅞ percent.

TRUCKEE MEADOWS, NEVADA

Location.—The Truckee River and tributaries in the Reno, Sparks and Truckee Meadows urban area, Nevada.

Purpose.—Flood control.

Problem.—Recurring flooding in the rapidly urbanizing areas, primarily to industrial, commercial and residential properties.

Recommended plan.—A combination of levees, floodwalls, channel improvements and an overflow storage area, plus recreation facilities.

Environmental impact statement.—Final statement was filed with the Environmental Protection Agency in November 1985.

Project costs: Total, $78,400,000; First Federal, $39,200,000; First Non-Federal $39,200,000.

Benefit/cost ratio.—1.8 to 1 at a discount rate of 8⅞ percent.

SCIOTO RIVER, WEST COLUMBUS, OHIO

Location.—Franklin County, Ohio, in the western portion of the City of Columbus.

Purpose.—Flood control.

Problem.—Recurring flood damages to residential and commercial buildings in western Columbus.

Recommended plan.—About 3.3 miles of levee/floodwall, one new pumping station, modifications to existing pumping stations, and related features.

Environmental impact statement.—An Environmental Assessment and Finding of No Significant Impact is included in the project report.

Project costs: Total, First Federal, First Non-Federal, $31,562,000; $23,671,000; $7,891,000.

Benefit/cost ratio.—3.4 to 1 at a discount rate of 8⅞ percent.

DELAWARE RIVER, PENNSYLVANIA AND DELAWARE

Location.—Schuylkill River in the vicinity of Philadelphia, Pennsylvania, and the Delaware River in the vicinity of Camden, New Jersey (Beckett Street Terminal).

Purpose.—Commercial navigation.

Problem.—Current channel dimensions constrain efficient vessel movement and inadequate depths require the use of costly alternatives such as lightloading.

Recommended plan.—Deepen the existing project in the lower Schuylkill River to 40′ and provide a turning basin with a depth of 40′. Deepen the existing project in the Delaware River at Camden (Beckett Street Terminal) to 40′.

Environmental impact statement.—An Environmental Assessment and Finding of No Significant Impact is included in the project report.

Project costs: Total, $17,200,000; First Federal, $9,100,000; First Non-Federal, $8,100,000.

Benefit/cost ratio.—6.3 to 1 for the Schuylkill River portion and 1.6 to 1 for the Delaware River portion, at a discount rate of 8⅞ percent.

CYPRESS CREEK, TEXAS

Location.—North and northwest of the City of Houston in Harris and Waller Counties, Texas.

Purpose.—Flood control.

Problem.—Recurring floods in the rapidly urbanizing Cypress Creek basin.

Recommended plan.—Channel enlargement of about 29.4 of Cypress Creek, plus recreation facilities.

Environmental impact statement.—Final statement was filed with the Environmental Protection Agency in August 1987.

Project costs: Total, $114,200,000; First Federal, $84,900,000; First Non-Federal, $29,300,000.

Benefit/cost ratio.—1.2 to 1 at a discount rate of 8⅞ percent.

GUADALUPE RIVER, TEXAS

Location.—Navigation channel extending from the Gulf Intracoastal Waterway (GIWW) in San Antonio Bay to the vicinity of Victoria, Texas.

Purpose.—Commercial navigation.

Problem.—Insufficient channel depths require the inefficient light-loading of ships.

Recommended plan.—Enlarge the existing channel from the GIWW to Victoria to dimensions of 12′ by 125′.

Environmental impact statement.—Final statement filed with the Environmental Agency in August 1986.

Project costs: Total, $23,900,000; First Federal, $15,100,000; First Non-Federal, $8,800,000.

Benefit/cost ratio.—1.2 to 1 at a discount rate of 8⅞ percent.

Section 102.

Section 902 of P.L. 99-662 required the reauthorization of any water resource development project authorized in that act for which there was a cost increase of more than 20% plus future inflation adjustments over the cost estimate in the law. This section applies this provision to the projects authorized for construction in this act, and projects authorized by future acts of Congress.

Section 103.

Sections 1001 (a) and 1001 (c) of P.L. 99-662 provide that projects authorized for construction in that act are automatically deauthorized if no funds have been obligated toward planning or construction of the project within five years of the date of enactment. This section would apply this automatic deauthorization process to projects either authorized in this act or subsequent acts of Congress. It is stipulated that the five year period is to begin on the date of project authorization.

Section 104.

This section increases the cost ceiling for the Redwood River, Marshall, Minnesota project, authorized in Public Law 99-662. The Redwood River project cost ceiling is increased from $4,370,000 to $6,900,000. This increase is necessary because inaccurate information on the cost of this project was provided to Congress during deliberation on P.L. 99-662.

II—GENERAL PROVISIONS

Section 201.

This provision ensures that local sponsors of port improvement projects may count the costs of utility relocations which they finance towards the 10 percent of the project cost which they are required to pay back to the Federal Government over 30 years.

Although this was the original intent of the Conferees on the Water Resource Development Act of 1986, a technical drafting error prevents the Corps of Engineers from interpreting the original provision as intended. The provision is made effective as of the date of enactment of the 1986 Act in order to protect the interests of those ports which have entered into local cost sharing agreements with the Corps in the intervening time period.

Section 202.

Section 1125 of the 1986 Act provided that the Corps and the Ft. Berthold Indian Reservation would conduct a land transfer which would cede to the Indians land which they hold sacred, and at the same time, provide the Corps with acreage near Lake Sakakawea in exchange. Since that time, the Corps has failed to implement this transfer and exchange in the expeditious manner intended. This provision eliminates this difficulty by transferring the acreage directly to the tribe, provided that the Corps retain a flowage and sloughing easement for the purpose of flood control and related Garrison Dam project purposes.

Section 203.

This provision modifies Section 916 of the Water Resources Development Act of 1986. This provision allows the Corps of Engineers to enter into contracts for the recovery of project costs with a Federal Project Repayment District. As written, this provision would allow such a repayment district to recover its share of the project costs from revenues obtained only through a property transfer fee. This has proven to be unnecessarily restrictive, so, Section 203 would allow a project repayment district to use any cost recovery approach consistent with State law, including, but not limited to, property transfer fees.

Section 204.

Section 204 amends section 402 of the Water Resources Development Act of 1986. Presently, section 402 requires that non-Federal sponsors of Corps of Engineers flood control projects agree to comply with and participate in applicable flood plain management and flood insurance programs prior to project construction. The intent of this section was to provide additional assurance of compliance with these important programs.

This section amends section 402 to ensure that local non-Federal sponsors of Corps shoreline erosion protection projects meet these same requirements.

Section 205.

This section instructs the Secretary to, whenever feasible, promote long and short-term cost savings, improved safety, reliability, and efficiency, and improved environmental results through the use of innovative technology in all phases of water resources development projects and programs under his jurisdiction.

To that end, the Secretary is instructed to use his existing authorities and responsibilities, including contract and procurement procedures, formulation and review of design criteria, information exchange agreements, and participation with non-Federal project sponsors.

Subsection (b) also requires that within two years of the date of enactment of this bill, the Secretary is to report on the development and implementation of innovative technologies in water resources programs and projects under his jurisdiction. The report is also to contain information on innovative technologies that were considered and rejected for use by the Secretary.

Subsection (c) defines the term "innovative technology" to be "designs, materials, or methods which the Secretary determines are previously undemonstrated or are too new to be considered standard practice".

Section 206.

This provision requires the Corps of Engineers, at the request of project sponsors who have contributed cash toward project construction, to provide periodic statements outlining project expenditures which have been made and are anticipated on the project. A number of project sponsors have notified the Committee that the Corps of Engineers presently does not provide them with a proper accounting of the use of the funds which the sponsors have provided to the Corps under the new cost sharing policy.

Section 207.

This section corrects an unintentional ommission from Public Law 99-662. As originally intended by the conferees on that Act, the port cost sharing policy was to provide for a modification of the required local share of project costs to the extent the Secretary of the Army determined that there were direct and quantifiable benefits to the military.

Section 208.

This section authorizes and directs the Comptroller General to conduct a review of the management and administration of the civil works program of the U.S. Army Corps of Engineers. A review of management practices, organization, manpower, and structure can provide important information for future oversight of the Corps of Engineers.

TITLE III—PROGRAMS AND STUDIES

Section 301.

The existing New York Drift Removal Program authorizing the Corps of Engineers to remove material hazardous to navigation from around New York Harbor is capped at $30.5 million. This program ceiling will be reached in the current fiscal year. The work of the program remains largely incomplete because of rising costs and annual budget restrictions. In order to facilitate this important program, this section substitutes an annual program ceiling of $6 million for the program ceiling now in law. This annual ceiling is in line with current program needs, which in FY 1988 are $4.8 million.

Section 302.

The States of Minnesota and North Dakota are presently using the services of the Corps of Engineers under existing "technical assistance" programs in the Red River Basin to examine a range of water related problems in the basin. This provision would establish a technical resource service specifically for the Red River Basin. The authorized funding level for this Service would be $500,000 annually.

Section 303.

This study would direct the Corps, in conjunction with the Environmental Protection Agency, to peform a systematic study of the water quality-related aspects of their hydroelectric facilities and report back to Congress within two years. The report is also to include recommendations for what improvements, if any, might be necessary to improve conditions.

Mr. MOYNIHAN. This legislation is noncontroversial. It authorizes 11 corps projects, all of which have completed the corps planning process, all of which have positive benefit to cost ratios, and all of which have had an environmental impact statement completed.

In addition to these project authorizations, the legislation makes six technical corrections or minor modifications to the 1986 Omnibus bill; provides management guidance to the Corps of Engineers; requires the Comptroller General of the United States to conduct a general management review of the civil works program; establishes a Technical Resource Service for the Red River of the North; redefines the New York Harbor Drift Removal Program; and authorizes the Secretary of the Army to conduct a study of the water quality impacts of hydroelectric power projects.

Mr. President, the Subcommittee on Water Resources, Transportation, and Infrastructure will hold 3 days of hearings on this legislation March 16, 17, and 18. I would ask my colleagues with an interest in this bill to testify, as it would be my intention to have this legislation reported to the Senate by the Environment and Public Works Committee by April 15.

Mr. BURDICK. Mr. President, I join my colleagues on the Committee on Environment and Public Works today in introducing the Water Resources Development Act of 1988. Introduction of this bill, Mr. President, signals a return to the tradition of a biannual authorization bill for Corps of Engineers projects. This return was made possible by passage of Public Law 99-662, the Water Resources Development Act of 1986, which resolved a decade-long debate over water policy issues, most notably the question of cost sharing for water projects.

The bill which Senators MOYNIHAN, STAFFORD, SYMMS, and I are introducing today authorizes only those projects which have completed corps planning and for which there is local interest in proceeding to construction. We in the Congress have an obligation and a responsibility to see that these projects are authorized on a timely basis and not left unauthorized for another decade.

Mr. President, I would also say that while we have an obligation to proceed with projects in a timely way, we have no intention of authorizing projects which have no local support, or are of questionable merit. We will not do so in this bill.

I intend to work closely with my committee colleagues to have this bill reported to the Senate by April 15. I would hope that floor action would occur promptly thereafter because, as I have indicated, this legislation is routine and noncontroversial.

Mr. STAFFORD. Mr. President, I am glad to cooperate with my colleagues in cosponsoring this legislation. However, as I will explain, I do so with a nagging doubt in mind.

The passage of Public Law 99-662, the Water Resources Development Act of 1987, ushered in a new age for the Corps of Engineers. The cost sharing, user fees, and environmental protections in that bill have already resulted in an improved Corps of Engineers program, and have provided the key ingredients for a more sound Federal water resources development program.

Most of us who worked for years on the passage of that act would probably prefer to believe that with the signing of that bill into law, Congress could set aside water resources development legislation for a while. Certainly on the surface that would appear to be possible. The 1986 act authorized enough work to keep the corps busy for several years while at the same time setting a long-term policy direction which the corps is now working to implement.

But the Corps of Engineers marches on, and since the passage of Public Law 99-662, there are already several new projects ready for congressional authorization. In addition, there are a few technical changes that need to be made to the 1986 act and there are a few study and program provisions that probably should have been included in that act.

One of the oft-cited justifications for introducing another omnibus water resources bill so soon after the passage of the 1986 act is to "make the process more regular." More specifically, many believe it to be desirable to go back to the practice of passing a Corps of Engineers authorizing bill every 2 years or so.

There may be merit to that idea. Clearly, the 10-year wait leading up to the passage of the 1986 act resulted in a bill that was so large and so complex that the size in itself was a significant burden and issue. It also inspired an attitude that since the bill was so big anyway, then "just one more project wouldn't hurt anything." So, to avoid a replay of that very undesirable situation, it may be practical to try to pass a relatively modest bill every 2 or 3 years.

Further, a more regular schedule of authorizing bills seems possible now because so many of the controversial issues preventing passage of a bill for over a decade were resolved with the passage of the Water Resources Development Act of 1986.

So, in one sense, one might look at this bill as an experiment: if we can pass a relatively modest bill, free of unstudied or unjustified pork-barrel projects and free of controversial attempts to turn back the clock on newly won reforms, then we can consider the experiment to be a success.

However, if it turns out that this bill becomes a magnet for bad projects and ill-conceived policy initiatives, the experiment will have been a failure and we will have learned something about Congress' ability to successfully and smoothly regularize the Corps of Engineers authorizing process.

Mr. President, therein lies the source of the nagging doubt which I expressed at the outset of my remarks: the distinct possibility that this experiment may fail.

I sincerely hope that I am wrong in this regard, but we all know that public works bills, especially water resources bills, tend to grow very rapidly. And while this is a modest and responsible bill right now, I am not so naive as to think that there will not be strong pressure to increase its size by adding any number of special-interest provisions.

So, at the outset, I can hardly emphasize strongly enough that I do not consider, nor do I believe my colleagues on the committee consider, this bill to be merely the seed kernel of, or a place holder for, a much larger, more ambitious bill. It is our hope and our intent to see that this bill remains modest.

Similarly, this bill must not be looked at as an opportunity to undo the cost sharing and environmental reforms which were passed into law in the last Congress. The long-fought controversy over these issues was resolved in the last Congress, and to the extent we attempt to turn back the clock on a broad or individual project basis, the less likely we are to make progress on this legislation.

Mr. President, I support this bill as it now stands and I will do my best to ensure that it remains modest and responsible. To that end, I will oppose any unjustified projects or bad policy provisions that are offered for inclusion in committee, on the floor of the Senate, or in conference with the House.

COLLOQUY ON OMNIBUS BILL

Mr. STAFFORD. Mr. President, having said that, I would not like to ask my fellow sponsors of this legislation, my good friend from North Dakota, the chairman of the Committee on Environment and Public Works, my good friend from New York, the chairman of the Subcommittee on Water Resources, Transportation, and Infrastructure, and my good friend from Idaho, the ranking member of that subcommitee what would be their intent with respect to any attempts to include unstudied projects or regressive policy provisions in this bill?

Mr. BURDICK. Mr. President, I share the concerns of my good friend from Vermont. The 1986 water resource development ended 17 years of debate on how to reform Federal water policy for the Corps of Engineers. We are not going to change the fundamental reforms of that act respecting cost sharing, user fees, or environmental policy: not in committee, not in the Senate, not in conference. We are not going to tinker with these provisions at all.

Furthermore, Mr. President, I want my colleague from Vermont to know that I will join him in opposing the authorization of unsound water projects. They have no place on this legislation, which I have to have quickly considered by the Environment and Public Works Committee and reported to the Senate by April 15.

Mr. MOYNIHAN. Mr. President, the day of the corps boondoggle is over. It is over in large measure to the efforts of my friend from Vermont who worked with dogged determination to reform Federal water resource policy and make it more responsive to environmental concerns. We are proposing this legislation to reinforce the primacy of our authorizing committee in water policy matters. Unsound, unjustifiable water projects have no place on this legislation, and I, too, will not support their authorization.

Mr. SYMMS. Mr. President, I agree with my distinguished fellow cosponsors, and will oppose any attempts to include unjustified projects or ill-conceived policy provisions in this bill.

Mr. STAFFORD. I thank my colleagues for their assurances. I would now like to describe briefly a few of the provisions in this bill that are of particular interest to me.

Section 205 declares that, whenever feasible, the Secretary of the Army should seek to promote cost savings, increased efficiency, and improved environmental results through innovative techniques and technology in all phases of water resources development projects and programs under his jurisdiction.

During the last few years, studies conducted by the National Academy of Sciences, the Office of Technology Assessment, the Business Roundtable, and others have shown that in the United States far too little effort is directed toward improving the technologies of public works design, construction, repair, rehabilitation, and operation and maintenance. The relatively slow pace of innovation resulting from this neglect has caused inefficiencies and excessive expense in the construction and upkeep of the Nation's public works, including water resources facilities.

Since approximately $100 billion per year is spent nationally on public works, a significant portion of which is water resources related, even small inefficiencies become significant. Given the national character and magnitude of this problem, these studies have made it clear that the Federal Government can and should play an important role in addressing this situation.

In addition, water resources development projects frequently result in undesirable environmental consequences. In the past, new technologies, such as multilevel outlets at dams, nonstructural flood control techniques, and improved erosion control measures have helped lessen these impacts. Clearly, a more aggressive approach to demonstrating certain types of new technologies could help lessen environmental damages done by water resources projects.

Since the Corps of Engineers is the Federal Government's largest civil engineering force, and is involved in hundreds of water resources related projects and programs, it would seem reasonable that its considerable resources and responsibilities could be used more actively as a laboratory or proving ground for promising new technologies in water resources.

Presently, the Secretary, along with the Corps of Engineers, have a great number of administrative authorities and procedures which can be, and to an extent are, used to promote innovation in water resources related technology. These include various procurement and contracting procedures including design competitions, broad latitude with respect to project design criteria, formal and informal technical exchange arrangements with other agencies and persons, and internal information exchange between the corps laboratories and district and division offices.

To be sure, the corps does use its existing authorities in a good faith effort to promote innovation, and for this it is to be praised. However, every indication is that by making innovation a higher priority and by making a more concerted effort, the corps can make even more lasting contributions to improved water resources technologies.

So, although this provision provides the Secretary with no new authorities, it encourages the Secretary and the corps to redouble their efforts and make the maximum use of existing authorities, programs, and projects in order to advance the state of the art with respect to water resources and related technology and techniques.

Mr. President, it can be expected that the initial trial of a new technology or technique will sometimes cost more than conventional technology—cost savings only being realized after experience is gained with the new technology. To the extent that cost increases on an initial trial are within the scope of the law, and to the extent the Secretary chooses to absorb the increased cost or can work out these increased costs with local project sponsors, such costs should be considered to be part of the innovation process.

Although this provision encourages the Secretary and the corps to become more aggressive innovators, it must be emphasized that public safety and project reliability should continue to be given the highest priority.

Next, Mr. President, section 303 directs the Corps of Engineers, in conjunction with the Environmental Protection Agency, to perform a systematic study of the water quality related aspects of their hydroelectric facilities, and to report back to Congress within 2 years.

By their very nature, many hydroelectric facilities cause significant physical and chemical changes to downstream water. One of the more harmful changes that can occur is the reduction of the dissolved oxygen content in downstream water. Low dissolved oxygen levels limit the number and type of organisms that can live in the water and also limit the ability of the water to assimilate waste.

The Corps of Engineers currently operates over 72 hydroelectric plants throughout the United States. Despite the fact that initial data indicates that the releases from as many as 25 of these facilities fail to meet State standards for dissolved oxygen during certain portions of the year, there has never been a comprehensive study of water quality at corps hydroelectric plants.

Recently, the Tennessee Valley Authority has studied the dissolved oxygen problems at its hydroelectric facilities and has begun the long overdue effort to address these problems with various types of retrofits and modifications. Further, owners of non-Federal hydroelectric facilities are in many cases required by the Federal Energy Regulatory Commission to correct dissolved oxygen problems at their facilities. Given these facts, it seems particularly appropriate and timely for the Corps of Engineers to undertake a study of the water quality associated with its hydroelectric generation facilities.

Finally, section 204 ensures that local non-Federal sponsors of Corps of Engineers shoreline protection projects comply with and participate in applicable flood plain management and flood insurance programs prior to the construction of the project.

At present, section 402 of the Water Resources Development Act of 1986 requires that non-Federal sponsors of Corps of Engineers flood control projects agree to comply with and participate in applicable flood plain management and flood insurance programs prior to project construction. The intent of this section is to provide additional assurance of compliance with these important programs and to thereby lessen the need for flood control expenditures in the future.

This section amends section 402 to ensure that local non-Federal sponsors of corps shoreline erosion protection projects meet these same requirements.

By Mr. STAFFORD (by request):

S. 2101. A bill to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

WATER RESOURCES DEVELOPMENT ACT

● Mr. STAFFORD. Mr. President, I am introducing, by request, the administration's draft water resources development legislation for the U.S. Army Corps of Engineers.

I ask unanimous consent that the letter of transmittal from Assistant Secretary Page, the bill, and the Secretary's explanation of the bill, be reprinted in the RECORD at this point.

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

S. 2101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Water Resources Development Act of 1988".

DEFINITION OF SECRETARY

SEC. 2. For purposes of this Act, that term "Secretary" means the Secretary of the Army.

PROJECT AUTHORIZATIONS

SEC. 3. The following projects are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated:

(1) the project for navigation, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky: Report of the Chief of Engineers, dated August 20, 1986, at an estimated total cost of $775,000,000, with the costs of construction of the project to be paid one half from amounts appropriated from the general fund of the Treasury and one half from amounts appropriated from the Inland Waterways Trust Fund;

(2) the project for flood control, Hazard, Kentucky: Report of the Chief of Engineers, dated October 30, 1986, at an estimated total cost of $7,450,000, with an estimated first Federal cost of $5,590,000 and an estimated first non-Federal cost of $1,860,000;

(3) the project for navigation, Delaware River, Philadelphia to Wilmington, Pennsylvania and Delaware: Report of the Chief of Engineers, dated June 15, 1986, at an estimated total cost of $16,900,000, with an estimated first Federal cost of $9,000,000 and an estimated first non-Federal cost of $7,900,000; and

(4) the project for flood control, Truckee Meadows, Nevada: Report of the Chief of Engineers, dated July 25, 1986, at an estimated total cost of $78,400,000, with an estimated first Federal cost of $39,200,000 and an estimated first non-Federal cost of $39,200,000.

PROJECT MODIFICATIONS

SEC. 4. The project for flood control, Redwood River, Marshall, Minnesota, authorized by Section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082, 4117), is modified to authorize the Secretary to construct the project substantially in accordance with the General Design Memorandum, dated

April 1987, at an estimated total cost of $6,900,000, with an estimated Federal first cost of $5,000,000 and an estimated non-Federal first cost of $1,900,000.

HARBOR UTILITY RELOCATIONS

SEC. 5. (a) Section 101(a)(2) fo the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082) is amended by deleting the last sentence and inserting in lieu thereof the following sentence: "The value of lands, easements, rights-of-way, relocations, and dredged material disposal areas provided under paragraph (3) and the costs of relocations borne by the non-Federal interests under paragraph (4) shall be credited toward the payment required under this paragraph.".

(b) The amendments made by this section are effective as of November 17, 1986.

RECREATION USER FEES

SEC. 6. (a) Section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460*l*-6a), is further amended by:

(1) inserting the words ", water resources development areas administered by the Department of the Army that are used in whole or in part for recreation purposes," after the words "the Department of the Interior" in the first sentence of subsection (a);

(2) deleting the words "The Secretary of the Interior and the Secretary of Agriculture" and inserting in lieu thereof the words "Each administering Secretary" in the first sentence of subsection (a)(4);

(3) deleting the words "The Secretary of the Interior and the Secretary of Agriculture" and inserting in lieu thereof the words "Each administering Secretary" in the first sentence of subsection (a)(5); and

(4) deleting the next to the last sentence of subsection (b).

(b) Section 210 of the Flood Control Act of 1968 (82 Stat. 746; 16 U.S.C. 460d-3) is repealed.

(c) The amendments made by this section shall take effect October 1, 1989.

CONFINED DISPOSAL FACILITIES

SEC. 7. Section 123 of the River and Harbor Act of 1970, as amended, (33 U.S.C. 1293a) is further amended by adding at the end thereof the following new subsections:

"(j) The Secretary of the Army is authorized to continue to deposit dredged materials into a facility constructed under the provisions of this section until the Secretary of the Army determines that such facility is no longer needed for such purpose or that such facility is completely full.

"(k) Authority to construct new facilities pursuant to this section expires on the date of enactment of this Act, except that this subsection shall not apply to any project for which there is an executed agreement, as required by subsection (c), on that date.".

TRANSFERS FOR INTENSIFIED MITIGATION MANAGEMENT

SEC. 8. The Secretary is authorized to transfer funds to another Federal agency or a non-Federal public agency to carry out intensified wildlife management on areas under the jurisdiction of the transferee agency for the purpose of mitigating fish and wildlife impacts attributable to projects under the Secretary's jurisdiction. Such transfers shall be without prejudice to the regular appropriations required by the transferee agency for ongoing management of lands under its jurisdiction.

SUPPORT TO PRIVATE U.S. FIRMS COMPETING IN FOREIGN COUNTRIES

SEC. 9. (a) The Secretary is authorized to undertake a demonstration program for a two-year period, which shall begin within six months after the date of enactment of this Act, to provide technical assistance, on a nonexclusive basis, to any United States firm which is competing for, or has been awarded, a contract for the planning, design, or construction of a project outside the United States, if the United States firm provides, in advance of fiscal obligation by the United States, funds to cover all costs of such assistance. In determining whether to provide such Assistance, the Secretary shall consider the effects on the Department of the Army civil works mission, personnel, and facilities. Prior to the Secretary providing such assistance, a United States firm must—

(1) certify to the Secretary, who shall cocertify, that such assistance is not otherwise reasonably and expeditiously available; and

(2) agree to hold and save the United States free from damages due to the planning, design, construction, operation, or maintenance of the project.

(b) As to an invention made or conceived by a Federal employee while providing assistance pursuant to this section, if the Secretary decides not to retain all rights in such invention, the Secretary may—

(1) grant or agree to grant in advance, to a United States firm, a patent license or assignment, or an option thereto, retaining a nonexclusive, nontransferrable, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the United States and such other rights as the Secretary deems appropriate; or

(2) waive, subject to reservation by the United States of a nonexclusive, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the United States, in advance, in whole or in part, any right which the United States may have to such invention.

(c) Information of a confidential nature, such as proprietary or classified information, provided to a United States firm pursuant to this section shall be protected. Such information may be released by a United States firm only after written approval by the Secretary.

(d) Within six months after the end of the demonstration program authorized by this section, the Secretary shall submit to the Congress a report on the results of this demonstration program.

(e)(1) For purposes of this section, "United States firm" means a corporation, partnership, limited partnership, or sole proprietorship that is incorporated or established under the laws of any of the United States with its principal place of business in the United States; and

(2) For purposes of subsection (a), "United States", when used in a geographical sense, means the several states of the United States and the District of Columbia.

BRUSH CREEK AND TRIBUTARIES, MISSOURI AND KANSAS

SEC. 10. (a) The Secretary is authorized to provide services, including the provision of such services by contract, to the non-Federal project sponsor in the design and construction of upstream and downstream non-Federal extensions to the Federal project for flood control, Brush Creek and Tributaries, Missouri and Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082, 4118), if the non-Federal sponsor provides, in advance of fiscal obligation by the United States, funds to cover all costs of such services.

(b) Prior to construction of such extensions, the non-Federal sponsor must obtain all necessary Federal and state permits.

(c) The non-Federal sponsor must agree to hold and save the United States free from damages due to the planning, design, construction, operation, or maintenance of such extensions.

(d) Such extensions remain a non-Federal responsibility and shall not be considered part of the Federal project for any purpose.

OHIO RIVER DIVISION LABORATORY

SEC. 11. The Secretary is authorized to construct a new division laboratory at an estimated cost of $2,000,000, for the United States Army Engineer Division, Ohio River. Such laboratory shall be constructed on a suitable site, which the Secretary is hereby authorized to acquire for that purpose.

EDUCATION EXPENSES FOR CHILDREN OF CORPS EMPLOYEES IN PUERTO RICO

SEC. 12. The Secretary is authorized to pay tuition expenses of suitable, English-taught primary and secondary education in Puerto Rico for the child or children of any Federal employee when such expenses are incurred after the date of enactment of this Act and while the employee is temporarily residing and employed in Puerto Rico for the construction of the Portuguese and Bucana Rivers, Puerto Rico, project.

SERVICES TO STATES AND LOCAL GOVERNMENTS

SEC. 13. Subsection (d) of section 3036 of title 10, United States Code, is amended—

(1) by designating the first sentence as paragraph (1);

(2) by designating the second sentence as paragraph (2); and

(3) by deleting "United States" and all that follows in such subsection and inserting in lieu thereof the following:

"United States or to a State or political subdivision of a State. The Chief of Engineers may provide any part of those services by contract. Services may be provided to a State, or to a political subdivision of a State, only if—

"(A) the work to be undertaken on behalf of non-Federal interests involves Federal assistance and the head of the department or agency providing Federal assistance for the work does not object to the provision of services by the Chief of Engineers; and

"(B) the services are provided on a reimbursable basis.".

SECTION-BY-SECTION ANALYSIS

(To authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.)

SECTION 1

This section provides that the Act may be cited as the Water Resources Development Act of 1988.

SECTION 2

This section provides that for purposes of this Act, the term "Secretary" means the Secretary of the Army. This section does not limit the Secretary's existing authority to delegate duties or functions to the Chief of Engineers or other Army Corps of Engineers officials.

SECTION 3

This section authorizes 2 navigation projects and 2 flood control projects. These projects are:

Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky. The recommended navigation plan would modify the Federal navigation project on the Ohio River by replacing the existing Locks and Dams 52 and 53 with a single facility including twin 110 × 1200 foot locks at river mile 964.4 near the community of Olmstead, Illinois. At October 1987 price levels, the estimated first cost is $775,000,000. At an 8⅝ percent discount rate, average annual benefits are $208,050,000 with $203,300,000 attributable to navigation and $4,750,000 attributable to redevelopment. The benefit cost ratio is 2.2. The costs of the construction of the project will be paid one half from the general fund of the Treasury and one half from the Inland Waterways Trust Fund.

Hazard, Kentucky. The recommended flood control plan provides for channel widening along about 5.9 miles of the North Fork Kentucky River in Perry County in eastern Kentucky. The recommended plan provides 6-25 year frequency protection and would reduce average annual damages by approximately 44 percent. The estimated cost at October 1987 price levels is $7,450,000. At an 8⅝ percent discount rate, the average annual benefits are $1,110,000 and average annual costs are $754,000 with a benefit cost ratio of 1.57. The non-Federal sponsor is the City of Hazard.

Delaware River, Philadelphia to Wilmington, Pennsylvania and Delaware. The recommended navigation plan includes deepening the Fedeal project in the lower Schuylkill River from 33 feet to 40 feet and providing a turning basin with a depth of 40 feet; and deepening the project for the Delaware River in the vicinity of Camden, New Jersey, at the Beckett Street Terminal, from the authorized (but, as yet, unconstructed) depth of 37 feet to a depth of 40 feet. The sponsor of the Schuylkill River project is the City of Philadelphia, and the South Jersey Port Corporation has indicated its willingness to provide the required items of cooperation for the Beckett Street Terminal project. Costs and benefits for these two projects, based on the cost sharing provisions of Public Law 99-662, are displayed below. (October 1987 prices and discount rate of 8⅝ percent.)

	Total	Federal	Non-Federal	B-C
Schuylkill River	$11,800,000	$5,900,000	$5,900,000	6.3
Beckett St Terminal	5,100,000	3,100,000	2,000,000	1.6
Total	16,900,000	9,000,000	7,900,000	7.9

Truckee Meadows, Nevada. The project area is located in Washoe and Storey Counties, Nevada, and includes the Truckee River and tributaries in the Reno, Sparks and Truckee Meadows urban area. The selected plan would provide 100-year flood protection to the Reno-Sparks and Truckee Meadows urban areas using a combination of levees, floodwalls, channel improvements and an overflow storage area. Also, additional recreation facilities and improvements to fish and wildlife resources would be provided. Based on October 1987 price levels, the estimated cost of the recommended plan is $78,400,000 of which $39,200,000 would be Federal. Average annual charges, based on 8⅝ percent discount rate and a 50-year period for economic analysis are $7,160,000. Average annual benefits are $13,220,000, and the benefit-cost ratio is 1.8. The non-Federal sponsors are the County of Washoe and the Cities of Sparks and Reno, Nevada.

SECTION 4

This section increases the authorized project cost for one flood control project. This project is:

Redwood River, Marshall, Minnesota. This project was authorized in Public Law 99-662 at a cost of $4,370,000 at October 1985 price levels. The current estimated cost is $6,900,000 at October 1987 price levels. The increase is 48 percent, adjusted to October 1985 price levels. The cost of the project as authorized was based on the feasibility report which was completed in 1979 and was the best estimate of the cost at that time. Analysis of more recent frequency-discharge data, combined with new development in the project area, required departures from the authorized project. The departures do not materially alter the scope or function of the project as authorized. Rather, these departures are needed to insure the project functions as visualized in the feasibility report, but based on the more recent information collected as part of the GDM effort.

SECTION 5

This section provides that the costs of utility relocations borne by the non-Federal sponsor for a harbor or inland harbor project shall be credited toward the additional 10 percent payment required by Section 101(a)(2) of Public Law 99-662. That Act currently provides that the non-Federal sponsor receive credit toward the 10 percent for the value of lands, easements, rights-of-way, other relocations, and dredged material disposal areas provided.

SECTION 6

Effective October 1, 1989, this section authorizes the collection of fees for the use of project recreation lands and facilities. The current fee program is limited to the collection of fees for specialized recreation services or facilities (e.g. campgrounds). The Secretary of the Army is currently prohibited from collecting entrance or admission fees. The Secretary is limited to collection of fees for use of highly developed campgrounds and must provide one free campground at each project where camping is permitted. This section eliminates these restrictions and would place the Army Corps of Engineers on a comparable basis with other agencies concerning the collection of recreation use fees. The fee will be deposited into an existing special recreation use fees account credited to, and eligible for appropriation to, the Secretary.

SECTION 7

This section would make clear that the Secretary of the Army is authorized to continue to fill a confined disposal facility (CDF) constructed pursuant to Section 123 of the River and Harbor Act of 1970, Public Law 91-611, until the Secretary determines that such facility is no longer needed for such purpose or that such facility is completely full. The General Accounting Office has issued a report which concludes that Section 123 limits the Secretary's use of a CDF to a ten-year period after such facility's construction, a conclusion with which the Department of the Army disagrees. This section would remove any doubt on the issue.

In addition, this section would terminate the Secretary's authority to construct new Section 123 CDFs, except for those with local cooperation agreements executed prior to enactment of this provision.

SECTION 8

This section would authorize the transfer of funds appropriated for new construction and associated operation and maintenance of Army Civil Works water resource projects to other Federal and non-Federal agencies for the purpose of intensifying wildlife management on areas under these agencies' jurisdiction. The Secretary of the Army has no authority to fund intensified wildlife management activities in areas under another agency's jurisdiction as a means of full or partial mitigation of losses due to project construction and operation. These activities would offset unavoidable damages to fish and wildlife and would be included in water resource projects when the cost of measures for this purpose are justified by the monetary or nonmonetary effects attributable thereto. A transfer of funds to another agency would be included in mitigation plans, when it is one of the most efficient and least costly measures to reduce significant resource losses. Transfers of funds to the Mitigation Trust Fund created by Section 908 of the Water Resources Development Act of 1986, P.L. 99-662, are not authorized by this section. In addition, intensified mitigation management will not supersede or preclude other approaches to project impact mitigation (such as wetlands creation) as required pursuant to the national Environmental Policy Act, the Clean Water Act or any other applicable statute.

SECTION 9

This section authorizes the Secretary of the Army to establish a 2-year demonstration program beginning within six months of enactment, to provide supporting services on a nonexclusive basis to U.S. firms that are competing for the planning, design or construction of projects in foreign countries where the Army Corps of Engineers has an expertise that is not available in the private sector. The firms must agree to pay all costs upfront to use government expertise. In addition, both the Secretary and the private firm must certify that the assistance is not otherwise reasonably and expeditiously available through the private sector. The American Consulting Engineers Council and the Department of Commerce have expressed support of Army Corps of Engineers assistance to U.S. firms competing for overseas projects. Both recognize that U.S. firms sometimes operate at a disadvantage because many foreign countries are providing technical support to their firms pursuing international work. At the conclusion of the program, a report on its impact will be submitted to Congress.

SECTION 10

This section enables the Secretary of the Army to construct extensions to the Brush Creek project that are not part of the authorized work to achieve a more orderly, timely, and economical completion of the extensions at no cost to the Federal taxpayer. The local flood control measures will be constructed between State Line Road and Roanoke Parkway, upstream of the Federal project, and between Tracy Avenue and Cleveland Avenue, downstream of the Federal project. The project for flood control along Brush Creek was authorized in Public Law 99-662. Kansas City, Missouri, and the Army Corps of Engineers have agreed that, in conjunction with the authorized Brush Creek and Tributaries, Missouri and Kansas, flood control project, the Corps will design upstream and downstream exten-

sions of the authorized project that are desired by the City. The City is paying in advance 100 percent of the cost of designing the extensions and will pay upfront 100 percent of the construction cost. The City also will be required to acquire all necessary permits for construction of the extensions. Many of the technical advantages, and probably some construction economies, will be foregone if the City is required to construct the extensions without further involvement of the Army Corps of Engineers beyond the design stage. Work accomplished under this section will not be considered part of the Federal project and no future liability or maintenance responsibilities will accrue to the Federal Government.

SECTION 11

This section authorizes the construction of a replacement laboratory for the Ohio River Division. The requests for the replacement laboratory was included in the Revolving Fund's Plant Replacement and Improvement Program for Fiscal Year 1988 as a major item new start with an estimated cost of $2 million. A Real Estate Design Meiorandum prepared in Noveiber 1986 considered several alternatives and recommended acquisition of approximately 3 acres in the Schumacher Commerce Park, in Butler County Ohio, at a cost of approximately $130,000. Other Army Civil Works-owned sites were determined to be unsuitable due to lack of access and utilities. Use of the present site would require temporary relocation of the facility while the existing lab is demolished, and the new lab constructed. The existing facility has an estimated market value of $400,000 and would be sold when the new facility is available.

SECTION 12

This section authorizes the Secretary of the Army to pay the tuition costs of obtaining English-taught education at nearby private educational institutions in Puerto Rico of any Federal employee who is residing in Puerto Rico and employed in the construction of the Portuguese and Bucana Rivers project. Army Corps of Engineers employees from the mainland of the United States are temporarily employed in the construction of the Portuguese and Bucana, Puerto Rico, project. As a condition of their responsibilities, they must reside in the immediate vicinity of Ponce, close to the project. This results in their children being unable to obtain a primary or secondary education taught in English at public facilities, because nearby local facilities teach in Spanish and English teaching educational facilities, that are provided at Federal expense in Puerto Rico, are too far away for these children to attend reasonably. This section remedies the inequity for these children caused by the unique residence requirements.

SECTION 13

This section corrects a technical deficiency in 10 U.S.C. 3036(d), created by enactment of Public Law 99-662. The purpose of Section 922 of Public Law 99-662 was to amend Section 3036(d) of Title 10, United States Code, to authorize the Army Corps of Engineers to provide services, including construction work, to states and political subdivisions thereof in certain circumstances. It appears that the conferees intended to adopt in to the Senate language on this provision; however, Section 922 of the conference-reported bill dropped the last phrase of the Senate langauge. With adoption of the conference report and enactment of Public Law 99-662, Section 3036(d) was amended into a nonsensical section. This proposal would correct the error.

DEPARTMENT OF THE ARMY,
Washington, DC, February 22, 1988.

Hon. GEORGE BUSH,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes".

This proposal contains the Department of the Army Civil Works legislative program for the second session of the 100th Congress, and the Office of Management and Budget advises that enactment of this legislation would be in accord with the President's legislative program. The Department of the Army recommends that the proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

We would like to take this opportunity once again to commend the Congress for its work in enactment of the Water Resources Development Act of 1986 (Public Law 99-662) and in the establishment of new cost sharing for water resources development projects. This legislative proposal is consistent with that Act and intends to reestablish the regular cycle of water resources development authorization acts. This proposal authorizes new water resources development projects; modifies the authorization for one project which exceeds the cost limitations imposed by Public Law 99-662; modifies provisions of that Act to effectuate the intent of the Congress; and otherwise addresses some concerns related to the Department of the Army Civil Works program.

COST AND BUDGET DATA

The estimated Federal first cost of the four projects which would be authorized and the one project which would be modified by this proposal is $446,000,000. Authorization of the recreation use fee provision in this proposal will result in a $20,000,000 increase in Department of the Army Civil Works fee collections in fiscal year 1990 and an $80,000,000 increase from fiscal year 1990 through fiscal year 1993.

ENVIRONMENTAL AND CIVIL RIGHTS IMPACTS

Enactment of the enclosed legislation will have no significant environmental or civil rights impacts.

Sincerely,

ROBERT W. PAGE,
Assistant Secretary of the Army
(CIVIL WORKS).●

By Mr. HEINZ:

S. 2103. A bill relating to decennial census of population; to the Committee on Governmental Affairs.

DECENNIAL CENSUS LEGISLATION

● Mr. HEINZ. Mr. President, in a few short years the U.S. Census Bureau will conduct its decennial tabulation of the Nation's population. The findings of that census will have a tremendous impact on the Congress, and could force a significant redrawing of this Nation's political landscape.

We should be able to rely, absolutely, upon the findings of the census. It should be based on sound methodology, and its results should be an accurate reflection of America's citizenry. Unfortunately, I fear that such will not be the case. The census will once more fail to count U.S. service men and women on temporary overseas assignment.

This matter has serious implications for a number of States. My home State of Pennsylvania will be directly affected—as will Connecticut—if policy does not change. Depending on the total that is actually tallied, Alabama, Missouri, Michigan, and North Carolina will also suffer a direct loss of representation. On the other hand, California and Texas will more than likely gain a number of Representatives.

Those persons and their families who are U.S. citizens and are serving their country overseas will lose representation to which they are entitled. Pennsylvania, for example, currently has 23,000 military personnel serving overseas. These persons, however, will not be accounted for in the U.S. census—and thus may lose their say here in Congress.

There is a simple word for this practice: unfair. That is why, Mr. President, I rise at this time to introduce legislation that will reverse this disturbing situation. Quite simply, this legislation, identical to H.R. 3815, introduced by Congressman TOM RIDGE in December 1987, will include overseas personnel in the census. It is a step toward correcting what I see as a fundamental flaw in the process by which we determine how congressional seats are apportioned.

I invite my colleagues to support this measure, and to join me in cosponsoring this important legislation.

I ask unanimous consent that a text of this bill be printed at this point in the RECORD.

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

S. 2103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 141 of title 13, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g)(1) Effective beginning with the 1990 decennial census of population, in taking any tabulation of total population by States for purposes of the apportionment of Representatives in Congress among the several States, the Secretary shall take appropriate measures to ensure that no member of the armed forces, civilian employee of the Department of Defense, or dependent of any such member or employee, is excluded based on such member or employee being assigned to a post outside the United States.

"(2) Nothing in this section shall be considered to preclude any decennial census data which is obtained by the Secretary other than in accordance with paragraph (1) of this subsection from being used for any purpose other than the one described in such paragraph.".●

ADDITIONAL COSPONSORS

S. 542

At the request of Mr. ARMSTRONG, the name of the Senator from New Hampshire [Mr. RUDMAN] was added as a cosponsor of S. 542, a bill to recognize the organization known as the Retired Enlisted Association, Inc.

S. 675

At the request of Mr. MITCHELL, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Arkansas [Mr. BUMPERS] and the Senator from California [Mr. WILSON] were added as cosponsors of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992.

S. 840

At the request of Mr. THURMOND, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 840, a bill to recognize the organization known as the 82d Airborne Division Association, Inc.

S. 1522

At the request of Mr. RIEGLE, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

S. 1776

At the request of Mr. ARMSTRONG, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1776, a bill to modernize United States circulating coin designs, of which one reverse will have a theme of the Bicentennial of the Constitution.

S. 1885

At the request of Mr. DODD, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1885, a bill to provide for a Federal program for the improvement of child care, and for other purposes.

S. 2033

At the request of Mr. THURMOND, the names of the Senator from Delaware [Mr. ROTH], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 2033, a bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes.

S. 2051

At the request of Mr. MCCLURE, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 2051, a bill entitled the "Prohibition of Undetectable Firearms Act."

SENATE JOINT RESOLUTION 21

At the request of Mr. HOLLINGS, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, and Presidential elections.

SENATE JOINT RESOLUTION 59

At the request of Mr. THURMOND, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of Senate Joint Resolution 59, a joint resolution to designate the month of May 1987 as "National Foster Care Month."

SENATE JOINT RESOLUTION 225

At the request of Mr. ARMSTRONG, his name was added as a cosponsor of Senate Joint Resolution 225, a joint resolution approving the location of the Korean War Memorial.

SENATE JOINT RESOLUTION 234

At the request of Mr. THURMOND, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 234, a joint resolution designating the week of April 17, 1988, as "Crime Victims Week."

SENATE JOINT RESOLUTION 235

At the request of Mr. DECONCINI, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Joint Resolution 235, a joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

SENATE JOINT RESOLUTION 249

At the request of Mr. RIEGLE, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Joint Resolution 249, a joint resolution designating June 14, 1988, "Baltic Freedom Day."

SENATE JOINT RESOLUTION 251

At the request of Mr. HOLLINGS, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Joint Resolution 251, a joint resolution designating March 4, 1988, "Department of Commerce Day."

SENATE RESOLUTION 384—REGARDING THE BANNING OF POLITICAL ACTIVITY IN SOUTH AFRICA

Mr. MCCONNELL (for himself, Mr. KENNEDY, Mrs. KASSEBAUM, Mr. SIMON, Mr. WEICKER, Mr. LEVIN, Mr. MURKOWSKI, Mr. ROTH, and Mr. SARBANES) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 384

Whereas, on February 23, 1988, President Pieter W. Botha, President of South Africa, signed an emergency order effectively banning 18 anti-apartheid groups from publishing information, organizing public meetings, distributing leaflets or engaging in any other political activities;

Whereas, the organizations banned from engaging in such political activities include: the United Democratic Front [UDF], the Detainees' Parents Support Committee, the National Education Crises Committee, the Cape Youth Congress, the Cradock Residents Association, the Detainees' Support Committee, the National Education Union of South Africa, the Port Elizabeth Black Civic Organization, the Release Mandela Campaign, the Soweto Civic Association, the Soweto Youth Congress, the South African National Students Congress, the South African Youth Congress, the Vaal Civic Association, the Western Cape Civic Association, the Azanian People's Organization, and the Azanian Youth Organization;

Whereas, the Congress of South African Trade Unions [COSATU] has been restricted to conducting only trade union activities and banned from political activities;

Whereas, at least seventeen orders have also been issued restricting the political activities of individual South African citizens including Albertina Sisulu and Archie Gumede, the only national UDF leaders who have heretofore not been detained;

Whereas, the South African government has engaged in a pattern of denial of international passports for travel to individuals who have exercised their right of free speech in criticising the government and its policy of apartheid;

Whereas, no action taken by these organizations or individuals have heretofore been represented by the South African government as other than legal and constitutional;

Resolved, it is the sense of the Senate that banning of political activities ruthlessly eliminates peaceful, legal means to oppose the policy and practices of apartheid;

That banning of political activities will increase the incidents and prospects of violence as the only remaining alternative to promote change in South Africa;

That the South African government's decision violates fundamental democratic principles of free speech and assembly and undermines opportunity for dialogue, reconciliation of views, and needed change in South Africa;

That international concern regarding the need for peaceful change in South Africa has been completely disregarded in the implementation of such bans;

That the U.S. Government should increase pressure on the South African Government through a variety of political, diplomatic and economic measures;

That the President should immediately take action to achieve numerical equivalence in diplomatic missions of the South African government and U.S. Government;

That approval of temporary U.S. visas requested by South Africans should be granted on a case-by-case basis only after consideration of the South African government's record of allowing South African citizens—particularly those who are members of anti-apartheid organizations—to travel to the United States.

Mr. MCCONNELL. Mr. President, as we all know the Senate has been preoccupied this past week with S. 2. As we have been engaged in our exercise in free speech, the South African Government has decided to further suppress democratic political activities of the majority of its citizens. Earlier this week, President Botha signed an emergency order which effectively bans 18 anti-apartheid groups from publishing information, granting interviews, orga-

nizing public meetings, distributing leaflets, or urging public action on behalf of or in the name of the organization. This emergency decree effectively bans all political activity by the principle opponents of apartheid. We must ask ourselves, what options are now left for those who oppose apartheid? What opportunities will reasonable South African men and women have to peacefully express their opposition to apartheid and pursue a course of change? The answer is none.

I must confess I am stunned by this cynical, calculated, oppressive action. I wholeheartedly concur with the State Department's observation, "this is a giant step backward for democracy and human rights in South Africa." Only the extremists, only those who advocate violence, will benefit from this decision. So long as the majority of citizens demanding change. This new banning order robbing the anti-apartheid movement of free speech and assembly will not staunch the desire for freedom. The demand for the basic right to participate in government will not be abandoned. The desperate need and call for improvements in employment opportunities, education and health services will not subside. The banning order does not change the conditions, it simply criminalizes peaceful, political opposition to those conditions. The door has been opened to those who advocate violence.

Seventeen grassroots organizations as well as the Congress for South African Trade Unions [COSATU] have been restricted from political activities. What is incomprehensible is the fact that the government banned these organizations while simultaneously maintaining that they were legal and had done nothing to violate the law. The groups will be allowed to maintain financial records and remain in existence, they simply can't do anything with this status.

In addition to the group bannings, the government has issued a flurry of orders restricting political activities of individuals including Albertina Sisulu and Archie Gumede, leaders of the UDF. It is clear to me that the government is set on a course of silencing its critics. They intend to dismantle legal, peaceful political organizations not the odious tyranny of apartheid.

Mr. President, as we all know, it has been difficult to follow events in South Africa because repressive censorship of the press has severely curtailed information flow. To further curb any opposition to apartheid, critics of the government have been arrested and detained. Reliable organizations estimate that since June 1986 close to 30,000 people have been detained. Even those who are released such as Govan Mbeki, who endured 23 years in prison, are immediately banned from participating in political activities. As I noted when Govan Mbeki was released then detained, I believe the South African Government is engaged in a dangerous and cynical game of political chicken. By restraining the flow of information, restricting political activism against apartheid, refusing to engage in discussion with its opponents, the South African Government is calculating that both their opposition and international interest in apartheid will die out.

The resolution that I have introduced will demonstrate that both our interest and opposition to apartheid is alive and kicking. I do not want one more act of oppression to pass by unnoticed. I do not want the South African Government to have any reason to believe that the Senate does not care.

The resolution calls attention to the long list of organizations and individuals that have now been banned from peacefully protesting apartheid. I think it is interesting to note that of national organizations that have declared opposition to apartheid, only three continue to enjoy any modicum of political freedom. The resolution also highlights the South African Government pattern of denial of passports to its critics who wish to travel to the United States. But, Mr. President, the point is not to just call attention, yet again, to practices that we find objectionable. The resolution also specifically recommends that the president take two concrete actions to demonstrate that we believe the South African Government has crossed the line of reason, good faith and good judgment.

First, we ask the administration to take action to achieve numerical equivalence in the South African and American Diplomatic Missions. I believe strongly in the purposes of our embassies and consulates. They gather and communicate policy decisions and information essential to our understanding and pursuit of sound relations with all nations. However, the South African Government is not listening as is evident by this recent decision. U.S. policy and action must be targetted in such a way to affect the South African Government's interest. Equivalence in representation is just such an option. At present the South Africans have four consulates and one embassy in the United States compared with our three consulates and embassy. If the South Africans insist on acting like the Soviets, we shall treat them like the Soviets and maintain absolute parity in diplomatic missions.

Second, the resolution urges the administration to respond to the South African Government's pattern of denial of passports to its critics. Just this past week, Fatima Meer, a professor at the University of Natal who was invited to address the Smithsonian Institution, was denied a passport. I doubt any of us view the Smithsonian as a subversive poltical organization, nonetheless, Ms. Meer will not be able to address the lecture series. Ms. Meer is not the first and will not be the last critic of apartheid denied a passport.

In the meantime, a steady flow of South Africans sympathetic to the Government viewpoint continue to receive passports and come to the United States. I support their right to express their views and to do so both in South Africa and the United States. However, I am angered by the South African Government's efforts to control when, where, and which South Africans can enjoy freedom of speech. This legislation puts them on notice that American consular officials will take into consideration the South African Government's record of allowing South Africans—especially members of anti-apartheid organizations—the opportunity to travel to the United States.

No one in this body seeks to censor or restrict the debate on South Africa. This resolution simply expresses our willingness to respond, in kind, to South African restrictions. An illustration of what we hope to accomplish is if Fatima Meer is not allowed to come to the United States. Then the chairman of the publications review panel responsible for press censorship could be denied a visa. Perhaps this action will galvanize a body of opinion that has always been exempt from the harsh curbs of apartheid. Unfortunately, spreading the political pain may be the only way to make gains.

Mr. President, this resolution is a simple, straightforward reaction to a reprehensible, inexcusable act on the part of the South African Government. I crafted this sense of the Senate resolution because I wanted to focus our attention and respond to this one decision and issue of political bannings. Over the past several months, the South African Government has made a number of decisions that I view as counterproductive in solving the many problems its citizens suffer. However, none has offended and shocked me as much as the decision to ban these 18 grassroot anti-apartheid organizations. As a spokesman for the UDF noted, the Government has "declared war against peaceful opposition." I agree.

It is not my intention to reopen, at this time, the entire question of our relations with South Africa. However, I do want to serve notice that when the issue of U.S. policy is discussed later in the spring, if the bannings still stand it is my intention to support legally binding language similar to this resolution, in the context of more comprehensive legislation.

In concluding, Mr. President, I would urge my colleagues' support for this measure. The South African Gov-

ernment must be clearly and unequivocally advised of the Senate's continuing opposition to the injustices of apartheid and the shocking efforts to enforce it. The Senate must make clear that we support dismantling the tyranny of apartheid, not the legal, political organizations which oppose it.

Mrs. KASSEBAUM. Mr. President, I am pleased to be a cosponsor of the resolution of the Senator from Kentucky [Mr. MCCONNELL] and I salute his efforts to bring to the Senate's attention his resolution regarding the tragic events, in many ways, which have been undertaken by the Government of South Africa.

The South African Government's announcement that it has effectively banned the activities of the peaceful opposition has been met by shock and outrage within South Africa and around the world.

It is a major and profound disappointment for all of us who have hoped for peaceful change from the disdainful policies of apartheid.

Since the passage of sanctions legislation over a year ago, there have been some minor glimmers of progress in South Africa. The Dakar meeting between the ANC and leaders of the Afrikaner community was a courageous attempt to open communication and dialogue. The constructive dialogue established during the miners' strike last summer also set an important precedent for dialogue and compromise, as opposed to violence, as a means to resolve problems in South Africa. And, the release of Goven Mbeki raised hopes for the release of other political prisoners and detainees.

Yet, the South African Government's recent cutoff of all political activity in South Africa only raises the spectre that violence will be seen once again as the only alternative. The latest announcement banning the activities of 18 leading antiapartheid organizations has struck a crushing blow to the efforts for political dialogue.

Instead of seeing calls met for lifting the State of Emergency and for respecting the principle of equal justice, we are seeing an arrogant attack on the antiapartheid groups and the basic human rights of free speech, free press, and political organization.

Instead of seeing our hopes met for the release of Nelson Mandela and all political prisoners, we are seeing the banning of the Release Mandela Committee and a ban on the activities of the few leaders of the political opposition who have not already been detained.

Instead of seeing the constructive dialogue that was established this summer with the trade unions continued, we are seeing the sharp curtailment of the activity of the Congress of South African Trade Unions [COSATU].

Mr. President, the South African Government's announcement this week is a glaring commentary on the government's attitude toward political reform. It is also a distressful reminder of the South African Government's stark lack of concern for international opinion and, consequently, of our own limited ability to affect change in South Africa.

Nevertheless, I firmly believe that we must continue to speak out against the flagrant abuses of basic human rights in South Africa, and I urge the overwhelming support of my colleagues for the resolution under consideration.

I would like to thank again the Senator from Kentucky for his introduction of this resolution.

Mr. MCCONNELL. I want to commend the distinguished Senator from Kansas for her leadership on the South African problem, and for her leadership over the years.

There is probably no one in this body who knows more about South Africa than she does.

I thank her for cosponsoring the resolution, and look forward to working with her on this and other issues on South Africa in the coming months.

Mrs. KASSEBAUM. I thank the Senator.

Mr. SIMON. Mr. President, I want to join my colleagues Senator MCCONNELL and Senator KENNEDY in condemning the action taken by the South African Government 2 days ago to essentially ban 17 antiapartheid organizations and to restrict the activities of the Congress of South African Trade Unions [COSATU].

It is very disturbing news that the South African Government has prohibited any kind of political activity by these organizations, thereby effectively shutting them down. It is also clear that the Government, in restricting the Congress of South African Trade Unions [COSATU] to nonunion activities, is trying to destroy one of the most powerful political opposition forces in South Africa.

The Government's crackdown is yet another in a series of moves to intensify the repression of apartheid and to silence all democratic and peaceful organized opposition. Although the Minister of Law and Order, Adrian Vlok, is careful to point out that these organizations are not banned and theoretically retain their legal status, these regulations are aimed at destroying the antiapartheid movement in South Africa.

Essentially, the South African Government wants these organizations to be blind, deaf, dumb, and otherwise nonexistent.

This action makes it all the more clear, and all the more imperative, that the United States impose additional, comprehensive sanctions against the South African Government. I join in the call of all my colleagues who continue to press for comprehensive sanctions.

Senator MCCONNELL's resolution sets out two measures in particular which we ask the President to act upon immediately. First, to take action to achieve numerical equivalence in diplomatic missions of the South African Government and the United States Government; and, second, to fully consider when issuing visas to South Africans, the South African Government's record of allowing all South African citizens—particularly those who are members of antiapartheid organizations—to travel to the United States.

I fully support Senator MCCONNELL's resolution, and the bipartisan spirit in which it is offered.

The South African Government has made a grave mistake. In attempting to bury dissent, these restrictions will only consolidate and strengthen dissent. In an attempt to forestall the pace of change, the Government will only lose its opportunity to seriously negotiate peaceful change. And I share the worry of leaders such as Archbishop Tutu and the head of the South African Council of Churches, Rev. Frank Chikane, who fear that by prohibiting peaceful protest the majority of those working for nonviolent change will be pressed to see force as the only means of fighting and ending apartheid.

I am deeply troubled by this action, and join all who harshly condemn it. The United States must now move forward vigorously to increase pressure on the South African Government to end apartheid.

Following my statement is the text of an action alert by the Lawyer's Committee for Civil Rights Under Law, and other documents on the South African Government banning orders. I have also included the text of a statement issued by Rev. Frank Chikane, head of the South African Council of Churches, and the text of the statement issued by the U.S. government.

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

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

THE SOUTH AFRICAN GOVERNMENT ISSUES NEW BANNING ORDERS

Today, February 24th, the South African Government instituted one of the harshest crackdowns in years on lawful democratic opposition groups. Seventeen organizations, the Congress of South African Trade Unions (COSATU), and 18 individuals were placed under severe restrictions which effectively force them to cease functioning. The order, issued by the Minister of Law and Order under authority of the Public Safety Act, states that the named 17 organizations are prohibited "from carrying on or performing *any activities or acts whatsoever.*" (emphasis ours) Technically, the 17 organizations retain their status as legal, but

under the terms of the Order their only permitted activities are to preserve their assets, keep their books and records up to date, perform administrative tasks associated with those functions and comply with any obligations imposed on them by law.

The regulations also do not prohibit the organizations from seeking legal counsel, filing lawsuits or engaging in activities that have been explicitly consented to by the Minister of Law and Order.

The organizations restricted by the Order are:

Azanian People's Organisation.
Azanian Youth Organisation.
Cape Youth Congress.
Cradock Residents Association.
Detainees Parents Support Committee.
Detainees Support Committee.
National Education Crisis Committee.
National Education Union of South Africa.
Port Elizabeth Black Civic Organisation.
Release Mandela Campaign.
Soweto Civic Association
Soweto Youth Congress.
South African National Students Congress.
South African Youth Congress.
United Democratic Front.
Vaal Civic Association.
Western Cape Civic Association.

While allowing COSATU to continue to function, the Order restricts COSATU's activities to what the Government narrowly interprets as "shop-floor" issues.

The effects of the Order are devastating. For example, the Johannesburg-based Detainee Parents Support Committee will no longer be able to call for the release of detainees for publish statistics on how many children are in jail or even help distraught parents find in which jail their children are being held. The Cradock Residents Association will no longer be able to organize street committees or even memorial services for their political leaders who were assassinated. The National Education Crisis Committee will no longer be able to meet to discuss the crisis of the Bantu education system. All organized voices of opposition in South Africa will be silenced.

COSATU Statement on the Banning and Restriction on Organisations

The promulgation of the orders affecting COSATU and 17 other organisations are a direct attack on the democratic movement.

The state has obviously chosen a path of total repression. They intend to destroy the few remaining vestiges of democracy after the clampdown of the emergency regulations.

The closing of the avenues of democratic expression will possibly lead to an escalation of civil conflict and violence. There cannot be a peaceful resolution of S. Africa's crisis without freedom of expression and association, and without credible organisations which can articulate the needs and interests of the majority.

Democratic organisations in the country have recently faced severe attacks from vigilante and conservative rightwing forces. All peace initiatives we have taken to resolve the violence in P. N. Burg, KIC, etc are jeopardised by the banning and restrictions which open the way for conservative forces to continue at will their campaigns of violence and intimidation against our members and the community.

It is clear that the Government has been encouraged to opt for the path of increased repression through the support it has received from employers and right wing governments of Thatcher, Reagan, and Kohl, as well as through the vocal fanaticism of the right wing.

The banning and restricting our organisations is the action of panic stricken government which is unable to deal with the realities facing South Africa today. Conflict in our country is inherent because the majority of people are denied access to the formal political institutions. The Government has rejected the option of stability through dealing with the legitimate demands of the majority in favour of total control and iron fist repression.

The state is attempting to restrict COSATU to what they see as legitimate trade union functions. We reject this because there is no democracy in South Africa, and COSATU and other organisations are part of the extra/parliamentary opposition that are legitimately putting forward the demands and interest of our members both on the shopfloor and in broader society.

The promulgation is aimed at smashing the campaigns which COSATU has already embarked upon and undermining COSATU's strength. All these campaigns are lawful and reflect the demands of our members and the concerns of the oppressed majority.

The restrictions on COSATU, taken together with proposed labour relations amendment act, will place COSATU in almost the same position as the other 17 organisations which have been effectively banned.

DPSC Press Statement

Minister Vlok says that his latest draconian action is aimed at "only those activities which endanger the safety of the public, the maintenance of law and order or the termination of the State of Emergency".

No organisation has worked harder than the DPSC to terminate the State of Emergency. Indeed, the State of Emergency is our main point of contention with Mr. Vlok. Furthermore, the major part of our work is geared towards the welfare of detainees and their families, whose dire circumstances are directly caused by Mr. Vlok and his political police.

This attempt to silence the legitimate voices of opposition to apartheid is yet another example of the government's aggressively confrontational attitude and their refusal to attempt to negotiate with the leaders and organisations which represent the majority of South Africans.

Furthermore, the DPSC believes that the restrictions placed on the 17 organisations are ultra vires and that the Government is not empowered to issue these restrictions.

The DPSC is a welfare and service organisation. We are baffled as to how we can be a threat to public safety. We are, however, proud of our record in exposing state repression, and bringing to public scrutiny the excesses and abuses of the security police. The public will judge the true reasons for our banning.

The restrictions will not stop the thousands of South Africans who are working for the welfare of the victims of apartheid. We know that our cause is just, and that our work and beliefs will outlive those of Mr. Vlok, as they did those of his predecessor, Mr. le Grange.

Statement by Rev. Frank Chikane, General Secretary, South African Council of Churches

I am alarmed by the effective banning of 17 organisations and the restrictions imposed on COSATU.

This is another Draconian way of closing the doors for all organisations which were still committed to non-violent change in this country. Once more the nationalist government has revealed what really lies beneath its reform policy, i.e., total control of the people of South Africa by a white minority and outright repression of dessenting voices of the majority of people in this country.

The argument by the Minister of Law and Order that the order does not prohibit the organisations from preserving their assets, keeping up to date their books and records and performing administrative functions is an attempt to give an impression to mislead the international community that this action does not amount to closing down the organisations so affected.

The order is in fact directed to the fundamental aims and objectives of these organisations, i.e., to protest and work for the end of apartheid and that there will be no end to the state of emergency without an end to apartheid.

I am concerned that this action by the state is a way of forcing the majority of peace-loving South Africans to see force as the only way of ending apartheid.

I call upon the international community to act against the apartheid regime.

Administration Statement—February 24, 1988 South Africa: Restrictions on Opposition

We are appalled by the announcement from the South African government today that it is effectively outlawing the activities of a large number of organizations. The affected organizations represent the aspirations of a broad cross-section of the black community.

By acting to outlaw the nonviolent political activity of these organizations, the South African government has dealt a severe blow to efforts to achieve a peaceful solution to South Africa's problems. This is a giant step backward for South Africa.

Assistant Secretary Crocker called in the South African Ambassador this morning to register our shock and distress at these inexplicable actions by his government.

SENATE RESOLUTIONS 385—RELATING TO THE CATHEDRAL IN VILNIUS, LITHUANIA

Mr. HEINZ (for himself and Mr. Riegle) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 385

Whereas 1988 is the 600th anniversary of the erection of the cathedral in Vilnius, Lithuania;

Whereas the site on which the Vilnius Cathedral stands was once the location of a pagan temple and has served for centuries as the symbolic center of religious life for the people of Lithuania;

Whereas the founding and erection of the Vilnius Cathedral is closely related to the conversion of Lithuania from paganism to Christianity in 1387, and the Vilnius Cathedral is called the "cradle of Lithuania Christianity";

Whereas the Vilnius Cathedral is both a religious and a national shrine, and the remains of prominent religious and secular rulers of Lithuania have been interred in the cathedral, including the remains of the patron saint of Lithuania, Casimir, and the greatest ruler of Lithuania, Grand Duke Vytautas;

Whereas, despite numerous natural and man-made disasters that caused the partial or complete destruction of the Vilnius Cathedral, the religious faithful in Lithuania always rebuilt it;

Whereas the Soviet Army invaded Lithuania in June 1940, and the Soviet Government incorporated Lithuania into the Union of Soviet Socialist Republics;

Whereas the Soviet Government nationalized church property in Lithuania, seized scores of churches, and converted them to other uses against the wishes of the Roman Catholic community in Lithuania;

Whereas Soviet officials, over the protests of the Roman Catholic Church leadership in Lithuania, announced in 1950 that the Vilnius Cathedral would be transferred to Government control and transformed the cathedral into an art gallery in 1956;

Whereas the seizure and desecration of the Vilnius Cathedral by the Soviet Government violates the provisions on religious liberty contained in the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe;

Whereas Roman Catholics in Lithuania have never reconciled themselves to the loss of the Vilnius Cathedral;

Whereas in 1985 the Lithuanian Christianity Jubilee Committee, led by Bishop Juozas Preiksas, applied to the Soviet Government for the return of the Vilnius Cathedral and two other churches as part of the 600th anniversary of the Christianization of Lithuania;

Whereas over the last few years hundreds of priests in Lithuania, including 60 percent of the priests in the Vilnius Archdiocese, have publicly petitioned for the return of the Vilnius Cathedral; and

Whereas Soviet authorities have met such petition with either silence or outright refusal; Now, therefore, be it

Resolved, That in observation of the 600th anniversary of the erection of the cathedral in Vilnius, Lithuania, the Senate—

(1) expresses its deepest concern over the refusal of the Government of the Union of Soviet Socialist Republics to return the Vilnius Cathedral to the control of the Roman Catholic Church;

(2) voices its support to the Lithuanian people in their efforts to secure—

(A) the return of the Vilnius Cathedral, and

(B) the right to exercise fundamental religious rights so long denied them;

(3) calls upon the President and the Secretary of State to—

(A) raise the issue of the return of the Vilnius Cathedral in meetings with Soviet officials, and

(B) direct representatives of the United States Government at international human rights formus to speak out forcefully for the return of the Vilnius Cathedral;

(4) strongly encourages Members of Congress who visit the Union of Soviet Socialist Republics to include the return of the Vilnius Cathedral on the agenda in discussions with Soviet officials; and

(5) urges the Soviet Government to—

(A) reverse its policy of denying to Roman Catholics in Lithuania the right to worship in the Vilnius Cathedral, and

(B) return the cathedral to Roman Catholic Church control before the end of 1988.

● Mr. HEINZ. Mr. President, today I would like to call the attention of my colleagues to the situation in Lithuania, one of the Baltic States swallowed up by the Soviet Union following World War II.

It is well know that religion is often one of the main resources used by subjugated peoples to maintain their national identity. This is true in Lithuania, where the Catholic faith has helped the people preserve their unique national consciousness despite 40 years of domination and russification.

Today, along with Senator RIEGLE, I have introduced a resolution relating to the brave struggle of the Lithuanian people to maintain their spiritual and cultural independence. The resolution deals with the Vilnius Cathedral, the cradle of Lithuanian Christianity. This 600-year-old cathedral has been turned into an art gallery by the Soviet Government.

The Vilnius Cathedral has survived natural and manmade disasters, and has always been restored by the faithful of Lithuania. The profane transformation which the Soviets have committed is perhaps the most profound challenge ever faced by the Lithuanian Catholic supporters of the cathedral. My resolution calls attention to the unique historical role played by the Vilnius Cathedral and calls on the Soviet Government to restore the cathedral to church control.

I visited the Soviet Union last spring to assess progress in the area of human rights. While I noted some real improvements, the most glaring exception was in the area of freedom of conscience, primarily religious belief. It is clear that religion is not included under Mr. Gorbachev's program of reform. The pressure from us in the West must remain intense on the issue of religious freedom.

There is no more concrete example of religion versus atheistic Soviet state power than the struggle for control of the Vilnius Cathedral. I urge my colleagues to support my resolution and thereby support freedom of conscience for the people of Lithuania.●

● Mr. RIEGLE. Mr. President, I'm delighted to join my colleague from Pennsylvania, Senator HEINZ, in introducing this important resolution, which calls on the Soviet Government to return a sacred Lithuanian shrine to religious use.

For the past 32 years, the Vilnius Cathedral, once considered the cradle of Lithuanian Christianity, has been used as an art museum. Despite this action and other Soviet efforts to repress religious expression in Lithuania, the Lithuanian people continue to maintain their faith as well as their cultural and national identity.

Last year, to mark the 600th anniversary of the arrival of Christianity into Lithuania, the Senate unanimously adopted my resolution Senate Resolution 232, focusing attention on the denial of freedom of religion and other human rights in the Baltic States. The purpose of the resolution we are introducing today, is to send a further message of support to the Lithuanian people's struggle for religious freedom by echoing their calls for the return of the Vilnius Cathedral to the Roman Catholic Church.

Through peaceful public demonstrations during the past year, including one last week to mark the anniversary of their independence day, the Lithuanian people have shown great courage in challenging the continued Soviet occupation of their country. The return of the Vilnius Cathedral to its rightful place in Lithuanian society is long overdue, and I urge my colleagues to join in the call for religious freedom in the Soviet Union by cosponsoring this important resolution.●

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a nomination hearing has been scheduled before the full Committee on Energy and Natural Resources.

The committee will hear testimony on the nominations of T.S. Ary for the position of Director of the Bureau of Mines, Ernest C. Baynard III for the position of Assistant Secretary of Energy for Environment, Safety and Health, and C. Anson Franklin for the position of Assistant Secretary of Energy for Congressional, Intergovernmental and Public Affairs.

This nomination hearing will take place on Monday, March 14, 1988, at 10 a.m. in the committee hearing room, SD-366, in Washington, DC.

CORRECTION OF HEARING NOTICE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, the notice announcing the subcommittee's Montana wilderness hearings which appeared in the RECORD on Thursday, February 25, listed one of the bills to be heard incorrectly.

The two measures to be considered at the hearings on March 21 and 22 are H.R. 2090 and S. 1478, bills to designate certain National Forest System lands in the State of Montana for release to the forest planning process, protection of recreation value, and inclusion in the National Wilderness

Preservation System, and for other purposes.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Friday, February 26, 1988, to hold hearings on the nominations of Frank Schwelb to be associate judge of the D.C. Court of Appeals, and Cheryl Long to be an associate judge of the D.C. Superior Court.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations jointly with the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, February 26, to receive a briefing from administration officials on the Contra aid program.

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 Friday, February 26, to hold a hearing on Intelligence matters.

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

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Friday, February 26, to conduct a hearing on the use of the Interstate Highway System right-of-way for magnetic levitation high-speed transportation systems.

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

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on February 26, 1988, to hold a hearing on S. 1515, attorney fees; S. 1515, injunctive relief; and section 614 of S. 1482, Judicial Branch Improvement Act of 1987.

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

ADDITIONAL STATEMENTS

NATIONAL ARBOR DAY

● Mr. BRADLEY. Mr. President, I am pleased that the Senate will consider today a joint resolution to designate the last Friday in April of 1988 as National Arbor Day. Fifty-one Senators have joined me as cosponsors in this effort.

For many years, Congress has legislated, and the President has proclaimed., "The Last Friday in April" as National Arbor Day. The legislation we are considering would continue this special recognition in 1988.

Our Nation's trees are one of our most important natural resources. Trees not only provide the raw materials for some of our basic industries, they stabilize our environment and they also provide natural grace and beauty to our lives. The observance of a National Arbor Day will provide an important reminder to all our citizens to appreciate and protect this vitally important natural resource.

The importance of this natural resource should compel us to act promptly on the problem of forest decline. Scientists have observed growth declines, serious damage and death of a number of species of trees in large areas of Europe and the eastern United States.

In the United States, damage to forests has ranged from decline in growth of several species of pines in southern New Jersey to widespread damage to the Ponderosa pine in southern California. A number of other coniferous species have experienced growth decline in an 11 State region extending from Maine to Alabama.

While forest damage is well documented, the scientific debate continues as to the exact causes. Several causes have been hypothesized including such factors as aluminum toxicity, magnesium deficiency, ozone damage, excess nutrients, and general stresses such as drought or insect infestation. Even though the mechanisms are as yet unclear, the role of air pollution in general and acid deposition in particular seem directly related. Research efforts have indicated that nitrous oxides may play an equal or greater role than sulfur oxides in damaging forests.

America's history is different than that of Europe. Our land sets us apart: its size, its diversity, its wilderness, its riches. And America's expansive spirit is based on our expansive lands. The land offers a sense of permanence. The land also connects us to our own history as an American people. And the land is our teacher—teaching us the value of what cannot be bought or sold, traded or exchanged.

Because of our concern about the land and damage to our forests and trees, we annually designate National Arbor Day to take special note of the importance of trees. ●

BICENTENNIAL MINUTE

FEBRUARY 26, 1954: SENATE REJECTS THE BRICKER AMENDMENT

● Mr. DOLE. Mr. President, 34 years ago today, on February 26, 1954, the Senate defeated what was known as the Bricker amendment to the Constitution.

The impetus for the amendment came from Ohio Senator John Bricker's fears that international agreements such as the United Nations' human rights agreement would supersede American laws and even the Constitution. Section 1 of the Bricker amendment provided that "A provision of a treaty which conflicts with this Constitution shall not be of any force or effect," and section 2 stipulated that "A treaty shall become effective as internal law in the United States only through legislation which would be valid in the absence of a treaty." However it was section 3 that most disturbed the Eisenhower administration, which considered the language that "Congress shall have power to regulate all executive agreements" as binding the President's hands in making foreign policy.

President Dwight Eisenhower and Secretary of State John Foster Dulles strenuously opposed the Bricker amendment. Since 63 Senators had already endorsed the amendment, the administration decided against trying to defeat the measure outright, and instead sought a more tolerable substitute. Thus the measure that the Senate voted for was not the Bricker amendment in full, but a revised version submitted by Senator Walter George of Georgia, that embraced only the first two sections of the amendment. Senator Bricker's amendment was defeated on February 25 by a vote of 50 to 42. The next day, Senator George's amendment came up for a vote—but the administration, after having encouraged Senator George, now withdrew its support on the grounds that even this compromise measure would seriously weaken the Presidency. On February 26, the substitute amendment fell just one vote short of passage.●

CENTRAL ARIZONA PROJECT, "MODIFIED PLAN 6"

● Mr. DECONCINI. Mr. President, I want to take this opportunity to thank our very able and distinguished chairman of the Subcommittee on Energy and Water Development, Mr. JOHNSTON, and the ranking minority member, Mr. HATFIELD, for all of the assistance they have provided over the years in finding the funds necessary to get some very important energy and

water projects in my State of Arizona, underway. In particular, Mr. President, I want to express my appreciation to these fine gentlemen for their continued understanding and support for the completion of the central Arizona project, including all plan 6 components.

This has been a very unique year for the central Arizona project. The aqueduct itself is on a steady course and completion to the Tucson metropolitan area is expected by 1991. Approximately 25 miles of unfinished work remains. For plan 6 in the Phoenix metropolitan area, a $32 million contract has just been let by the Bureau of Reclamation for work on New Waddell Dam. And, with the $230 million included in the bill pending before this body, I am confident the Bureau will be able to maintain its progress toward completion of the project according to the existing time schedules. Important safety of dams work at Stewart Mountain and Roosevelt Dams are funded to the Bureau's capability in the bill so that critical safety of dams work will continue as well in fiscal year 1988.

Included in the pending legislation is a provision which modifies plan 6 and resolves once and for all the 10-year controversy over a suitable alternative to Orme Dam. That provision, Mr. President, is the result of amiable negotiations between environmental interests and the Arizona congressional delegation. Cliff Dam, an important water conservation, flood control, and safety of dams structure that was to be constructed on the Verde River, will not be built. In its place, the benefits Cliff would have provided will be carried forward by safety of dams repairs to Horseshoe and Bartlett Dams; acquisition of water rights within the State of Arizona to replace the yield lost by the elimination of Cliff; and flood control to be determined by investigations conducted by the Bureau of Reclamation and the U.S. Army Corps of Engineers.

The decision to eliminate Cliff Dam from plan 6 and authorize alternative projects, which provide benefits similar to those that would have been provided by Cliff, was not made lightly by the Arizona congressional delegation. All of us would have preferred to have kept Cliff Dam alive. However, in the interest of insuring that the important benefits of other plan 6 components proceed on schedule, we felt it was in everyone's best interest to put Cliff behind us and authorize alternatives. We have accomplished that goal, Mr. President.

Inherent in a process of negotiated agreements are misunderstandings that need clarification. I would like to take this opportunity, Mr. President, to clear up several very important issues. The first relates to a statement made on the floor of the House of Representatives by Congressman UDALL regarding the definition of the Verde River. Mr. UDALL stated that "it is understood that the term "Verde River" in this provision is intended to include the Salt River from its confluence with the Verde though the city of Phoenix." This statement, Mr. President, was intended to clarify that for the purposes of studies to determine a comprehensive flood control solution for the Phoenix metropolitan area, reference to the Verde River for flood control only was meant to take in review of the Salt River downstream from the confluence of the Verde and Salt Rivers. There was never any intention on the part of the Arizona congressional delegation to redefine the Verde River. In the context of flood control, it was merely used as a means to convey the intention of the sponsors of the amendment for the flood control investigations by the Bureau of Reclamation and the U.S. Army Corps of Engineers.

The second clarification concerns the purpose of limiting the scope of the Bureau of Reclamation and the Corps of Engineers study to determine the flood control fix at Horseshoe and Bartlett Dams. The CAWCS studies which provided the basis for plan 6 as the suitable alternative to Orme Dam, was the result of 4 years of intensive study in the Phoenix metropolitan area. Much of the information collected from those studies is still relevant to any future flood control determinations. For this reason, both agencies have been directed to make use of relevant existing data in the determination of flood control needs. Obviously, any new information based on physical changes must be taken into consideration by both the Bureau of Reclamation and the Corps of Engineers in the studies authorized under the amendment in H.R. 2700. In fiscal year 1988, $500,000 has been provided to the Bureau of Reclamation, in conjuction with the Corps of Engineers, to undertake flood control studies at Horseshoe and Bartlett Dams. Those studies are anticipated to be completed in about 12 months. At that point, an additional $450,000 will be needed specifically for the Corps of Engineers to identify remaining flood control needs. In fiscal year 1989, if sufficient funds have not been requested by the administration for the corps' upstream-downstream studies, I intend to offer an amendment to the fiscal year 1989 bill for this purpose.

Such modifications to Roosevelt Dam on the Salt River will proceed with no change as a result of this agreement, there is no need to restudy the Salt River upstream from Roosevelt Dam or from Roosevelt Dam down to the confluence of the Salt and Verde Rivers. Roosevelt Dam will be built under the same terms and conditions as intended under the original plan 6 record of decision. The flood control protection that will be provided by Roosevelt Dam should be recognized by both agencies in their review of the need for remaining flood control in the Phoenix metropolitan area.

The next clarification I would like to make, Mr. President, is in reference to the safety of dams modification report to be prepared by the Bureau of Reclamation for Horseshoe and Bartlett Dams. In the Senate report, the committee has earmarked $1 million from the central Arizona project water development activities for the Bureau to initiate a safety of dams modification report for Horseshoe and Bartlett Dams. This action was necessary to expedite safety or dams repairs to protect the structural integrity of these two structures on the Verde River. Without Cliff Dam, safety or dams repairs at Horseshoe and Bartlett Dams must be completed. The separate account for the Safety of Dams Program under the cap does not reflect the $1 million increase for these two structures. It should, Mr. President, and I hope to address this issue during the conference on H.R. 2700. This oversight should not be construed as any intention to fund safety of dams activities under the authority of the central Arizona project.

On a related matter, Mr. President, committee report language identifies incidental flood control benefits that were provided by Horseshoe and Bartlett Dams in 1978, 1979, and 1980. However, there is no intention on the part of the sponsors of this language to authorize the use of safety of dams funds for any additional flood control at these structures as an outcome of the Bureau of Reclamation and Corps of Engineers flood control studies.

Finally, with reference to the authority given the Secretary of the Interior to acquire water to replace a yield up to 30,000 acre feet that Cliff Dam might have provided, while there is no language either in the amendment or in the report language requiring cost sharing, which is applied to newly authorized water supply projects, it must be noted that under the terms of the agreement, the modified plan 6 will be subject to the same cost-sharing arrangements authorized under the Colorado River Basin Project Act of 1968. The agreement to eliminate Cliff Dam did not alter repayment provisions that otherwise would have applied to Cliff Dam under current law. Because Cliff Dam was part of an already authorized project, the Central Arizona project, the cost sharing required for new municipal and industrial water supply will not be applied to the Cliff alternatives.

However, it is anticipated that the contributions made to the supplemental cost-sharing agreement will be applied to the costs of the acquisition of

the replacement water. The agreement we have entered into on the modified plan 6, Mr. President, is unique and is not intended to set a precedent for other, newly authorized water supply projects. The water supply provision contained in the agreement does not authorize the construction of any new Federal conservation storage features on the Verde River. Instead, it simply provides authority to the Secretary of the Interior to acquire water rights for municipal and industrial purposes.

I want to thank those individuals in the environmental community who have been very professional, thoughtful and straightforward in their approach to resolving the Cliff Dam controversy. The constructive efforts of Liz Raisbeck, David Conrad, Ed Osann, and Bob Witzeman are sincerely appreciated. I also want to express my personal thanks and appreciation to Peter Hayes of the Salt River project who made significant contributions in helping us achieve a responsible compromise. Mr. President, I ask that the "Statement of Principles" entered into by the Arizona congressional delegation and representatives of the National Coalition to Stop Cliff Dam be made part of the RECORD immediately following my remarks.

Finally, I think it is necessary to point out that any Senate modifications to the plan 6 provision as passed by the House of Representatives supplement the understandings laid out by Congressman MORRIS K. UDALL when H.R. 2700 was considered earlier this year by the House. The modifications made in the Senate bill are consistent with the original "Statement of Principles."

In closing, Mr. President, I also want to express my appreciation to the subcommittee staff, Proctor Jones, David Gwaltney, and Stephen Crow. They have all been very helpful in ensuring that Arizona energy and water projects have been given every possible consideration.

The statement follows:

STATEMENT OF PRINCIPLES ON THE ARIZONA CLIFF DAM SETTLEMENT, JUNE 18, 1987

1. Language in the FY 1988 Energy and Water Appropriations Act will state that no further funds will be appropriated for the study or construction of Cliff Dam, and that Plan Six without Cliff Dam is deemed to constitute a "suitable alternative" to Orme Dam within the meaning of the Colorado River Basin Project Act of 1968.

(This prohibition includes funds appropriated under the Reclamation Safety of Dams Act, as well as the Lower Colorado River Basin Project Act of 1968.

Funding will continue for Verde River fish and wildlife studies now under way as a result of the 1985 U.S. Fish and Wildlife Service biological opinion).

2. The organizations comprising the National Coalition to Stop Cliff Dam (hereafter "Coalition") agrees not to oppose funding in Fiscal Year 1988 and succeeding years for the construction of remaining features of Plan Six—New Waddell Dam, Modified Roosevelt and Modified Stewart Mountain Dams—provided that Cliff Dam or similar conservation storage reservoirs on the Verde River, federal or non-federal, are not a part of Plan Six, the Central Arizona Project generally, or any other plan.

(Remaining elements of Plan Six will be implemented in accordance with applicable environmental statutes.

There is a continued commitment by all parties to implement a fish and wildlife mitigation plan that will fully offset the loss of habitat values to riparian and wetland communities resulting from the construction of the balance of Plan Six elements).

3. The Coalition agrees to terminate its lawsuit against Cliff Dam and Plan Six without prejudice, upon agreement by the Secretary of the Interior to modify his decisions of April 3, 1984, and May 20, 1986, to remove Cliff Dam from the approved plan for the CAP.

The Coalition further agrees not to contest the adequacy of the Final Environmental Impact Statement as it pertains to all Plan Six features other than Cliff Dam.

4. The Arizona Congressional delegation agrees, upon termination of the lawsuit, to declare its intention not to pursue any future funding for Cliff Dam or similar water conservation storage feature on the Verde River.

5. The Coalition agrees to support Congressional appropriation of funding under the authority of the Reclamation Safety of Dams Act to complete safety-related improvements at Horseshoe, Bartlett, Modified Roosevelt and Modified Stewart Mountain Dams.

(Existing Safety of Dams Modification Reports for the Salt River Project Dams will be amended to remove Cliff Dam and to identify corrective measures for Bartlett and Horseshoe. Such measures will be subject to compliance with the National Environmental Policy Act and consultation under the Endangered Species Act, as appropriate.)

6. The parties agree that additional flood control measures may be needed on the Verde River and that the addition of flood control measures at Bartlett and/or Horseshoe Dams may be required to meet such needs. The parties agree to ask the U.S. Army Corps of Engineers to undertake studies to determine and identify appropriate flood control solutions on the Verde River. The parties further agree that once the studies are completed and flood control alternatives identified, the parties will work together to effectuate an appropriate flood control solution which is consistent with applicable environmental laws, to protect the people and property of the Phoenix Metropolitan Area from flooding.

7. The Arizona Congressional delegation and the Department of the Interior are committed to ensure that the Valley cities will secure water supplies necessary to replace the water yield that otherwise would have been provided by Cliff Dam and flood control consistent with the previous paragraph. The delegation has obtained a commitment from the Secretary of the Interior and the Commissioner of Reclamation to do all within their authority to assist in identifying sources of such water for the cities and for the purposes of settling the water rights claims of the Salt River Pima Maricopa and Fort McDowell Indian Communities.●

SOCIAL SECURITY MAILING SCAMS

● Mr. BOSCHWITZ. Mr. President, I'd like once again to talk briefly today on a subject that deeply concerns me. It is unfortunate, but it is true that there are organizations here in Washington, and across the country, taking advantage of Social Security recipients. It is nothing new. For years, direct mail con artists have capitalized on the hopes and fears of our citizens regarding Social Security.

There is no question that for many retirees, Social Security benefits mean the difference between a decent standard of living and poverty. The fact is, Social Security is a life line for many, and the health of the system is vital. That is why whenever anyone says that Social Security is in trouble, people get worried.

Since participating in the 1983 reform of Social Security, I have taken a personal interest in the continuing health of the Social Security system. Most recently, I have spent a great deal of my time traveling around Minnesota with a single, but extremely important message: "Social Security is not in trouble. It is safe and sound, and will be around for you and me, for your children and your grandchildren." The fact is, the Social Security fund is flush—at about $70 billion—and will continue to grow well into the next century.

But what I am concerned about today are mailings from con artists trying to take advantage of citizens who have a stake in Social Security—that's almost every citizens of our country. I have been asking my constituents in Minnesota to send along any mailings they have received from organizations which profess some connection with the Social Security Administration.

And what a collection I've received. Of course we all know about the organization run by the son of the President who founded Social Security. His mailings are full of conflicting and confusing messages—they've recently been saying things like "we can't let politicians touch the Social Security fund" and then advocate transferring Social Security funds to Medicare, or to increase a certain group's benefits. And they are pretty bold—and dishonest—they print my name on their letters; they even spell it right. Some of my constituents have written wondering why I support this bunk. I do not. But the mailings make it look like I do.

On May 29, 1987, I included a mailing in the RECORD from a group called the Social Security Protection Bureau. For $7 they offer a record of Social Security earnings, an insurance policy for Social Security cards should they be stolen, a stake in a $50,000 Social Security sweepstakes, and a mystery

gift. One of my constituents took them up on this offer. She just sent me her winnings in the sweepstakes—a check for 7 cents. The mystery gift was a small discount with a car-rental firm. The Social Security Protection Bureau can't be reached. Their mailing address is a post office box.

My constituents have also sent mailings from organizations which will check on Social Security records for a fee—playing on the fears that the Social Security Administration makes mistakes. I'll admit that sometimes they do, but the mailing implies that our citizens have no way to check on these facts themselves—although you and I know that they can simply call their local Social Security office. Other mailings have offered—again for a fee—the service of filling in the application form for Social Security numbers in order to "expedite" the application process. That claim is utterly absurd.

What all these mailings have in common is official-sounding names and letterheads. They all imply a special connection with Social Security. And that is what I am getting to here. I have introduced a bill, S. 1469, which would go a long way in clearing the air regarding these organizations. My bill would bar the use of the words "Social Security" and "Social Security Administration" by any commercial venture or fundraising drive without the consent of the Social Security Administration.

My bill is based on a similar restriction which protects the Unites States Olympic Committee. In a ruling on June 25 of last year, the Supreme Court upheld the Olympic Committee's right to restrict the use of its name and logo in San Francisco Arts and Athletics, Inc. versus the United States Olympic Committee.

I encourage my fellow Senators to support me on S. 1469 so that we can clear the air in regard to Social Security, and give our citizens, especially our seniors, relief from the false rumors and confusion created by these mailing scams.●

NATIONAL TUBEROUS SCLEROSIS AWARENESS WEEK

● Mr. DIXON. Mr. President, I rise today to urge my colleagues to approve Senate Joint Resolution 212, a joint resolution to designate the week commencing May 8, 1988, and ending May 14, 1988, as "National Tuberous Sclerosis Awareness Week."

Tuberous sclerosis [TS] is a genetic disorder which is frequently misdiagnosed and poorly understood. It affects as many as 1 in 10,000 Americans.

The characteristics of TS include mental retardation, seizures, skin markings, motor difficulties, tumors of the brain and other organs, and behavioral abnormalities. In its extreme form, TS is disabling and may be life threatening.

I believe that the approval of this resolution will heighten public awareness and stimulate further research of TS.

Mr. President, I want to thank the 53 cosponsors of this joint resolution, and I urge my colleagues to vote for its immediate approval.●

FINANCIAL SERVICES

● Mr. GARN. Mr. President, two statements came out this week that are important to the current debates on banking legislation. These statements are important because they come from the users of financial services.

Too often Congress focuses on turf battles among commercial banks, investment banks, insurance companies, and other providers of financial services. Our real concern, however, should be the impact of the laws we pass on the consumers of financial services.

The National Association of Manufacturers has adopted a policy statement in support of Glass-Steagall reform. The NAM has no doubt that allowing bank holding companies to compete in the underwriting of corporate debt and equity will lower the cost to manufacturers of raising funds.

Twenty-four consumer groups wrote to the Senate Banking Committee this week opposing any amendment by Congress to limit the ability of State legislastures to authorize their own State-chartered banks to sell insurance. These consumer representatives have no doubt that the consumers they represent will benefit from lower costs if there were more competition in the insurance industry.

Mr. President, I ask unanimous consent that the messages from the NAM and the consumer groups be included in the RECORD at this point.

The material follows:

BOARD OF DIRECTORS MEETING

MARRIOTT'S MARCO ISLAND RESORT,
Marco Island, FL, February 4-6, 1988.

Committee: Corporate Finance and Management.

Chairman: John T. Hartley, Chairman, President and Chief Executive Officer, Harris Corporation.

Subject: Financial Marketplace Restructuring.

Committee Recommendation: Adoption of Policy Language.

NEW POLICY LANGUAGE

Under Glass-Steagall and similar legislative and regulatory restrictions, the financial industry and markets have been closely regulated and such constraints have served a purpose. However, economic developments in both domestic and international markets have changed the appropriateness of such constraints.

There is a need for more competition. This will stimulate new and innovative services and produce lower costs in the financial markets. As users of financial services, manufacturers have borne additional cost because of artificial constraints.

We resolve it is no longer necessary to have artificial and anticompetitive barriers between sectors in the financial markets. It is time for a review and reform of the laws that have constructed such barriers. Such reforms should promote competition that would be beneficial to manufacturers, regardless of size.

As Approved by the NAM Board of Directors, February 5, 1988.

FEBRUARY 22, 1988.

DEAR SENATE BANKING COMMITTEE MEMBER: We understand that, when the Senate considers proposed legislation dealing with the Glass-Steagall Act, an unrelated amendment may be offered to severely restrict the authority of state legislatures to authorize insurance activities for state chartered banks controlled by bank holding companies. We strongly oppose any such amendment.

Such federal preemption of state legislative discretion would be unfortunate. Many important consumer advances in financial services have originated when the states have fulfilled their role as laboratories for change. A preemption amendment would foreclose such experimentation.

Allowing banks to engage in insurance activities could bring much needed competition to the insurance industry. In addition, because banks have the potential to be more efficient in providing insurance, allowing banks to enter the insurance business could reduce the cost of insurance and force the insurance industry to become more efficient. Insurance competition from banking organizations with appropriate safeguards could benefit consumers. Such safeguards should include broadened disclosure, antitying, and new mechanisms for disseminating information and educating consumers. Importantly, recently enacted and proposed state legislation links bank insurance entry with new consumer protections.

Congress has already taken the unfortunate step, in the recently enacted Competitive Equality Banking Act, of restricting expansion of savings bank life insurance (SBLI) beyond states in which it is currently offered, despite numerous surveys which have found that SBLI offers one of the best life insurance values available to consumers. Any further federal preemption, particularly absent exhaustive Congressional hearings exploring inadequacies in the present insurance distribution and underwriting system, would be an ill-advised step detrimental to the interests of millions of Americans.

We urge you to reject any amendment that would restrict the insurance activities of state chartered banks, including those controlled by a bank holding company, within their respective states.

Sincerely,

Stephen Brobeck, Executive Director, Consumer Federation of America; Michelle Meier, Government Affairs Counsel, Consumers Union; Stephen Glaude, Executive Director, National Association of Neighborhoods; J. Robert Hunter, President; National Insaurance Consumer Organization; Jonathan A. Brown, Director, Bank Watch; Michael Waldman, Legislative Director, Public Citizen's Congress Watch; Ohio Consumers Association; Oregon Consumers League; Michigan Citizens Lobby; Idaho Consumer Affairs, Inc.; Consumer Action—San

Francisco; Louisiana Consumers League; Alaska Public Interest Research Group; Wisconsin Consumers League; Texas Consumers Association; Virginia Citizens Consumer Council; Concerned Consumers League of Milwaukee; American Council on Consumer Awareness; Niagara Frontier Consumers Association; North Carolina Consumers Council; Consumer Affairs Association—Kansas; Pennsylvania Citizens Consumer Council; Association of Massachusetts Consumers; New York Consumer Assembly.●

LAW DAY SALUTE TO THE AMERICAN POLICE OFFICER

● Mr. HOLLINGS. Mr. President, I rise to speak in support of Senate Joint Resolution 227, a resolution of respect and gratitude to America's law enforcement personnel. May 1, Law Day, is the day we set aside annually to salute our judicial system. That is fine as far as it goes. But I have always believed that it doesn't go far enough.

By all means, let us salute the work of our judges and attorneys and law students. However, bear in mind that law does not begin or end in the courtrooms or in the law schools. Law's presence is perhaps even more immediate and profound on the policeman's beat, in the precinct station, and in the jailhouse.

Accordingly, I am sponsoring this resolution to expand the focus of Law Day to give special recognition of our Nation's constables, sheriff's deputies, troopers, patrolmen, officers, and detectives—the men and women who walk the beats, patrol our roadways, and daily risk injury and death protecting the citizens of this country.

Mr. President, 60 police officers were killed last year in the line of duty; another 64,259 were shot or otherwise assaulted or injured. Of course, we all honor the brave dead. But let me be clear: First and foremost, this resolution is a salute to the living. It is in recognition of the daily service of law enforcement officers who are devoted to their jobs, too often underpaid, tireless in their exertions, models of professionalism under great stress and frequent danger.

Truly, these men and women stand as the first-line defense of our laws and of our civil order. America owes them an incalculable debt—a debt not of dollars, but of gratitude and deep respect. Accordingly, it is an honor to sponsor Senate Joint Resolution 227, and to encourage my colleagues' support for this long-overdue bill.●

U.S./CANADA FREE TRADE AGREEMENT OIL AND NATURAL GAS INCENTIVE EQUALIZATION ACT OF 1988

● Mr. WALLOP. Mr. President, I am pleased to join Senator DOMENICI and others in supporting the U.S./Canada Free Trade Agreement Oil and Natural Gas Incentive Equalization Act of 1988.

This proposal, Mr. President, is really nothing new. The package containing these reforms to the U.S. Tax Code for the oil and gas industry has a different twist to it this time. No matter how any of these oil and gas regulatory constraints and tax disincentives are wrapped, tied, and packaged, all of these reforms have long been overdue. Let me just name a few: repeal of the windfall profits tax, reform of the percentage depletion allowance, and the elimination of the net income limitation rule. This legislation is not so much aimed at Canada, but at ourselves. These are our problems created by our Government.

The purpose of this bill, as Senator DOMENICI has stated, is to conform the stated intent of the U.S./Canada Free Trade Agreement with the realities of the oil and natural gas marketplace in North America. Mr. President, those realities in America are tax disincentives and overly burdensome regulatory requirements on our oil and gas industry. I, for one, have not yet made a decision as to how I will eventually vote on the U.S./Canada Free Trade Agreement because I want to continue gathering information about what kind of impact this agreement may or may not have on my State of Wyoming. I am concerned, however, that because of both our heavy handed tax structure and regulatory burdens, America's oil and gas industry is far from being on an equal footing with Canada, or any other producing nation for that matter.

Mr. President, I have heard from constituents who have expressed concerns about this agreement's perceived impact on Wyoming's oil and gas industry. There is good reason for their concern but it exists with or without the agreement. Wyoming ranks fifth in the Nation in proved reserves of crude oil and seventh in natural gas reserves, and in 1986 we ranked sixth in the Nation in crude oil production and seventh in natural gas production. Wyoming, like other producing States, has seen its proved reserves of natural gas and crude oil plunge 18 and 8 percent, respectively, from last year. We have seen our production decline at somewhat a slower pace, but decline all the same from 14 percent for natural gas and 10 percent for crude oil from 1985.

The good news was that drilling rig activity in Wyoming did show an increase in 1987 over 1986. The average monthly rig count was 40 for the year, compared to 36 in 1986—an increase of 11 percent. The bad news is that the 1986 monthly average rig count of 36 established a new postwar record low.

What this means, Mr. President, is that the economy of my State suffers when the oil and gas industry suffers. Despite the declining production, the industry remains one of the largest providers of income to the State through property taxes, severance taxes, and royalties. In fiscal year 1987, the oil and gas industry contributed over $546 million to the coffers of State and local governments, more than $1,200 for every person living in Wyoming. Once again, I will join with my colleagues from producing States, as I have in the past, to remove our oil and gas production and exploration disincentives.●

NOTICE OF CHANGE OF DEADLINE FOR 1988 CONGRESS-BUNDESTAG STAFF EXCHANGE APPLICATION

● Mr. LUGAR. Mr. President, at this time I want to call attention to those Senate staff applying for the 1988 Congress-Bundestag Staff Exchange Program. Applications and résumés should be submitted to John Parisi, Senate Governmental Affairs Committee, 346 Dirksen Senate Office Building; or Bill Inglee, House Foreign Affairs Committee, 808 House Office Annex No. 1, no later than Friday, March 11, 1988. I call attention to the change in date. I thank the Chair for allowing me this chance to correct the date.●

RELEASE OF NAUM MEIMAN—A REALITY

● Mr. SIMON. Mr. President, I am pleased to announce that today is the final time I will be inserting a statement into the CONGRESSIONAL RECORD on behalf of Naum Meiman. As of today, Naum is in Vienna in the company of Ambassador Warren Zimmerman.

After far too long, Naum is finally going to be able to live his life in freedom. The personal cost to him has been extreme: the death of his beloved wife, Inna, and 13 wasted years. It's difficult to understand exactly what value the Soviet Union finds in creating this kind of situation. The Soviet Union could greatly enhance its credibility if, as a cosignator of the Helsinki accords, it would abide by its provisions. The Soviets would be wise to comply.

However, today everyone who worked so hard for Naum's release can rejoice. Both I and the members of my staff wish Naum the best in his new life in Israel.●

IN SUPPORT OF THE ACT FOR BETTER CHILD CARE

● Mr. LEAHY. Mr. President, I rise today to support the Act for Better Child Care, S. 1885. This bill was introduced by Senator DODD to address the child care crisis that the United States is now facing. This legislation

will go a long way in making child care more affordable for low- and moderate-income families. Not only will the legislation increase the number of child care facilities but it will set standards for quality so that our young children will receive the excellent care they deserve.

In Vermont, we have over 43,000 children under the age of 6. Furthermore, Vermont has the second highest percentage of mothers who participate in the work force—almost 64 percent. For these reasons, the need for more, high quality child care centers is a particularly great concern to myself and my constituents.

I am concerned that the cost of the program not contribute to the Federal deficit. I have discussed the fiscal aspect of the legislation with its author, the distinguished Senator from Connecticut, and I am convinced we can find ways to control costs and make the program affordable.

I compliment Senator DODD on this comprehensive legislation. The United States is one of the only industrialized countries in the world that does not uniformly regulate and promote quality child care. It is therefore imperative that we act now to pass this very important legislation to correct this problem. I believe that better child care is the cornerstone to the social and economic well-being of our country.●

HONORING DAVID R. MARASUS

● Mr. LEVIN. Mr. President, David R. Marasus has been selected the 1988 Lutheran Layman of the Year by the Lutheran Luncheon Club of Metro Detroit. David Marasus is a member of Ascension of Christ Lutheran Church in Birmingham, MI. He is engineering group manager in the Door Systems Group of Fisher Guide Division, General Motors Corp.

David Marasus was born and raised in Detroit and attended Mackenzie High School. He graduated from the Ternstedt Division, General Motors Cooperative apprenticeship training program, as a journeyman tool and diemaker; and has a B.S. degree from Wayne State University.

He has served Ascension of Christ for the past 19 years as organist and choir director. He has organized choral groups within the church. In addition, he served on many committees, such as worship committees, and as chairman of the call committee. He was delegate to the English district convention for two terms. His service to the church has included Our Savior's Lutheran Church in Madison Heights, and Unity Lutheran Church in Detroit where he was organist and choir director.

He is currently the Director of the Lutheran Choralaires, membership chairman for the International Lutheran Laymans League, active member in the American Guild of Organists, Lutheran Church Musicians League, and the Lutheran Luncheon Club.

He has also served the community through his activity as a board member of the Rochester Symphony, director of the Walther League Choral Union, and through the annual scholarship fundraiser for the Lamphere School District in Madison Heights. He is a past president of the Wayne State Men's Glee Club and past representative fundraiser for the United Foundation Torch Drive.

David and his wife Colleen have three daughters: Jody, Amy, and Kristy. I congratulate them all on David's selection of Lutheran Layman of the Year.●

FRAUD OF THE DAY—PART 30

● Mr. HEINZ. Mr. President, several days ago my fraud of the day concerned coffee, a drink that can be bitter without the proper sweeteners. Appropriately, therefore, today's fraud is about the most significant sweetener—sugar. It is a sad fact of life that the fruits of criminal activity are inevitably not sweet, particularly for the victims, and leave a bitter taste in the mouth of justice until such criminals are caught and punished. Unfortunately, when the criminal activity also extends to sweeteners, you know our country has real problems.

Today's customs fraud case dealing with sugar imports and exports led to the conviction of 22 corporations and 20 individuals after 3 years of investigation by the U.S. Customs Service. In 1984 individuals and corporations begin to abuse drawback claims affiliated with sugar refineries. Centered in New Orleans and Miami, the perpetrators would claim to export sugar products in order to collect a 99-percent refund of the duties paid on imports of raw sugar. Instead, the shipments of sugar products turned out to be grains, flours, or nothing at all.

Fortunately, the U.S. Customs Service, in a joint operation with the U.S. Department of Agriculture, received ample information from confidential sources in the sugar industry in order to compile evidence and make the indictments. "Operation Bittersweet" concluded last year and eventually assessed $22.5 million in fines after the convictions.

This case typifies the temptation to commit fraud in "high risk" categories, where special import relief or protection is in place. Obviously, the risk and cost of getting caught far outweighs the benefit of avoiding payment of a small routine duty. It is in those categories where a special regime is in place that the incentive to commit fraud is the greatest—and the injury such fraud causes is also the greatest, since these are primary import-impacted areas.

Mr. President, we need a greater disincentive to such illegal practices, such as that contained in the private right of action provision.●

PROBING THE NORIEGA DRUG CONNECTION

● Mr. LEVIN. Mr. President, recent revelations indicate that our erstwhile ally, Panamanian strongman Manuel Noriega, may well have been a major conduit for drugs entering the United States. The administration finally has reached the point where it is unwilling to close its eyes to the charges against Noriega.

As always, there have been a few brave individuals who have doggedly pursued the trail of wrongdoing, refusing to cave in to the political pressures that are always brought to bear in such investigations.

My colleague from the Commonwealth of Massachusetts, Senator JOHN KERRY, has been subjected to those kinds of pressures. He had the courage to initiate an investigation into the question of drugrunning from Central America into the United States.

An article by associate editor Robert Healy in the February 26 edition of the Boston Globe accurately portrays the difficulties and obstacles faced by Senator KERRY, along with the convoluted dealings of Oliver North, Elliott Abrams, and some of the other lead characters in this episode.

Mr. Healy has employed his usual concise and direct style in commenting on Senator KERRY's efforts. I commend his column to my congressional colleagues and to the public, and ask that it be printed in the RECORD.

The column follows:

[From the Boston (MA) Globe, Feb. 26, 1987]

PROBING THE NORIEGA DRUG CONNECTION

(By Robert Healy)

WASHINGTON.—After the Senate hearings on drug-running from Central America, Assistant Secretary of State Elliott Abrams approached the Senate Foreign Relations Committee with an offer: If Panamanian dictator Manuel Noriega left the country, would that satisfy the committee and would it suspend the hearings.

Abrams denies this for the record, but it is not the first time he has lied about what he has done before congressional committees.

What it shows is the enormous political and international stakes involved for the Reagan administration.

From the beginning of this investigation, which was initiated in the Senate Foreign Relations Committee by Sen. John Kerry (D/Mass.), Kerry and his staff were threatened, discredited, blocked and subjected to a campaign of disinformation by the administration.

Kerry never blinked. Though a freshman senator—and freshmen senators are always suspect in the club when they get too far out in front of the members—Kerry pro-

ceeded with great diligence. When he developed good information on the drug-running, he offered to turn it over to the House and Senate committees investigating the Iran-contra affair. He was not going to be accused of showboating in his investigation. The senior member of the Senate Foreign Relations Committee—Claiborne Pell (D-R.I.), the chairman, and Joseph Biden (D-Del.)—told him to go ahead and pursue his own independent hearings when the Iran-contra chairmen told him they already had a plateful.

There is political dynamite in these hearings. Vice President George Bush has the greatest immediate stake. But there are others—National Security Council aide Oliver North, the NSC's Adm. John Poindexter, and Attorney General Edwin Meese.

North knew what Kerry was doing in the Senate by leaks from the Republican staff members of the Foreign Relations Committee, one of whom went to work for North at the NSC. Kerry's name is mentioned 18 times in the North diaries now in Senate investigators' hands.

Meese showed his hand in the probe in Miami by US Attorney Jeffrey Kellner, who had begun an investigation of arms and drug trafficking from Central America to the United States in 1986. After briefing Meese on the case, Kellner was told to sidetrack the investigation because of political considerations. In the most ironic twist, Kellner began an investigation at the request of John Hull, one of the CIA's main operators in Costa Rica, of witnesses who had given information to Kerry and of the Kerry staff itself.

Then there was the personal attack against Kerry. A report in The Washington Times—a favorite outlet for Meese's disinformation—said Kerry had hindered the FBI's investigation into drug-running by offering witnesses incentives to testify. Sources in the story questioned Kerry's findings in his report of last October. An unidentified source was quoted as asking: "Were Kerry's actions illegal? Probably not." The source, who was asking and answering his own questions, continued: "Did they violate procedural ethics? I would say so."

In the October report, there are 24 allegations. Twenty have already been proved in the hearings, which will resume in April when the case will be made for the remainder. Kerry has been very careful.

What has been proved is important for the country to know.

First, money from putting drugs on US streets was used to support the contras, the rebels fighting to overthrow the government in Nicaragua.

Second, the CIA's operation of providing weapons to the contras was an integral part of getting drugs from Central America to the United States—the planes that went into Central America loaded with arms came back, under the cover of the CIA, loaded with drugs.

Third, the US supported the leaders of these drug operations, including Noriega, who was paid $200,000 a year by the CIA—the same salary as the president of the United States.

As one Senate staffer put it, "Guns and drugs go together."

The piece not yet in place is whether Reagan, Bush, Secretary of State George Shultz, Abrams, North and Poindexter knew that the tradeoff for selling drugs was support for the contras by the drug dealers of Central America.

One thing is certain—the evidence thus far shows that if the Reagan administration leaders did not know, they chose to shut their eyes to it. They should have known.

US citizens have been so battered and bruised by scandal that there is no longer a sense of outrage. But this one should be clear. Nothing justifies the corruption of the nation with a drug deal. And that is what was done in this operation. The nation should rise up in fury.●

THE 25TH ANNIVERSARY OF THE JEWISH COMMUNITY HOUR RADIO SHOW

● Mr. SIMON. Mr. President, the Jewish Community Hour, a Chicago area weekly radio show, recently celebrated its 25th anniversary. This milestone was celebrated throughout the Chicago area during the week of February 14, 1988, which was named Jewish Community Hour Week by the cities of Chicago, Evanston, and Skokie. The Honorable Jim Thompson, Governor of Illinois, awarded Mr. Finkel with a certificate of appreciation. I would like to take this opportunity to extend my personal congratulations to Mr. Finkel and all those associated with the show.

Since February 17, 1963, Bernie Finkel has produced the Jewish Community Hour, which appears every Sunday morning on WON-X (1590). The Jewish Community Hour provides residents of the Chicago area with entertainment ranging from Jewish music, comedy, news, and commentary. In addition, their is a discussion of this week's Torah portion as well as special features on religious holidays and festivals. The Jewish Community Hour provides a well-respected and necessary service to the many people that tune in every week.

Once again, I would like to commend Bernie Finkel, a resident of Skokie, IL, and those associated with the show for their many years of commitment to the Jewish community of the Metropolitan Chicago area.●

VOTING PATTERNS OF AMERICANS WITH DISABILITIES

● Mr. SIMON. Mr. President, the National Organization on Disability has announced the results of a Lou Harris Poll on the voting patterns of the 20 million voting age Americans with disabilities. The information should interest everyone who is concerned about the participation of our Nation's citizens in the democratic processes of our Government.

The underlying message of the survey is that we have a good possibility, if we make the effort, of bringing this large part of our population into voting participation. The poll results, based on interviews in 1987 with 536 adults with disabilities across the United States, show the following:

Americans with disabilities have a higher level of interest in politics, governmental affairs and public affairs than Americans in general, but they do not register and vote at correspondingly high rates. People with disabilities have twice as much interest in governmental and public affairs as other citizens, 53 percent compared to 26 percent, but they register and vote at a rate that is lower than the general population.

A large majority of respondents, 73 percent, said they would prefer to vote in the traditional way inside the polling place. Almost 30 percent of those registered and 50 percent of those not registered said they are not able to participate in voting in elections as much as they would like.

In other than voting, the level of active political involvement of Americans with disabilities is higher than the participation of other Americans. For example, they are twice as likely to attend rallies in support of a candidate and almost three times as likely to wear campaign buttons or use bumper stickers.

These findings indicate there is a high likelihood that if we remove the remaining barriers to people with disabilities, we will see a significant increase in their voting participation.

Participation in the political process is at the foundation of our democracy. Clearly, we should be making efforts to increase the participation of all Americans. In the case of citizens with disabilities, some specific steps—involving removing barriers to both voting and registration—could have a dramatic effect in a relatively short period of time. We ought to be doing all we can to take those necessary steps.

In 1984, Congress passed the Voting Accessibility Act for the Elderly and Handicapped. Although there have been major efforts to bring about compliance with the Act, particularly by the National Organization on Disability [NOD], we need to continue efforts to remove the remaining barriers and to strengthen the act. We also need to take steps to increase the registration of people with disabilities. In regard to the problem of registration, I am pleased to note that NOD is initiating a project that could have a real impact. Public service ads in newspapers and magazines and televised announcements will provide a toll-free number for all citizens to learn how, when, and where to register in their communities. The number is 1-800-248-ABLE. The TD number for the deaf is 202-293-5968.

We need to be concerned about voter participation in this country. We need to broaden our efforts to bring all parts of our society into active participation at all levels of the process. I am hopeful about the direction the Harris survey will give to efforts to include

people with disabilities in this crucial aspect of American life.●

COMMITTEE TO HAVE UNTIL 5 P.M. TO REPORT AN ORIGINAL BILL

Mr. BYRD. Mr. President, I ask unanimous consent that the Judiciary Committee may have until 5 o'clock p.m. today to report an original bill on an immigration issue.

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

ORDERS FOR MONDAY, FEBRUARY 29, 1988

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11 o'clock a.m. on Monday next; that following the prayer and the recognition of the two leaders, or their designees, under the standing order, there be a period for the transaction of morning business, not to extend beyond the hour of 12 o'clock noon, and that Senators may speak therein for not to exceed 5 minutes each; provided further, that the Senate proceed to the consideration, and I believe it was included in the order previously entered, of the resolution on Afghanistan.

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

Mr. BYRD. Mr. President, does the distinguished Senator from Idaho have any further statement?

Mr. McCLURE. We have no further statement or business at this time.

Mr. BYRD. I thank the Senator.

RECESS UNTIL MONDAY, FEBRUARY 29, 1988, AT 11 A.M.

Mr. BYRD. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 11 a.m. on Monday next.

The motion was agreed to, and the Senate, at 12:53 p.m., recessed until Monday, February 29, 1988, at 11 a.m.